

ANNEX B – Simplified Notification

THIS FORM IS FOR USE BY APPLICANTS TO ADVISE LOCAL PLANNING AUTHORITIES OF PROPOSED WORKS TO BE UNDERTAKEN WITHIN THEIR DESIGNATED AREA THAT ARE CONSIDERED TO BE EXEMPTED UNDER THE OVERHEAD LINES(EXEMPTION) (ENGLAND AND WALES) REGULATIONS 2009. LOCAL AUTHORITIES HAVE THE RIGHT TO INVOKE THE FULL SECTION 37 PROCESS UNDER THE ELECTRICITY ACT 1989 SHOULD IT BE CONSIDERED NECESSARY.

The Form should be sent in triplicate to each Local Planning Authority in whose area the proposed development would be situated.

DETAILS OF APPLICANT

Name: Southern Electric Power Distribution (SEPD)

Address: c/o Dalcour Maclaren, Units 3-4, Bredon Court, Brockeridge Park, Twynning, Gloucestershire, GL20 6FF

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rebecca.anderson@dalcourmaclaren.com

Applicant's reference: SEPD 24000383 – EP – South Wokingham Termination - 33kV OHL

Date: 04/11/2024

To: Chief Executive,

Electricity Act 1989: Overhead Lines (Exemption) (England and Wales) Regulations 2009

SEPD proposes to undertake the following works set out below which are exempt from requiring Section 37 Consent under the Electricity Act 1989 by falling within The Overhead Lines (Exemption) (England and Wales) Regulations 2009: Regulation 3(1)(e) and (f)

South Electric Power Distribution ('SEPD') intends to carry out refurbishment works to their existing 33kV Overhead Line ('OHL') located on land to the west of Easthampstead Road, Wokingham, RG40 2HP. These works include the diversion of short section of 33kV OHL and installation of 1 no. new Pole Mounted Transformer (PMT) support pole, installation of 1 no. new H-pole and the replacement of 2 no. new H-poles. The proposed works fall within Wokingham Borough Council's administrative area.

Proposed Development

A more detailed scope of works is provided below, covering the works from east to west:

1. **Diversion of short section of 33kV OHL and new PMT support pole:** A short section of the 33kV OHL will be diverted (this remains a continuation of the 33kV line), and a new pole will be installed to support a PMT. This

PMT will step down the voltage from 33kV to 11kV before undergrounding. The pole and PMT are necessary to maintain the supply to a compound area currently on site. This is considered part of the 33kV line rather than a new spur and is therefore included in the notification. (apparently this is TBC with SSE right now)

2. **Installation of new H-pole (terminal) (located to the southern side of BW13R Tower):** A new H-pole will be installed at the easternmost part of the OHL, facilitating the undergrounding of the 33kV line.
3. **Replacement of H-pole in proximity to existing tower BW18R:** The existing 33kV H-pole 'P28' will be replaced with the new terminal pole being installed in the location of the existing P28. New terminal pole will be 15 or 16m. (Underground 33kV cable coming from East will be terminated here)
4. **Replacement of H-pole west of Easthampstead Road:** The existing H-pole here 'P36' (next to Emm Brook) will also be replaced in the same location (slightly westwards – however as far as LPA are aware this is in the same location).

Please refer to the site location plan submitted alongside this notification (ref: 20241010_23010130_PLN_INFO_33kV_Notification). Additionally, specific National Grid References (NGR) for these poles are provided below.

Table 1: NGRs for proposed development

Proposed pole/ development description	National Grid Reference
1. Diversion of short section of 33kV OHL and new PMT support pole	SU 83414 68155
2. Installation of new H-pole (located to the southern side of BW13R Tower)	SU 83414 68155
3. Replacement of H-pole in proximity to existing tower BW18R	SU 82081 67825
4. Replacement of H-pole west of Easthampstead Road	SU 81193 67782

Section 37 Exemption

Section 37 of the Electricity Act 1989 outlines the consenting strategy for the installation or maintenance of OHLs. There are exceptions to requiring Section 37 consent, as detailed in the Overhead Lines (Exemption) (England and Wales) Regulations 2009. Notably,

- **Regulation 3(1)(e):** *Allows for the installation or keeping installed of an electric line that replaces an existing line, provided it is not within a*

European site or an SSSI, and subject to the limitations in regulations 4 and 5.

- **Regulation 3(1)(f):** *Permits the installation or maintenance of additional poles to support an existing line, provided they meet the limitations and restrictions in regulations 4 and 5.*

We argue that these works are exempt from requiring Section 37 consent, as all new H-poles will support and be located on the existing 33kV OHL. Furthermore, the new poles will not exceed the height of any existing towers or supports on the line and whilst the new poles will not be placed in the exact footprint of the existing ones, they will be installed in close proximity.

Furthermore, we have provided further justification for the exemption of each individual aspect of the works below:

We consider the first section of works which includes the small section of diverted OHL and the new PMT support pole to be a part of the existing 33kV OHL rather than a new spur. As such, they are exempt as a marginal diversion and an additional pole on an existing line. Furthermore, this pole is no more than 10% taller than any existing poles on the line.

Secondly, the installation of a new H-pole to the southern side of the BW13R Tower will marginally redirect the line eastwards. This redirection is within the limitations of Regulation 3(1)(e) and Regulation 4(1)(d), which state that the distance between any small support and the existing line must not exceed 30 meters, and the distance between any other support and the existing line must not exceed 60 meters.

Lastly, the works to replace the two existing H-poles, proposed along their existing alignments, are considered exempt under Regulation 3(1)(f), as they support an existing line and do not increase the height of the poles.

Subject to the Council's agreement, the proposed works are considered exempt from required Section 37 Consent by virtue of satisfying the limitations on the exemptions contained in Regulation 3(1)(e) and (f), and this is further justified below for the following reasons:

- **Nominal Voltage:** There will be no change to the nominal voltage of the OHL, as detailed within 4(1)(a).
- **Compliance with Original Consent:** All conditions of the original Section 37 Consent will be complied with, ensuring that the project adheres to previously agreed-upon standards and regulations.
- **Height Increase:** The height above the surface of the ground of any support for the electric line does not exceed the height of the highest existing support or the support being replaced by more than 10%. Therefore, ensuring that the modifications are minor and do not significantly alter the existing infrastructure.
- **Position of Supports:** The new towers will not result in a deviation of the line by more than 30 metres (<10m in height) from any small support or 60m from any existing large support (>10m).

- **Replacement Timeline:** The existing towers and connecting line will be removed within a period of 12-months from the date on which the installation of the new infrastructure which it replaces is completed.
- **Environmental Considerations:** The works are not proposed within a sensitive area as defined by the Electricity Works (Environmental Impact Assessment) Regulations 2017.

As per the relevant guidance, the Local Planning Authority should screen notifications and provide a response within **6 weeks** advising if they have no objections or wish to invoke the full section 37 consent process for the proposal. If no response is received within 6 weeks, it is assumed that the Council does not wish to comment/have no objections to the proposed development.

Wokingham Borough Council is therefore requested to indicate that it has no objection to the work being carried out by returning two copies of this Form with the Certificate completed and signed.

Yours faithfully

Rebecca Anderson

For and on behalf of SEPD

CERTIFICATE

TO BE COMPLETED BY THE RELEVANT PLANNING AUTHORITY AND RETURNED TO THE APPLICANT WITHIN SIX WEEKS OF RECEIPT
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The Wokingham Borough Council

*(i) objects/does not object for the proposed development detailed above to be undertaken under the exemptions laid down in The Overhead Lines (Exemption) (England and Wales) Regulations 2009

* (ii) wishes/does not wish the Secretary of State to consider the application using the full section 37 process under the Electricity Act 1989

*The reasons for requesting the full section 37 process are:

Dated:

Signed:

Designation

(On behalf of the Wokingham Borough Council)

**Delete as appropriate*