
Application Decision

by Richard Holland

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

Decision date: 17 April 2019

Application Ref: COM 3216766

Land at Green Street and Cradle End, Little Hadham, Hertfordshire

Register Unit No: CL187

Commons Registration Authority: Hertfordshire County Council.

- The application, dated 15 November 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 UK Power Networks.
 - The works of approximately 1-2 weeks duration comprise the installation of:
 - (i) a 1.2m x 1.2m ground mounted transformer substation;
 - (ii) a supporting stay wire on existing electricity pole;
 - (iii) approximately 5m of underground high voltage cable; and
 - (iv) 1m high temporary plastic safety barriers for the duration of the works.
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Decision

1. Consent is granted for the works in accordance with the application dated 15 November 2018 and accompanying plan, subject to the following conditions:-
 - i. the works shall begin no later than three years from the date of this decision; and
 - ii. all temporary fencing shall be removed and the common shall be restored within one month from the 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 representations made by Historic England (HE) and the Open Spaces Society (OSS), neither of which object to the application.
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-

¹ Common Land Consents Policy (Defra November 2015)

- 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 is owned by the Marquis of Salisbury, who was consulted by the applicant but has not commented on the application. The Commons Registration Authority has confirmed that the register for CL187 includes no Rights section, indicating that there are no registered rights of common. The register records three claims to a right of vehicular access over some parts of the common but there is nothing to indicate that the proposed works will affect such access. 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 works are to address safety issues raised about the existing pole-mounted transformer and associated overhead line, which will be removed as part of the proposed works. Replacing them with a ground-mounted transformer and underground cable will improve the safety of the infrastructure and the reliability of electricity supply. It will also reduce future maintenance need.
9. 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 the interests of public access. The common comprises various separate areas of roadside verge in a rural setting. The land affected by the application is a small area on the south side of Green Street at a junction with an un-named road. I consider that its recreational use is likely to be limited to general access, such as dog walking.
10. The existing electricity pole will remain in place as only the transformer mounted on it will be removed. The new ground-mounted transformer will therefore be an additional structure and, as such, will interfere with public access over the land to a certain extent. However, with a footprint of just 1.44 square metres I consider it will interfere only negligibly with access over the common. All temporary barriers will be removed once the works are completed, which is expected to be within approximately 1-2 weeks. I conclude that the works will not have a significant or lasting impact on the interests of the neighbourhood or public rights of access.

Nature conservation

11. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

Conservation of the landscape

12. The common land has no special designated landscape value and sits beside a road. As the ground-mounted transformer will be no more visually intrusive than the pole-mounted transformer that it will replace I consider that the works will not harm landscape 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.

Archaeological remains and features of historic interest

13. HE has no objections to the application as the works will not harm any highly designated assets in the vicinity but advised that Hertfordshire County Council's Archaeology Service (HCCAS) should be consulted about any impacts on undesignated archaeological remains and historic features. The applicant consulted HCCAS, which did not comment on the application. There is no evidence before me to suggest that the works may harm any archaeological remains or features of historic interest.

Other relevant matters

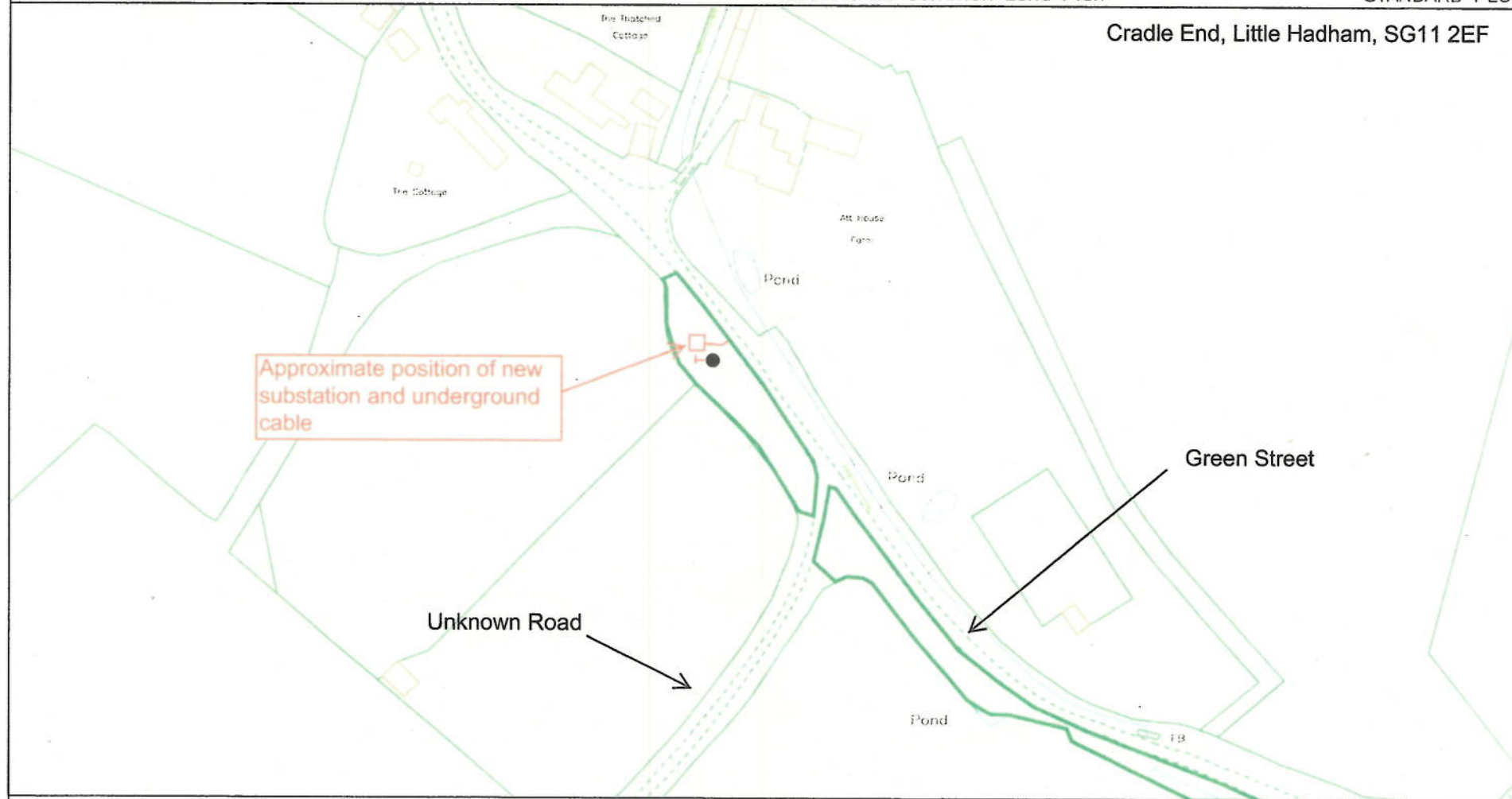
14. The works are proposed in the interests of improving infrastructure safety and local electricity supply. Defra's policy guidance advises that that *"works may be proposed in relation to common land which do not benefit the common, but confer some wider benefit on the local community, such as minor works undertaken by a statutory undertaker (e.g. a water utility) to provide or improve the public service to local residents and businesses..... consent under section 38 may be appropriate where the works are of temporary duration (such as a worksite), where the works will be installed underground (such as a pipeline or pumping station), or 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"*. I am satisfied that the works accord with this policy objective.

Conclusion

15. I conclude that the proposed works will not significantly harm the interests set out in paragraph 6 above and will confer a public benefit by improving electricity supply infrastructure. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland

Cradle End, Little Hadham, SG11 2EF



0m 20m 40m 60m 80m 100m 120m

The quality and accuracy of any print will depend on your printer, your computer and its print settings.
Measurements scaled from this plan may not match measurements between the same points on the ground.

LV Cable	
HV Cable	
EHV Cables	
Duct	
Pole & Street Furniture	
Substation & Link Box	

1. The position of the apparatus shown on this drawing is believed to be correct but the original landmarks may have been altered since the apparatus was installed.
2. The exact position of the apparatus should be verified - use approved cable avoidance tools prior to excavation using suitable hand tools.
3. It is essential that trial holes are carefully made avoiding the use of mechanical tools or picks until the exact location of all cables have been determined.
4. It must be assumed that there is a service cable into each property, lamp column and street sign, etc.
5. All cables must be treated as being live unless proved otherwise by UK Power Networks.
6. The information provided must be given to all people working near UK Power Networks' plant & equipment. Do not use plans more than 3 months after the issue date for excavation purposes.
7. Please be aware that electric cables/lines belonging to other owners of licensed electricity distribution systems may be present and it is your responsibility to identify their location.

1. UK Power Networks does not warrant that the information provided to you is correct. You rely upon it at your own risk.
2. UK Power Networks does not exclude or limit its liability if it causes the death of any person or causes personal injury to a person where such death or personal injury is caused by its negligence.
3. Subject to paragraph 2 UK Power Networks has no liability to you in contract, in tort (including negligence), for breach of statutory duty or otherwise for any loss, damage, cost, claims, demands, or expenses that you or any third party may suffer or incur as a result of using the information provided whether for physical damage to property or for any economic loss (including without limitation loss of profit, loss of opportunity, loss of savings, loss of goodwill, loss of business, loss of use) or any special or consequential loss or damage whatsoever.
4. This plan has been provided to you on the basis of the terms of use set out in the covering letter that accompanies this plan. If you do not accept end/or do not understand the terms of use set out in the covering letter you must not use the plan and you must return it to the sender of the letter.
5. You are responsible for the accuracy of the information provided to you. It must not be given, sold or made available upon payment of a fee to a third party.

Grid Ref : TL4521NE

Scale 1:1254
(When Plotted at A4)

Plotted on : 01/11/2018

Plotted by : Matt Drewry

IF IN DOUBT - ASK! PHONE 0800 056 5888
EMERGENCY - If you damage a cable or line
Phone 0800 760 0760 (24hrs) URGENTLY



ALWAYS LOOK UP BEFORE
YOU START WORK
Refer to HSE Guidance
note GS6

Maps produced at 1:2500 scale are LV Geo-Schematics which show LV mains cables and overhead lines (in some cases all voltages). Prior to carrying out excavations you must refer to the 1:500 records to determine the location of all known underground plant and equipment.