**##
Application Decision**

**By Richard Holland**

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

Decision date: 06 October 2021

**Application Ref: COM 3271891**

**Dunsfold Common and Dunsfold Green**

Register Unit No: CL162

Commons Registration Authority: Surrey County Council.

\* The application, dated 22 March 2021, 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 one weeks’ duration comprise i) underground installation of approximately 119 metres of low voltage electricity cable to allow removal of a section of overhead line; ii) reinforcement of overhead line wires; iii) installation/renewal of 3 overhead poles and support stays; and iv) installation of temporary plastic safety barriers of approximately 1 metre in height to cordon off the working area during the works period.

Decision

1. Consent is granted for the works in accordance with the application dated 22 March 2021 and the accompanying plan, as amended, subject to the following conditions:

1. the works shall begin no later than 3 years from the date of this decision; and
2. all safety 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 works is shown in red on the attached amended plan.

**Preliminary matters**

3. The amended plan shows greater detail than the plan submitted at the time the application was made but does not include additional works. I am satisfied that no party has been prejudiced by referral to the amended plan in determining this application.

4. I have had regard to Defra’s Common Land Consents Policy Guidance 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 guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.

5. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by Natural England (NE) and the Open Spaces Society (OSS).

6. I am required by section 39 of the 2006 Act to have regard to the following in

determining this application:

\* the interests of the persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

\* the interests of the neighbourhood;

\* the public interest**.** (Section 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);

\* and any other matter considered to be relevant.

Reasons

***The interests of those occupying or having rights over the land***

7. Waverley Borough Council, which owns the application land, and Dunsfold Parish Council, which the applicant advises is leaseholder, were consulted about the application but have not commented.

8. The common land register records no rights of common over CL162. The applicant advises that four parties claiming a right of vehicular access to their properties were consulted about the application. None have commented.

9. There is no evidence before me to suggest that the works will adversely impact on the interests of those occupying or having rights over the land.

***The interests of the neighbourhood and the protection of public rights of access***

10. The application land lies within the Dunsfold Green area of the Common between Dunsfold Common Road and a row of houses. The works are proposed to rectify safety issues with a low voltage overhead line and to upgrade the overhead network to improve reliability. A section of the line crosses over a pond at Elm Corner and is to be removed and replaced with an underground line. Upgrading the remaining overhead wires from uncovered to covered will improve safety and protect the line from adverse weather or tree branch contact, which could cause a disturbance in power supply to customers. Renewing three overhead poles will address any natural decay in the existing poles and extend their lifespan.

11. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the land is used by local people and is closely linked with public rights of access. The land would seem to be used for general recreational access and by horse riders using Bridleway BW284, which runs in front of the row of houses.

12. The applicant advises that the trench for the underground cable will run close to the bridleway and the temporary barrier fencing will encroach onto it. However, the applicant further advises that access will remain along the bridleway’s remaining width throughout the works. Steel plates will be used to provide access over the trench, which will be excavated and reinstated in short sections so as not to leave any section of trench uncovered overnight.

13. I am satisfied that public access over the common will be maintained as far as is practically possible during the works. The trench will be backfilled and all safety barriers will be removed once the works are completed, which is expected to be within around a week. 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****,*** *conservation of the landscape and**archaeological remains and features of historic interest*

14. NE advises that the common has no international or national designations for biodiversity and raises no concerns about the impact of the works on nature conservation interests. I am satisfied that such interests are unlikely to be harmed by the works.

15. NE also advises that the common lies within an Area of Great landscape Value (AGLV) and is a short distance away from the Surrey Hills Outstanding Area of Natural Beauty (AONB). I consider that the landscape will be improved by the removal of a visually intrusive overhead electrical line, which will be made possible by the laying of new underground cables. Whilst the trenches and safety barrier fencing 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.

16. Historic England (HE) and the Surrey County Council Archaeology Department were consulted about the application but did not comment. There is no evidence before me to suggest that the works will harm any archaeological remains or features of historic interest interests.

Conclusion

17. I conclude that that the proposed works will not significantly harm the interests set out in paragraph 6 above; indeed, the undergrounding of an overhead line will improve the landscape. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland

