



Application Decision

by **Richard Holland**

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

Decision date: 3 October 2017

Application Ref: COM/3175951

Lucas Green Common, Bisley, Surrey

Register Unit No: CL 321

Commons Registration Authority: Surrey County Council

- The application, dated 28 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 Dalcour Maclaren Ltd for Scottish and Southern Electricity Networks (SSEN).
 - The works of approximately 4 weeks duration comprise:
 - i. the construction of a 2.3m high ground mounted transformer (GMT) surrounded by permanent plastic-clad metal railings enclosing an area of 4m²; and
 - ii. temporary plastic security/safety fencing surrounding the site and enclosing approximately 8m² of land during the period of works.
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Decision

1. Consent is granted for the works in accordance with the application dated 28 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. all temporary fencing shall be removed and 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 on the attached plan.

Preliminary Matters

3. The application form says that the works consist of the removal of an existing overhead line located within the common and its replacement by an underground cable. A ground mounted transformer (GMT) will also be installed to replace the existing pole mounted transformer (PMT). However, the published notice says only that a PMT will be replaced by a GMT but also says "*This is in addition to works to the electricity network that have been approved under application number [COM] 676, although they have not yet been carried out.*" The works granted consent under application COM 676, which consisted of the installation of a GMT and the removal of an overhead cable, were on the adjacent West End Common (register unit CL 229). The applicant has since confirmed that the current application is solely for the installation of a GMT (and associated railings) on Lucas Green Common. I am satisfied that the applicant's references to the works approved under application COM 676 have not prejudiced any party who may have wished to make representations to the Planning Inspectorate about the current application.

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.
5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representations made by the Open Spaces Society (OSS), Natural England (NE) and Surrey County Council Archaeological Service (SCCAS), none of which object to the proposals.
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 Surrey County Council, which was consulted but has not commented on the application. The common land register indicates that there are no registered rights of common. The land is leased to Surrey Wildlife Trust (SWT), which was formally consulted about the application. SWT has made no representations about the application but the applicant has advised that SWT is in agreement with the proposals. There is no evidence before me to indicate that the works will harm the interests of those occupying or having rights over the land.

The interests of the neighbourhood and public rights of access

9. 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. The GMT site is at the northern side of Lucas Green Road, just inside the common land boundary. A photograph of the site submitted with the application indicates that the northern side of the road immediately abuts unfenced woodland, with no pavement for pedestrians between the trees and the road. This part of the common appears to have little recreational value other than for general access.
10. I consider that the size of the proposed GMT enclosure, its positioning within the common and the short duration of the construction works will interfere only negligibly with neighbourhood use of the common land and public access over it.

¹ Common Land consents policy (Defra November 2015)

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.

The public interest

Nature Conservation

11. Natural England has said it does not see the works as having a detrimental impact the biodiversity of the common as a whole. 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 permanent railings around the GMT will be clad in green plastic material to blend in as much as possible with the surrounding trees. I consider that this will reduce its visual impact to a certain extent. I also bear in mind that its position amongst the trees means it is likely to have much less of a visual impact on the landscape of the wider common than if it was to be positioned more openly. Full reinstatement of the surrounding land on completion of the works can be ensured by attaching a suitable condition to the consent.

13. I am satisfied that the visual impact of the proposed new transformer will not be significant.

Archaeological remains and features of historic interest

14. Surrey County Council's Archaeological Officer advised that she has no concerns about the proposed works at the site. There is no evidence which leads me to conclude that the works will harm archaeological remains or features of historic interest.

Other matters

15. The application is made in association with previously consented works on the adjacent West End Common to upgrade the existing local electricity network, which the applicant says is one of the worst performing SSEN networks. Defra's policy guidance advises that that *"works may be proposed in relation to common land which do not benefit the common, but confer some wider benefit on the local community, such as minor works undertaken by a statutory undertaker to provide or improve the public service to local residents and businesses..... consent may be appropriate where the works are of temporary duration (such as a worksite), where their physical presence would be so slight as to cause negligible impact on the land in question (such as a control booth or manhole), and the proposals ensure the full restoration of the land affected and confer a public benefit"*.

16. The impact of the proposed works will be small and they will confer a public benefit through improvements to the local electricity supply. I am therefore satisfied that the works accord with this policy objective.

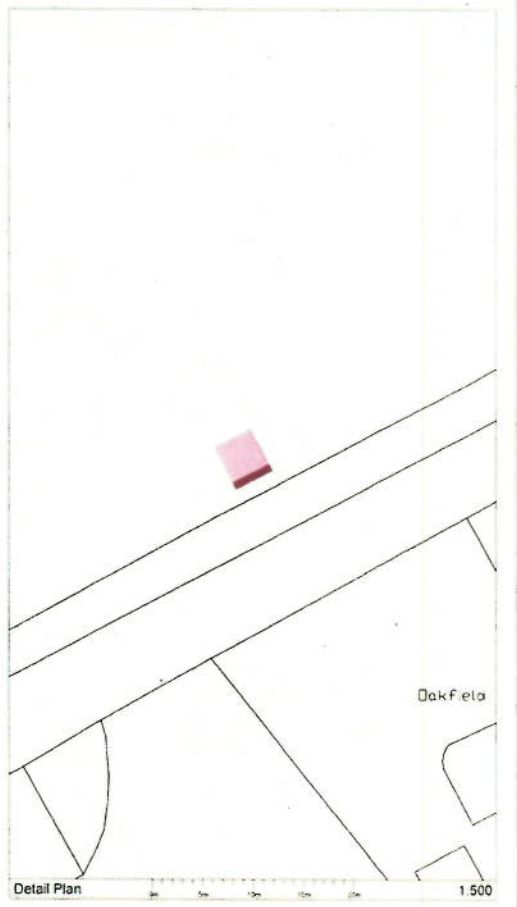
Conclusion

17. I conclude that the proposed GMT works will not significantly harm the interests set out in paragraph 7 above; indeed, they will be in the public interest by improving electricity supplies to the neighbourhood. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



Site Plan 1:1250



Grantor:- The County Council of Surrey		Signed:-	
Location:- Land North of Lucas Green Road, West End, Woking, Surrey		Rev Date	Description
Scheme Name:- Lucas Green Road, West End UGOH 81023			
Drawing Name:- Lease Plan			
Drawing Number:- 120398-TCCS-LE-002		Drn. by	LB
NGR:-	SU 9413 5998	App. by	AH
Issue Date:-	23.11.2016	Sht. No.	2 of 2
First Issue Date:-	23.11.2016	Sht. Size	A3

Scottish & Southern
Electricity Networks

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MACLAREN

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