



Application Decision

by **Richard Holland**

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

Decision date: 12 July 2019

Application Ref: COM/3230010

West End Common, Surrey

Register Unit No: CL299

Commons Registration Authority: Surrey County Council

- The application, dated 30 May 2019, 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 comprise:
 - i. replacement of an existing Pole Mounted Transformer (PMT) with a Ground Mounted Transformer (GMT), and associated 20m of connecting underground cable, positioned within a 4m x 4m permanent safety/security fence;
 - ii. installation of a further 40m of underground cable to allow removal of a section of overhead line;
 - iii. installation of temporary 2m high Heras fencing and 1m high plastic fencing for safety/security purposes as necessary during the period of works, and
 - iv. the refurbishment of a section of overhead line.
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Decision

1. Consent is granted for the works in accordance with the application dated 30 May 2019 and the plans submitted with it subject to the following conditions:
 - i. the works shall begin no later than 3 years from the date of this decision; and
 - ii. all temporary fencing shall be removed and the land shall be fully reinstated within one month from the completion of the works.
2. For the purposes of identification only, the location of the proposed works is shown on the attached plan. The plan refers to the GMT as a substation.

Preliminary Matters

3. Consent for a similar version of the proposals was granted on 23 June 2015 (application reference COM 676) and expired on 23 June 2019. The applicant has allowed the consent to lapse and has made this new application in its place. The electricity system in the West End area is currently fed by overhead lines which, because of their poor condition, are causing network faults. The applicant is therefore dismantling and refurbishing sections of overhead line, installing replacement underground cables and replacing pole mounted transformers with ground mounted transformers.
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

¹ Common Land consents policy (Defra November 2015)

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 Surrey County Council's Archaeological Officer and the Open Spaces Society, neither of which object to the application.
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 by the applicant about the application but has not commented. The common land register indicates that there are no registered rights of common. The land is leased to Surrey Wildlife Trust (SWT), which was also 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, a few metres from the roadside. 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 and I consider that the GMT, which will occupy 16 square metres, will not have an unacceptable impact on the above interests.
10. The site proposed for the 40m of underground cable is further to the south away from the public highway (the southern works) but will affect public footpath PF126B. The applicant has advised that they will liaise with Surrey County Council and will take great care in ensuring that the footpath is still accessible whilst the works are carried out. The contractors will stop working when a member of the public passes and, if requested, will accompany them past the works. The footpath will be restored to its former condition following the works.
11. The desired timetable for completion of all the works is by autumn 2019 and the applicant envisages that the temporary safety/security fencing will need to be in place for no more than 3 months. This timescale is not certain as it is dependent on other necessary consents being obtained. However, as the permanent southern works will be entirely underground and all

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.

temporary fencing will be removed on completion, I conclude that they will not have an unacceptable or lasting impact on access rights over the common.

The public interest

Nature Conservation

12. The southern works site lies within The Colony Bog and Bagshot Heath Site of Special Scientific Interest (SSSI). The site is also a Special Area of Conservation (SAC), and Special Protection Area (SPA). Natural England (NE) was consulted about the application but did not comment. However, separate assent for the works is required from NE and the applicant has advised that discussions are taking place with NE, and indeed with SWT, to obtain it. I am satisfied that measures will be put in place to ensure that this statutorily protected area will not be harmed by the works. The GMT site does not lie within a SSSI, SAC or SPA and there is no evidence to suggest that the works will harm nature conservation interests.

Conservation of the landscape

13. The permanent fence around the GMT will be clad in green plastic material to blend in as much as possible with 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. I consider that although the southern works will cause some visual harm, it will be short-term and the land will be re-instated upon completion of the works, which can be ensured by attaching a suitable condition to the consent.
14. The southern works will have no permanent above ground impact on the landscape. The GMT works are above ground and, despite their positioning and colour, will cause some harm to landscape interests. However, taken together as a package the works will allow the removal of overhead lines, which I consider to be of wider benefit to the landscape of the common; this outweighs the visual harm caused by the GMT.






Archaeological remains and features of historic interest

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

Conclusion

16. I conclude that the proposals will not significantly harm the interests set out in paragraph 7 above; indeed, they will bring landscape benefits to the common and be in the wider 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:
-  Underground Cable
 -  Substation
 -  West End Common
 -  Lucas Green Common
 -  Overhead Line to be Refurbished

Notes:
Previous drawing number:
120398-WEC-INFO-001

Grantor:
N/A
Signed:

Date:
Location:

Land adjacent of Lucas Green Road,
West End, Woking, Surrey

Coords: 493793, 159615
Scheme Name:
Lucas Green Road

Drawing Name:
Commons Consent Plan

Drawing No: 120398_PLN_INFO_3.1

Rev	Date	Description
-	30.05.2019	First Issue

Drawn: PJI/SG
Approved: DT/TB
Sheet No: 1 of 1
Sheet Size: A3



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0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m 260m 280m 300m 320m 340m 360m 380m 400m 420m 440m 460m 480m 500m

Scale 1:2500

Location Plan
0m 100m 200m 300m 400m
Scale 1:10000

