



Application Decision

by **Richard Holland**

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

Decision date: 8 October 2019

Application Ref: COM/3231855

Allendale Village Green

Register Unit No: VG 37

Commons Registration Authority: Northumberland County Council

- The application, dated 21 June 2019, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on village green land.
 - The application is made by Northern Powergrid (North East) Ltd.
 - The works of approximately 6 months duration comprise:
 - i. underground installation by way of open trench excavation of approximately 700m of new electricity cable;
 - ii. removal of existing overhead lines and associated poles; and
 - iii. temporary plastic security/safety barriers of approximately 25-30m length in place at any one time during the period of works.
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Decision

1. Consent is granted for the works in accordance with the application dated 21 June 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 barriers 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 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 of the 2006 Act, 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. Allendale Village Green (the green) is subject to a scheme of management (the scheme) made under the Commons Act 1899 (The Northumberland County Council Commons Scheme (Allendale Village Green) Order 2011), dated 1 March 2012. As such, the green is land to which section 38 of the 2006 Act applies.

¹ Common Land consents policy (Defra November 2015)

5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representations made by Historic England (HE), Natural England (NE) and the Open Spaces Society (OSS), none 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 applicant says the land is owned by Allendale Parish Council (the Parish Council), which manages the scheme under the terms of an agreement dated 10 May 2012 with Northumberland County Council. The Parish Council was consulted about the application but has not commented, although the applicant has stated that the Parish Council supports the replacing of overhead lines with underground cables. The rights section of the village green register records no entries. I am satisfied that the works are unlikely to 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 land is used by local people and is closely linked with public rights of access. The register map shows the green to be made up of six separate parcels of land and the application plan shows that extensive areas of four of them are proposed to be excavated for the undergrounding of cables. As the land is a registered village green the inhabitants of the locality have the right to enjoy lawful sports and pastimes on it. I consider that the extent and duration of the works is such that this right will be impeded, especially on narrow parts of the green, although the right does not extend to the wider public so there are no public rights of access to be affected.
10. The cable undergrounding works are to be carried out by means of a rolling programme of open trenching and back-filling. The underground cable will be laid, the trench back-filled and the safety barriers removed in sections of approximately 25-30m. Each section will take approximately one week to complete, with an overall works duration of around six months. The applicant has confirmed that crossing boards and plates will be used to ensure that access to properties and local businesses will be maintained at all times. As the permanent works will be entirely underground and each section will be inaccessible for just a week or so I conclude that the works will not have an unacceptable or lasting impact on local people's rights over the green.

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. NE advised that it had no comments to make. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

Conservation of the landscape

12. The common lies within the North Pennines Area of Outstanding Natural Beauty (AONB). The AONB Board was consulted about the application but did not comment. However, the works are part of a visual improvement initiative in conjunction with the AONB Board to facilitate the removal of overhead electricity apparatus and associated support poles to improve and enhance the visual amenity in Allendale town. I am satisfied that removal of overhead lines, made possible by replacing them with underground cables, will be visually beneficial to the AONB.

13. I consider that although the underground cable laying works will cause some visual harm, it will be short term. Furthermore, as the land will be re-instated upon completion of the works, which can be ensured by attaching a suitable condition to the consent, I am satisfied that the natural beauty of the AONB will be conserved in the long term.

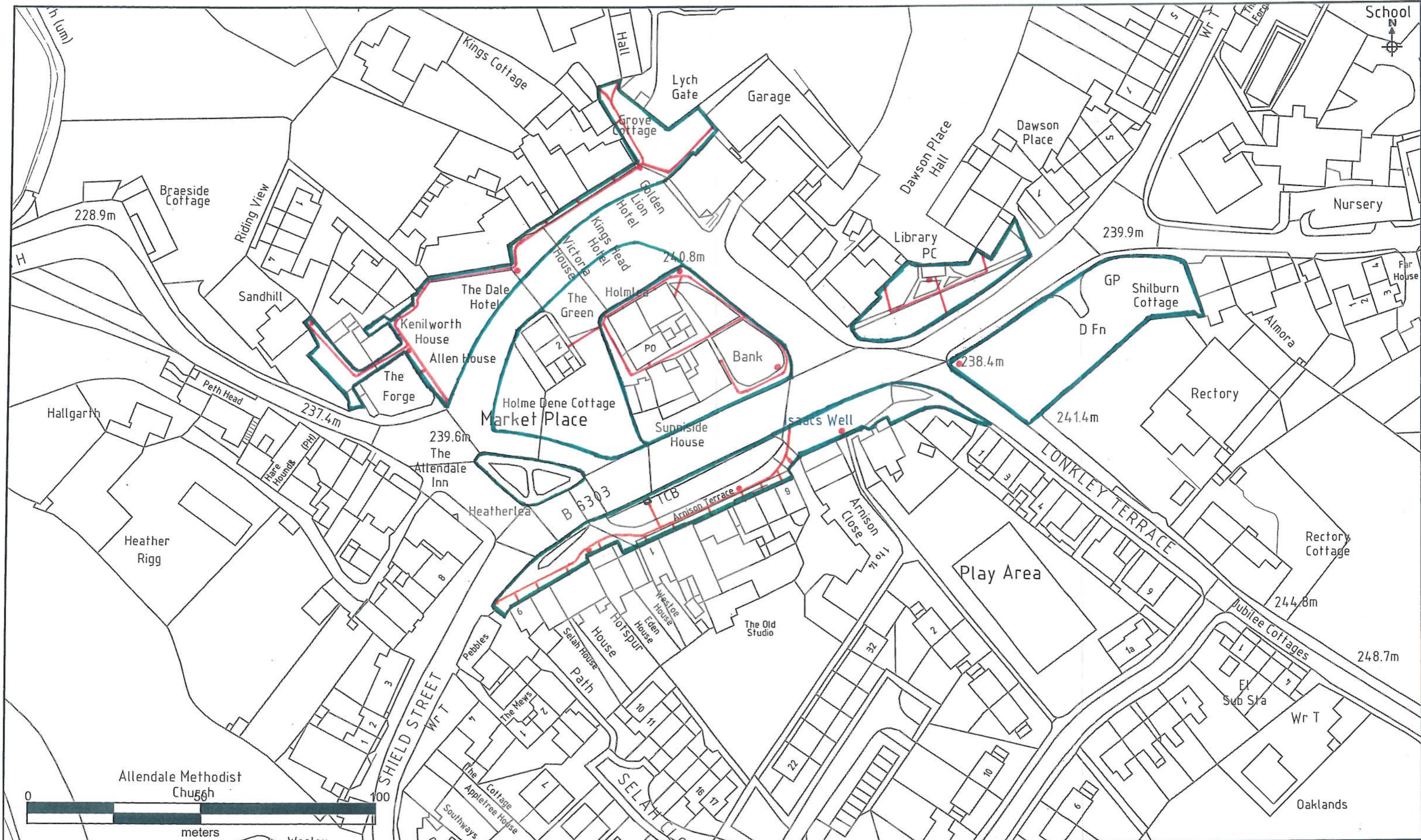
Archaeological remains and features of historic interest

14. HE raised no objections in principle but recommended that any archaeological interest in the land that could be damaged by the trench excavation works should be protected by means of an archaeological watching brief. The applicant has agreed to employ specialist archaeologists to undertake such work and I am satisfied that suitable measures will be put in place to protect archaeological interests during the works.

Conclusion

15. I conclude that the proposed works will not unacceptably harm the interests set out in paragraph 7 above; indeed, the removal of overhead lines will improve the appearance of the landscape. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



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Reference should be made to HSE Guidance, HS(G)47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of Danger from Overhead Power Lines'.

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Key

- Village Green Boundary
- New underground cable
- Existing pole to remove

Ref: RA/DI74271

Date Printed: 06-Jun-2019 Scale: 1: 1000

OS Grid Reference: NY8379255830

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Title:

PROPOSED WORKS AT ALLENDALE TOWN VILLAGE GREEN

