



Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 18 November 2015

Application Ref: COM 726

WEEDON HILL GREEN, BUCKINGHAMSHIRE

Register Unit No: CL 35

Commons Registration Authority: Buckinghamshire County Council

- The application, dated 19 August 2015, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by UK Power Networks.
 - The works comprise: a new low voltage electricity cable to reinforce the network in the local area. The cable will cover approximately 25 m² and temporary works barriers (approximately 50 m) will be used to cordon off the work site.
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Decision

1. Consent is granted for the works described above in accordance with the application dated 19 August 2015 and the plans submitted with it subject to the following conditions:
 - i) the works shall begin no later than 3 years from the date of this decision;
 - ii) the common shall be restored within 1 month of completion of the works; and
 - iii) the fencing shall be removed within 1 month of the completion of the works.
2. For the purposes of identification only the location of the proposed works is shown hatched red on the attached plan.

Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy Guidance¹ in determining this application under section 38 of the 2006 Act, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representation made by the Open Spaces Society and Buckinghamshire County Council.
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-
 - a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

¹ Common Land Consents Policy Guidance (Defra July 2009)

- b. the interests of the neighbourhood;
- c. the public interest;² and
- d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

7. The landowner has been consulted and has not objected to the works and there are no rights of common recorded in the commons register. I am satisfied that the proposed works will not harm the interests of those occupying or having rights over the land.

The interests of the neighbourhood and the protection of public rights of access

8. The interests of the neighbourhood test relates to the way in which the works will impact on local people's use of the common. The works will reinforce the low voltage electricity network in the area. The route of the proposed works has been chosen to minimise disruption.
9. I accept that the works are necessary to ensure that the electricity network in the area remains safe and secure. The barriers are needed ensure the safety of the public while the works are being undertaken. I conclude that there will be no long-term harmful effect on the interests of the neighbourhood or public rights of access over the common.

Nature conservation

10. There is no evidence before me which leads me to think that the works will harm any statutorily protected sites or other nature conservation interests.

Conservation of the landscape

11. The common is located in the Chilterns Area of Outstanding Natural Beauty (AONB). The temporary barriers are needed for a week at which point the barriers and all work machinery will be removed. All permanent works will be underground and the land will be reinstated upon completion. I consider that any adverse visual impact will be temporary and there will be no long term harm to the conservation of the landscape.

Protection of archaeological remains and features of historic interest

12. There is no evidence before me to indicate that the proposed works will harm any archaeological remains or features of historic interest.

Conclusion

13. I conclude that the proposed works will not harm the interests set out in paragraph 6 above and will confer a public benefit by reinforcing the electricity network in the area. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

Richard Holland