



Application Decision

by **Richard Holland**

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

Decision date: 10 July 2017

Application Ref: COM/3174579

Brewers Green Common, Roydon, Norfolk

Register Unit No: CL 190

Commons Registration Authority: Norfolk County Council

- The application, dated 18 April 2017, 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 Fisher German LLP for UK Power Networks, Barton Road, Bury St Edmunds, Suffolk IP32 7BG.
 - The works comprise the erection of a single wooden electricity pole (approximately 25cm in diameter and 7m in height) with a stay wire.
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Decision

1. Consent is granted for the works in accordance with the application dated 18 April 2017 and the plan 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 land shall be fully reinstated within one month of completion of the works.
2. For the purposes of identification only, the location of the proposed works is shown in red and described as Pole & Stay on the attached plan.

Preliminary Matters

3. Works to remove large sections of the low voltage overhead electricity network from Brewers Green Common and replace them with an underground low voltage cable network originally formed part of the current application. However, all these works were granted section 38 consent on 21 December 2015 (Application Reference COM 739). That consent remains extant. The applicant has therefore confirmed that the only works that form part of the current application are the erection of a Pole & Stay. I am satisfied that no interested party has been prejudiced by the application being determined on this basis.
4. I have had regard to Defra's Common Land consents policy¹ in determining this application under section 38, 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 policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.

¹ Common Land consents policy (Defra November 2015)

5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representations made by Historic England (HE), the Open Spaces Society (OSS) and Mr G M Courtier, none of whom objected to the proposed Pole & Stay.
7. 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);
 - 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

8. The common land unit is owned by Mr Steven R Jones, who has given his support and approval to the application. Two rights to graze a total of 30 cattle, three horses and 12 geese are registered over the land. The applicant has advised that the rights are not exercised and no rights holders have objected to the application.
9. In light of the above, I am satisfied that the works will not harm the interests of those having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it).

The interests of the neighbourhood and public rights of access

10. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people and is closely linked with interests of public access. I consider that a single pole and stay wire will occupy a very small footprint and will interfere negligibly with neighbourhood use of the common land and public access over it.

The public interest

Nature Conservation

11. Natural England has not commented on the application and 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

12. The Pole & Stay are proposed to be installed at the northern end of the common where they will act as a point of termination for the overhead cables. This will

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.

allow the removal of three other poles from the common and therefore facilitate a reduction in visible electricity infrastructure on the common. The land will be reinstated on completion of the works. I consider that the Pole & Stay itself will have only a small visual impact and will allow improvements to the common land's wider landscape.

Archaeological remains and features of historic interest

13. There is no evidence which leads me to conclude that the works will harm archaeological remains or features of historic interest.

Conclusion

14. I conclude that the proposed Pole & Stay wire will not harm the interests set out in paragraph 7 above; indeed, they will be in the public interest by securing future electricity supplies to the neighbourhood and improve landscape interests in association with previously consented works. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland

