
Application Decision

by **Richard Holland**

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

Decision date: 30 May 2018

Application Ref: COM 3194624
Hook Common & Bartley Heath, Hampshire

Register Unit No: CL4

Commons Registration Authority: Hampshire County Council.

- The application, dated 26 January 2018, is made under Section 38 of 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 & Southern Electricity Networks.
 - The works of approximately 2 weeks duration comprise:
 - (i) replacement of three electricity tower concrete foundations totalling 27 square metres (3 x 9 square metres); and
 - (ii) temporary security/safety cones enclosing a total of 48 square metres (3 x 16 square metres) during the period of works.
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Decision

1. Consent is granted for the works in accordance with the application dated 26 January 2018 and accompanying plan, subject to the following conditions:
 - (i) the works shall begin within 3 years of the date of this decision.
 - (ii) all temporary security/safety cones shall be removed upon completion of the works.
2. For the purposes of identification only the location of the 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.
5. I have taken account of the representation made by the Open Spaces Society (OSS), which does not object to the application.

¹ Common Land Consents Policy (Defra November 2015)

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 land is owned by The Right Honourable James Carleton Seventh Earl of Malmesbury, who was consulted by the applicant about the proposals but has not commented. The applicant identified and consulted 21 holders of rights recorded in the common land register. None of them have commented. There is no evidence before me to suggest that the works will 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 purpose of the application is to replace the concrete foundations of electricity towers T3, T4 and T5 with new concrete that complies with new specifications. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people and is closely linked with interests of public access. Given that these three small concreted areas sit below electricity towers I consider it unlikely that local people make use of them as common land or that the public wish to access them. In any case, the works will be of short duration and once completed they will present no new impediment to access or to any established use of the land as common land that there may be. I therefore consider that the works will have a negligible impact on the interests of the neighbourhood and the protection of public rights of access.

Nature conservation & archaeological remains and features of historic interest

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

Conservation of the landscape

10. I am satisfied that these like-for-like concrete foundation replacement works will have no detrimental impact on the landscape.

Other matters

11. 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, where their physical presence would be so slight as to cause negligible impact on the land in question, and the proposals ensure the full restoration of the land affected and confer a public benefit*".

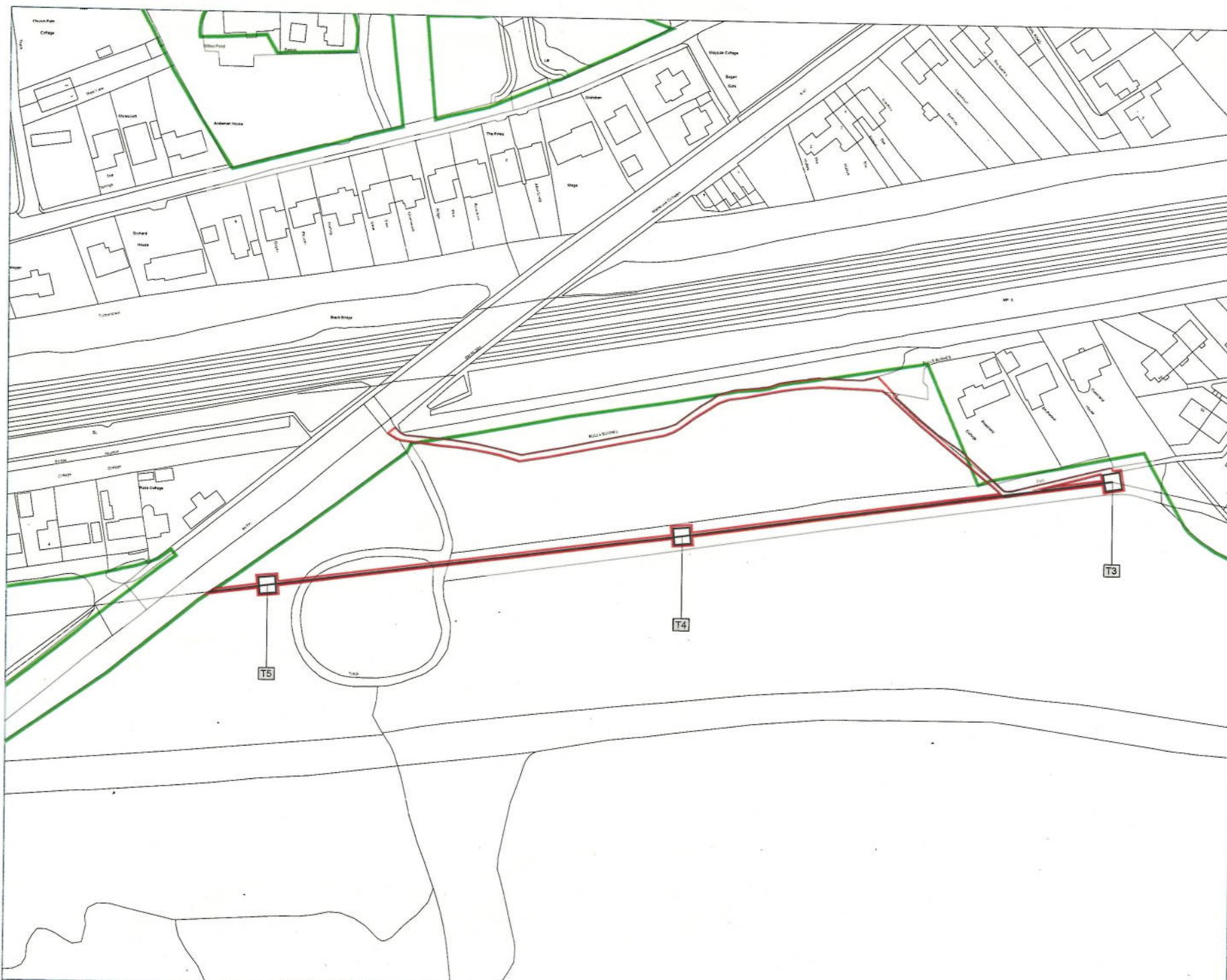
²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

12. The impact of the proposed works on the common land will be very small and they will confer a public benefit in maintaining electricity supply apparatus. I am therefore satisfied that the works accord with this policy objective.

Conclusion

13. I consider that the proposed works will not significantly harm any of the interests set out in paragraph 6 above. Furthermore, the works will benefit the local community by maintaining security of electricity supply. I conclude therefore that consent should be granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



Key:
 Access/Working Area
 Overhead Line
 Tower
 Approximate Location of Common Land

Notes:

Grantor:
N/A

Signed:

Date:

Location:
Land Adjacent to Bulls Buses,
Hook, Hampshire, RG27 9LP

NGR: SU 7194 5374

Scheme Name:
Hook Commons Consent

Drawing Name:
Access Information Plan

Drawing No: 172637-ACCE-INFO-001-A

Rev	Date	Description
-	28.11.2017	First Issue
A	01.02.2018	Common Land & Working Area

Drawn: LB/BF
 Approved: EB
 Sheet No: 1 of 1
 Sheet Size: A3



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Site Plan



Scale 1:1250