



Application Decision

by **Richard Holland**

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

Decision date: 7 November 2019

Application Ref: COM/3234309

Land in the Parish of Doddington, Cambridgeshire

Register Unit No: CL 42

Commons Registration Authority: Cambridgeshire County Council

- The application, dated 12 July 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 Savills UK Ltd for UK Power Networks.
 - The works of approximately 7-10 days duration comprise:
 - i. underground installation of approximately 100m of new low voltage electricity cable;
 - ii. removal of approximately 125m of overhead line and four poles; and
 - iii. temporary plastic security/safety fencing (approximately 1m high) as necessary during the period of works.
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Decision

1. Consent is granted for the works in accordance with the application dated 12 July 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 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 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 Mr Philip Bird, the Lord of the Manor, who was consulted about the application but did not comment. The common land register records no rights of common. The applicant stated in the application form that seven properties have a right of vehicular access over land directly affected by the works, although the common land register records no such claimed rights. The applicant has confirmed that vehicular access to these properties will remain open during the works.
8. There is no evidence to suggest that the works are likely to harm the interests of those occupying or having rights over the land (and in particular persons exercising rights of common over it).

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 on foot. The affected common land is grassed roadside verge with occasional trees along the west side of Primrose Hill, Doddington. It varies in width between approximately 10m and 20m and appears to have little recreational value other than for general access.
10. There are safety issues with the existing overhead lines and the undergrounding works are needed to maintain a safe electricity supply. The underground cable will be laid, the trench back-filled and the safety fencing removed in two or three sections so that only part of the cable route will be closed to public access at any one time. As the permanent works will be entirely underground and all fencing will be removed once the works are completed, which is expected to be within 10 days, I conclude that the works will not have an unacceptable or lasting impact on local and public access rights over the common.

The public interest

Nature Conservation

11. Natural England advised that it had no comments to make about the application. There is no evidence before me that leads me to think 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

12. The common has no special designated landscape status. However, its rural setting will be improved by the removal of approximately 125m of visually intrusive overhead electrical lines and poles, which will be made possible by the laying of a new underground cable. I consider that although the plastic fencing will cause some visual harm, it will be short term. Furthermore, 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 works are in the long-term interests of the landscape.

Archaeological remains and features of historic interest

13. There is no evidence before me to suggest that the works will harm any archaeological remains or features of historic interest.

Conclusion

14. I conclude that the proposed works will not significantly harm the interests set out in paragraph 6 above; indeed, the removal of overhead lines will improve both the appearance of the landscape and the reliability of a safe electricity supply. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



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Grid Ref : TL3890SE
 Scale 1:1500
 (When Plotted at A4)
 Plotted on : 04/07/2019
 Plotted by : Ali Waugh

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