

C 1.

Our ref; AK/LittleHorsted

Development Management (Majors Team) Wealden District Council Vicarage Lane Hallsham East Sussex BN27 2AX

29th March, 2021

Dear Sirs,

NATIONAL GRID PROPOSED RELOCATION OF 2 SECTIONS OF THE 4VM OVERHEAD LINE NEAR LITTLE HORSTED – SECTION 37 EXEMPTION NOTIFICATION

#### 1. Purpose

National Grid is providing **prior notification** and seeking a consenting exemption from Wealden District Council, as the relevant Local Planning Authority, of its proposal to replace a short section of the 4VM overhead line. The works are shown on drawing PDD-33800-LAY-310 (enclosed).

The proposed works are required to allow connection of the existing 400kV overhead line into the proposed new Little Horsted Grid Supply Point substation, which is subject to a full planning application under the Town & Country Planning Act 1990 (TCPA), submitted in parallel with this application. Please see the enclosed Consenting Plan which shows the extent of the proposed works and the consenting approach for each.

This letter and the accompanying notification, plans and supporting environmental information provide a description of the proposed works, including incorporated design measures that seek to ensure that any identified environmental or amenity effects are fully mitigated.

#### 2. National Grid

The applicant is National Grid Electricity Transmission plc (National Grid). National Grid owns and operates the high voltage National Electricity Transmission System (NETS) within England and Wales. The system comprises a national network of overhead electricity lines, underground cables and substations, operating at 400kV (400,000 volts) and 275kV (275,000 volts), taking electricity from the country's power stations to the regional electricity companies for onward distribution and supply to homes and businesses.

National Grid is licensed by the UK Government under the Electricity Act 1989, to transmit high voltage electrical power within England and Wales. The Act also requires National Grid to develop and maintain its electricity transmission system in an efficient, co-ordinated and economical manner and also to facilitate competition in the supply and generation of electricity. With regard to the former, Schedule 9 of the Act requires National Grid to have regard to the preservation of amenity in the development and maintenance of its electricity transmission system.

# Proposed Works and Applicable Parts of the Little Horsted Grid Supply Point (GSP) Substation Project

The works form part of a larger Proposed Project known as the Little Horsted Grid Supply Point Project. The proposed works relevant to this submission involve two sections of replacement overhead line to a replacement (68B) and new (69B) pylon. The existing overhead line will move approximately 20m south of the current position onto tower 69B

and approximately 18.7m south onto tower 68B. The length of the altered overhead line position is a distance of approximately 238m from the existing tower to the west (tower 70) to the proposed tower 69B and is approximately 232m from the existing tower 68A to the proposed tower 68B.

Specifically these comprise:

- 238m section of replacement overhead line between tower 70 to the west to new tower 69B. This replacement also entails a shift in the OHL to the south by a maximum of 20m.
- 232m section of replacement line between replacement tower 68B to existing tower 68 to the east. This replacement also entails a shift in the OHL to the south by a maximum of 18.7m.

The electrical infrastructure referred to above is shown in drawing PDD-33800-LAY-310 (enclosed).

Baseline environmental information referred to within this letter is provided by the various environmental surveys and assessments prepared in support of the full planning application and which are summarised in the enclosed Appendix A to this letter.

An Environmental Impact Assessment (EIA) Screening Opinion has been received from Wealden District Council (received 27/1/21) stating the proposed development is not expected to give rise to significant environmental effects, and hence is not subject to the requirement for EIA.

#### 4 Overhead Line Consenting and Exemption Procedures

Section 37 of the Electricity Act 1989 is the main means of obtaining consent for works relating to overhead lines in England, unless they are either exempted from such a requirement or fall under the definition of a Nationally Significant Infrastructure Project (NSIP) as established by the Planning Act 2008.

No aspect of the proposed development is an NSIP and hence Section 37 and the associated exemption procedures apply.

The Overhead Line (Exemption) (England & Wales) Regulations 2009 (as amended) (hereafter referred to as 'the Exemption Regulations')¹ establish the circumstances under which works relating to overhead lines are exempt from the need for Section 37 consent. Further guidance is provided by the Department of Energy and Climate Change (now part of the Department for Business, Enterprise and Industrial Strategy) document: *The Statutory Consents Regime for Overhead Power Lines in England and Wales under Section 37 of the Electricity Act 1989* (July 2014)² (enclosed).

The remainder of this letter therefore focuses on assessing the works against the requirement of the Exemption Regulations, the relevant sections of which are as follows, with key extracts highlighted in bold (our emphasis).

#### Regulation 3 states that:

Section 37 (1) of the Act (Electricity Act 1989) shall **not** apply in relation to:

(e) the installation or keeping installed, subject to the limitation in regulation 4 and the provisions of regulation 5, of an electric line (no part of which is within a European site or an SSSI)

<sup>&</sup>lt;sup>1</sup> https://www.legislation.gov.uk/uksi/2009/640/contents/made

<sup>&</sup>lt;sup>2</sup>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/336136/section\_37\_revised\_guidance.pdf

which **replaces an existing line** whether or not it is installed in the same position as the existing line in question.

#### **Regulation 3 Assessment**

Neither the existing overhead line, or the replacement overhead line is located within or adjacent to a SSSI or European protected site.

The works described are replacement works required solely to allow connection to the proposed new substation. Once complete the overhead line will be removed.

Hence, the works meet the definition of 'replacement' in the Exemption Regulations, are not in a SSSI or European designated site and therefore are consistent with the grounds for exemption described in Regulation 3(e).

**Regulation 4** establishes certain limitations to the scope of Regulation 3 and states that:

The limitations referred to in Regulation 3(1)(e) and (f) are—

- (a) that the electric line does not have a nominal voltage greater than the nominal voltage of the existing line;
- (b) that any conditions applicable to the existing line which are contained in-
- (i) a consent granted under section 37(1) of the Act or section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899(c); or
- (ii) an order granting development consent under the Planning Act 2008, are complied with;
- (c) that the height above the surface of the ground of any support for the electric line does not exceed the height of the highest existing support or support which is being replaced by more than 10 per cent;
- (d) that where the electric line is installed in a different position from the existing line the distance between any small support and the existing line does not exceed 30 metres and the distance between any other support and the existing line does not exceed 60 metres; and
- (e) that where the electric line is installed in a different position from the existing line, the existing line is **removed within twelve months** from the date on which the installation of the electric line which replaces it is completed.
- (2) In this regulation—
- (a) any reference to the distance between a support and an existing line is a reference to the shortest distance between the centre of the base of that support and an imaginary line through the centre of the base of each support for the existing line; and
- (b) "a small support" means a support for an electric line which does not exceed 10 metres in height.

#### **Regulation 4 Assessment**

Nominal Voltage

The new overhead line to be installed is the same nominal voltage as that being replaced.

Therefore, exemption is applicable under Regulation 4(a).

Planning conditions

The existing overhead line is not subject to any planning conditions which constrain the ability to replace the overhead line as described.

Therefore, exemption is applicable under Regulation 4(b).

Height above ground

There are no new supports for the electric line which fall to be considered under Section 37 and the associated exemptions. *Location of replacement line* 

The proposed works will result in the replaced overhead line being aligned up to 20m to the south of the existing route. This is within the 60m allowed under the Exemption Regulations.

Therefore, exemption is applicable under Regulation 4(d).

Line removal

Pylon 69 and the associated overhead line will be removed within 12 months of the erection of replacement pylons 68B and 69B.

Therefore, exemption is applicable under Regulation 4(e).

Regulation 5 sets out further restrictions on the exemptions provided by Regulation 3 and states

The exemptions in regulation 3(1)(c), (e) and (f) shall not apply where—

- (a) the electric line is to be installed in a different position from the existing line; or
- (b) the height above the surface of the ground of any support for the electric line will exceed the height of the highest support which is to be replaced; or
- (c) subject to sub-paragraph (3), the installation will be in a National Park or an area of outstanding natural beauty, and it is determined for the purposes of this regulation that there is likely to be a significant adverse effect on the environment.
- (2) For the purposes of this regulation it shall be determined that there is likely to be a significant adverse effect on the environment if—
- (a) notice is given by the person proposing to carry out the installation to the relevant planning authority of that proposal; and
- (b) the relevant planning authority, within six weeks of receiving that notice—
- (i) determines that if the installation were completed in accordance with the proposal it would in the opinion of that authority be likely to have a significant adverse effect

on the environment; and

(ii) notifies the person by whom the notice was given and the Secretary of State of that determination.

#### **Regulation 5 Assessment**

Designated Sites and Environmental Effects

Neither the existing overhead line, nor the replacement overhead line is located within or adjacent to a National Park or AONB.

The local authority has confirmed that the proposed development is not anticipated to give rise to significant environmental effects and is not subject to the requirements for EIA.

A series of environmental reports are including with the planning application for the substation, the study area for which also coincides with the works to the overhead line as described. These reports confirm that the replacement overhead line does not result in any significant adverse effects.

Therefore, exemption is applicable under Regulation 5(c).

#### 6 Conclusions

The above assessment confirms that National Grid's proposal for two sections of replacement overhead line as described above meet all the tests for exemption as established by the Exemption Regulations and associated guidance and are therefore fully exempted given that:

- Section 1 at a distance of 20m from the centre point of the existing line, the permanent replacement line is within the 60m lateral tolerance:
- Section 2 at a distance of 18.7m from the centre point of the existing line, the permanent replacement line is within the 60m lateral tolerance; and
- the proposed works would not result in any significant adverse environmental effects as demonstrated in Appendix A.

#### 7 Request for Completion of Annex B Simplified Notification

It is necessary to seek confirmation from Wealden District Council, as the local planning authority, that the proposed works fall within the Exemption Regulations as described. A copy has also been issued to East Sussex County Council.

ACTION: Please can you now review the information provided and complete and sign two copies of the attached Annex B – Simplified Notification Form and return them directly to myself at the above address within six weeks of receipt of this letter (29<sup>th</sup> March, 2021).

I therefore enclose the following:-

- Annex B Simplified Notification notifying you of the proposed development, and requiring your Authority's confirmation that they do not object to the works be undertaken under the exemptions laid down in The Overhead Lines (Exemption)(England and Wales) Regulations 2009.
- A copy of 'The Statutory Consents Regime For Overhead Power Lines In England And Wales Under Section 37 Of The Electricity Act 1989 (DECC, July 2014)'
- Site Location Plan, Drawing Reference PDD-33800-LAY-300-REV7,
- Consenting Plan,
- OHL Layout, Drawing reference PDD-33800-LAY-310

I would be grateful if you could acknowledge receipt of this letter, and if you require any further information, please do not hesitate to contact me on the telephone number or email address above.

Yours sincerely,

Andrea Key

Andrea Key BA (Hons), MCD, MRTPI Consents Manager National Consents Team andrea.key@nationalgrid.com

## Appendix A Summary of Environmental Impacts and Mitigation

Assessment of OHL replacement	Mitigation Measures	Significance of Effect
Landscape Character		
The proposed OHL diversion does not require any additional removal of vegetation and will only be viewed in the context of the existing overhead line and pylons. Tall equipment may be required during construction but this will only be in place temporarily and is unlikely to present a significant impact on landscape character.	No mitigation required	Effects on the landscape character would be minor (not significant) or negligible
Once operational, the replacement overhead line will not present any material change in landscape character to that of the existing overhead line and associated structures.		
Hence, no impact on landscape character is expected.		
Visual Amenity		
Construction of the section of new OHL would result in a minor change in views from sensitive visual receptors (properties, road users and PRoWs) due to addition of construction equipment. However, views of the site from most locations are filtered by vegetation and trees. It is unlikely that the temporary works associated with the line replacement will be discernible from the wider substation construction.	No mitigation required	Temporary effects on the views during construction would be minor (not significant) or negligible.  Long-term effects on the visual amenity would be negligible
Once constructed, the replacement line will always be seen in the context of the existing pylons and overhead lines and the new substation. The maximum change in alignment between the existing and replacement overhead line is less than 20m Hence, no significant change in views is expected.		
Biodiversity		
A range of protected species have been identified as being present or potentially present at the site, including several species of bats and Great Crested Newts but it is not anticipated that the replacement line	No mitigation required	There would be no significant temporary effects on habitats and species

works will present any change in effect on these species.

Construction of the section of new OHL may result in temporary disturbance related effects to habitats and species but these are anticipated to short-term and temporary in nature.

There will be no additional habitat losses or fragmentation as a result of the proposed works.

Once operational, the replacement overhead line will not present any new effects on habitats or species.

#### **Historic Environment**

There are no designated heritage assets located within the entire site boundary. The closest designated heritage asset is a listed building ~175m to the south-west. This location is visually screened from much of the site by vegetation and is unlikely to be affected by temporary setting changes during construction.

There is some identified potential for as yet unknown assets with archaeological interest during excavation works but this is unlikely to act as a constraint to the replacement overhead line construction as no earthworks or excavations are required.

The permanent section of replacement OHL will not result in significant permanent effects on historic assets. It will only be viewed in the context of the existing OHL and pylons and hence does not materially change the setting of any heritage assets.

Management of construction activities will be undertaken in accordance with an agreed archaeological Written Scheme of Investigation

No additional mitigation is required

Effects on historic environment would be minor to no effect (not significant)

#### **Water Environment**

Construction and operation of the replacement section of new OHL are unlikely to result in significant effects to on water resources including flooding and water quality. The section of existing line which oversails the pond located between pylons 70 and 69 will be removed as part of the proposed diversion.

Management of construction activities will be undertaken in accordance with an agreed Construction and Environmental Management Plan (CEMP).

No additional mitigation required

No significant effects on the water environment will occur.

#### Geology, Soils and Contaminated Land

Construction of the section of new OHL and proposed terminal pylon has the potential to result in minor to negligible temporary effects on geology and soils due to compaction or construction of temporary haul routes. There are no activities involved that will present a significant risk of land contamination.

Once operational, the replacement line will not results in any effects on geology and soils.

Management of construction activities will be undertaken in accordance with an agreed Construction and Environmental Management Plan (CEMP).

No additional mitigation required

No significant effects on geology and soils will occur.

#### **Land Use and Agriculture**

Construction and operation of the section of the replacement OHL will not result in significant impacts on agriculture or land use.

As noted above, some temporary effects may occur during construction due to temporary accesses and/or compaction. It is expected that such effects can be readily mitigated through implementation of the CEMP measures.

Management of construction activities will be undertaken in accordance with an agreed Construction and Environmental Management Plan (CEMP) which will include a Soil Management Plan.

No additional mitigation required

No significant effects on agriculture or land use.

#### **Traffic and Transport**

The planning application for the substation includes provision to improve the site access to allow safe movements of construction traffic. These same measures will benefit the construction of the overhead line replacement, which will account for only a small proportion of construction traffic.

Any traffic associated with the maintenance of the section of new OHL and proposed terminal pylon during operation would be minimal.

Management of construction traffic will be delivered in accordance with an agreed Construction Traffic Management Plan (CTMP).

No additional mitigation required

Temporary effects on the transport network would be minimised through use of CTMP.

There would be no significant long term effects on the transport network

#### **Access and Recreation**

A footpath (FP30) passes in an approximately south – north direction underneath the overhead line to be replaced. Temporary diversion may be required during construction activities although this is yet to be determined and will be subject to separate consent application with the local authority as applicable.

Once operational, the replacement line will present little discernible difference to the experience of footpath users. The new alignment will be less than 20m from that of the existing OHL, and it will be viewed in the context of the existing pylons and OHL (and the new substation).

Effects on footpath users during construction will be mitigated by temporary diversion, if required.

No additional mitigation is required during the operation period.

Temporary effects during construction will be managed through temporary closure or diversion (to be confirmed).

There would be no significant long-term effects on footpath users.

#### Noise

Construction noise associated with the replacement line will be shortterm and temporary and can be readily controlled though the CEMP and if required by planning conditions controlling working hours and durations.

The overhead line replacement will not present any noise impact other than wind noise, which will not be discernibly different to that associated with the existing line.

Construction noise and working hours will be mitigated through measures contained in the CEMP, secured by planning condition as appropriate.

There would be no significant effects on noise

### **ANNEX B - Simplified Notification**

THIS FORM IS FOR USE BY APPLICANTS 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**

Name: National Grid Electricity Transmission plc

c/o Andrea Key

Address: National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA

Telephone No: 07920 284122

Email address:andrea.key@nationalgrid.com

Applicant's reference: AK/LittleHorsted Date: 29<sup>th</sup> March, 2021

To: Chief Executive, Wealden District 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 to be completed by Applicant

# PROPOSED RELOCATION OF 2 SECTIONS OF THE 4VM OVERHEAD LINE NEAR LITTLE HORSTED BETWEEN TOWERS 68 AND 70.

Further information is provided in the accompanying covering letter, and through the following plans and reports:

- Planning, Design and Access Statement (submitted as part of the Planning application)
- Drawing PDD-33800-LAY-302 Site plan stage 1
- OHL Layout, Drawing reference PDD-33800-LAY-310

The proposed works are fully exempted given the exceptions set out and therefore qualify for an exemption from the requirement to submit a s.37 consent application, given that-:

- the proposed permanent replacement would not exceed the 60m criteria set in relation to any re-positioning of the overhead line;
- there would be no significant environmental effects associated with the proposed works as demonstrated by the negative EIA screening opinion received from Wealden District Council 27<sup>th</sup> January, 2021 and the information included in the accompanying letter and the suite of environmental technical assessments and reports for the wider project.

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 by 7<sup>th</sup> May.

Yours faithfully

(Andrea Key, Consents Manager, National Grid) For and on behalf of the Applicant

### **CERTIFICATE**

TO BE COMPLETED BY THE RELEVANT PLANNING AUTHORITY AND RETURNED TO THE APPLICANT WITHIN SIX WEEKS OF RECEIPT

The	District/Borough Council/Authority	
	proposed development detailed above to be undertaken under verhead Lines (Exemption)(England and Wales) Regulations	
* (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:	Signed:	
	Designation	
	(on behalf of xxx District/Borough Council/Authority)	
*delete as appropriate		





