



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/3176855

Streets Heath Common, Woking, Surrey

Register Unit No: CL 324

Commons Registration Authority: Surrey County Council

- The application, dated 26 May 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 Electric Networks (SSEN).
 - The works of approximately 5 weeks duration comprise:
 - i. the dismantling and removal of an existing high voltage transformer and cage and replacement with a new 4m x 4m (16m²) glass reinforced plastic transformer (GRPT) and associated cables; and
 - ii. temporary Heras security/safety fencing (approximately 2m high) surrounding the site and enclosing approximately 25m² 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 26 May 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. 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.
4. This application has been determined solely on the basis of written evidence.

¹ Common Land consents policy (Defra November 2015)

5. I have taken account of the representation made by the Open Spaces Society (OSS), which does not object to the proposals.
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);
 - 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 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. 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

8. 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 GRPT will take up a slightly smaller footprint than the existing caged transformer but will occupy the same site in the very south west corner of the common, just inside the common land boundary at the junction of Streets Heath and Windlesham Road. This corner of the common is unfenced to the pavement so the public will be able to walk around the site to access the common whilst the works are in progress.
9. As the proposed GRPT is essentially a like-for-like replacement for the existing caged transformer, I consider that following the 5 week period of works there will be no impact on local use of this part of the common or any impediment to public access over and above that which already exists.

The public interest

Nature Conservation

10. 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.

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.

Conservation of the landscape

11. The proposed works will not introduce an additional feature into the landscape but will replace an existing one of much the same size. The GRPT will be green, as is the existing transformer; this will help it blend in with its surroundings. Given this, together with its location at a crossroads, means that the GRPT is likely to have a minimal impact on its surroundings. The applicant has committed to fully reinstating the surrounding land on completion of the works, which can be ensured by attaching a suitable condition to the consent.
12. I am satisfied that the visual impact of the proposed GRPT, as a replacement for the existing transformer, is likely to be neutral.

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.

Other matters

14. The application is made in order to upgrade the existing electricity network due to poor ratings and a high number of faults in the local area. 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"*.
15. 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

16. I conclude that the proposed GRPT will not significantly harm the interests set out in paragraph 6 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

Key

- Common Land Boundary █
- Proposed Substation Location █

Notes

Grantor

N/A

Signed

Date

Location

Land North of Streets Heath,
West End, Woking, GU24 9RB

NGR: SU 9454 6111

Scheme Name

Streets Heath Commons Consents

Drawing Name

Proposed Works Information Plan

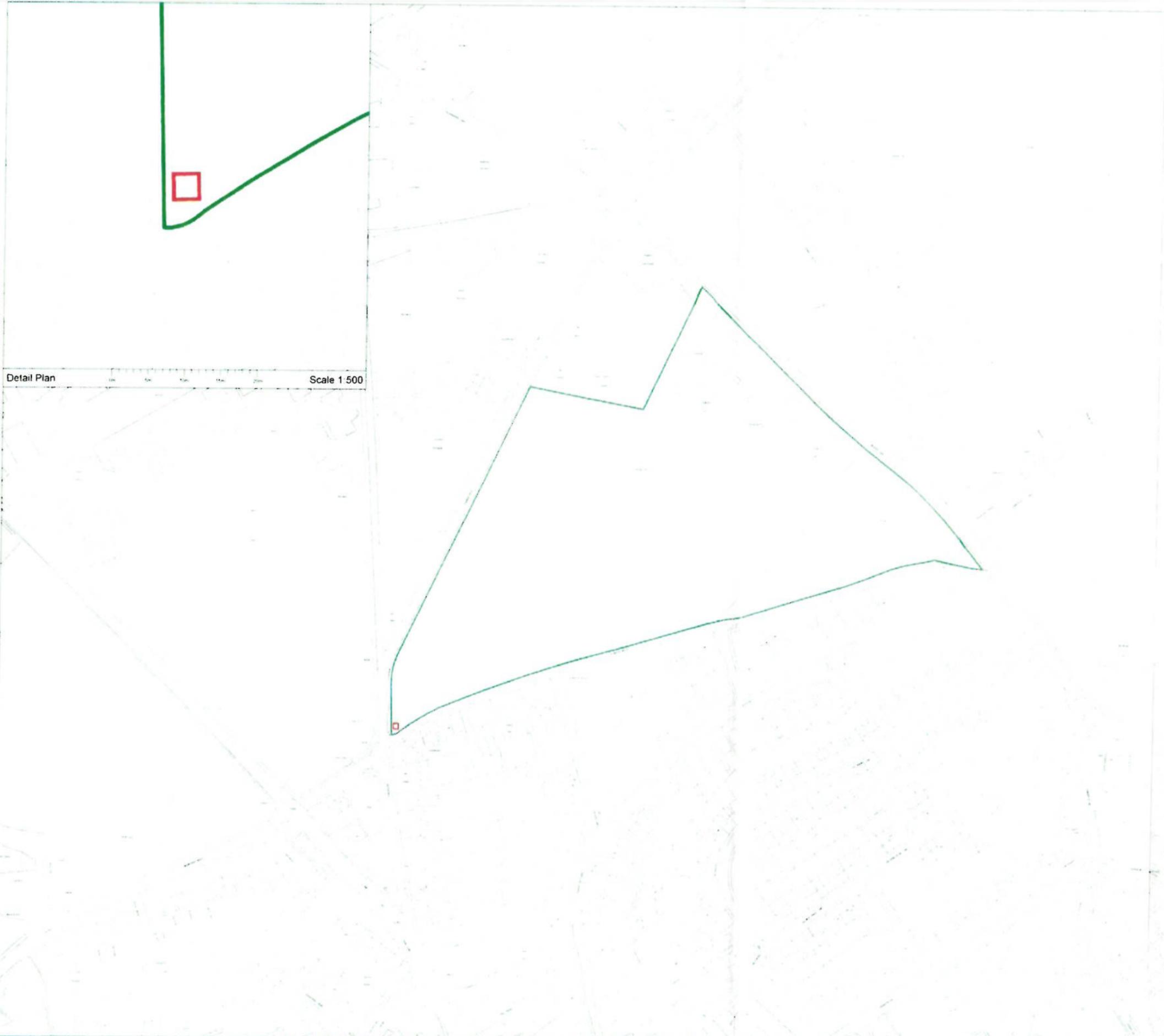
Drawing No: 170818-PROP-INFO-001-A

Rev	Date	Description
-	19 05 2017	First Issue
A	31 05 2017	Added Common Land & Colours

Drawn	PJU/LB
Approved	BH
Sheet No:	1 of 1
Sheet Size	A3



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Detail Plan Scale 1 500

Site Plan Scale 1 2500