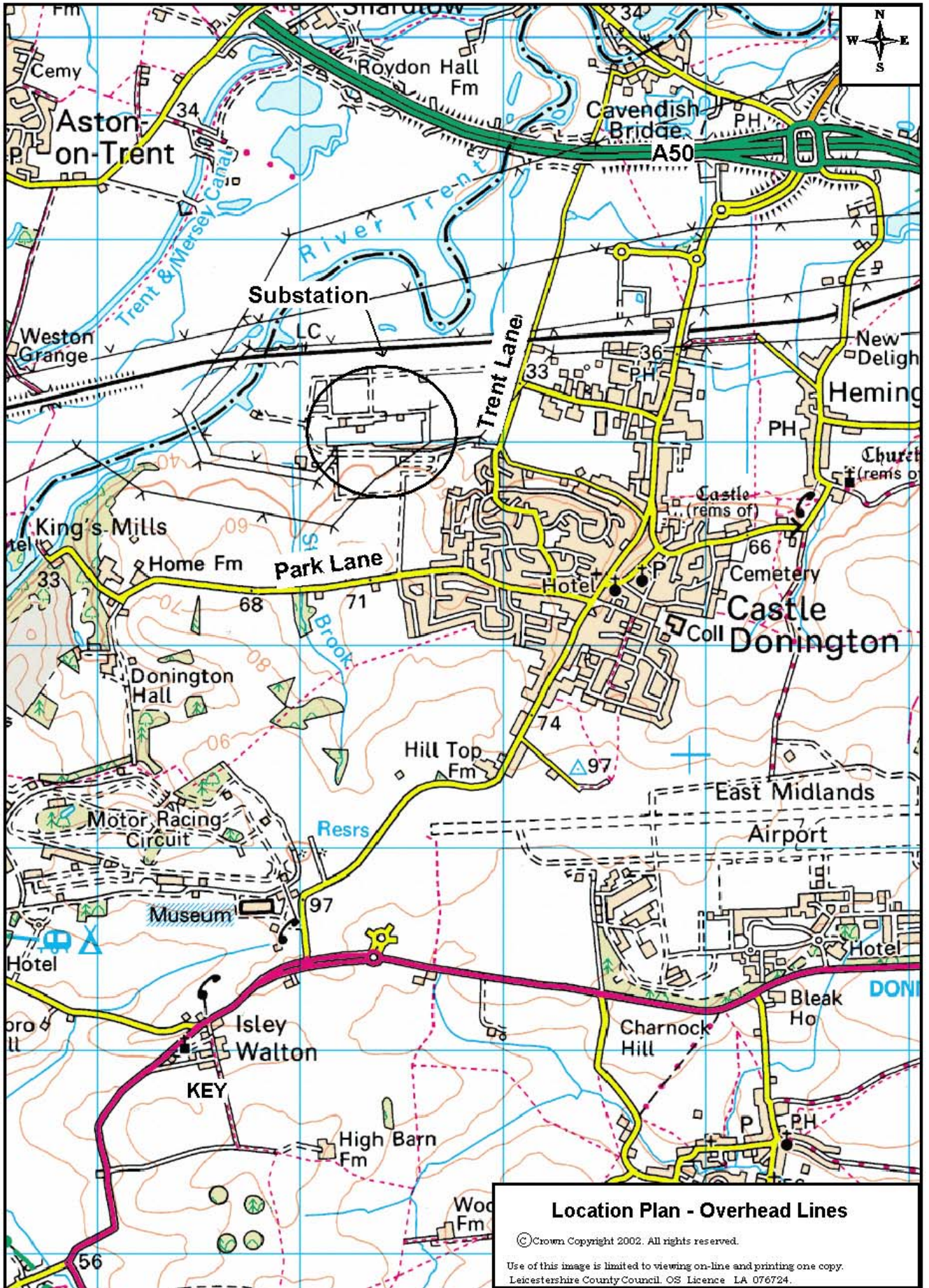


Item 12**DEVELOPMENT CONTROL AND REGULATORY BOARD****13TH MARCH 2003****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****CONSULTATION UNDER ELECTRICITY ACT 1989
CIRCULAR 14/90 ELECTRICITY (APPLICATION FOR CONSENT)
REGULATIONS 1990****NATIONAL GRID COMPANY PLC – CONSTRUCTION OF A NEW SECTION OF
400Kv OVERHEAD LINE, CASTLE DONINGTON ELECTRICITY SUB-STATION
(NORTH WEST LEICESTERSHIRE DISTRICT)****2003/0069/07 – Received by L.C.C. on 23rd January 2003****Background**

1. In March 1998, the Planning and Recreation Subcommittee considered a proposal by East Midlands Electricity to carry out significant reconstruction of the 132kV overhead supply network between the southern outskirts of Nottingham and Leicestershire/Derbyshire borders. The closure of Castle Donington Power Station in 1994 resulted in a change to the requirements of the electricity power distribution system in this general area.
2. The appropriate consents were granted for the dismantling of 13km of redundant double 132kV circuit linking Castle Donington to Ratcliffe and Attenborough (Notts), across this corner of the County. Existing 400kV supply lines have been retained across the Trent Valley, to the north of Castle Donington village. The reconfiguration of the 132kV supply circuit has now been implemented.
3. National Grid owns and operates a 275kV electricity substation at Castle Donington, which originally had two purposes of connecting the Power Station to the national grid and to supply power to East Midlands Electricity's (EME) regional circuit. The substation is supplied by two 275kV circuits, from Ratcliffe to the north and Berkswell from the south. A third 400kV circuit between Ratcliffe and Drakelow passes to the south of the site, supported on pylons.
4. Following the closure of Castle Donington Power Station and subsequent changes in the pattern of electricity demands by East Midlands Electricity, the previously retained 275kV electricity substation at Castle Donington is to be decommissioned. In order to facilitate this action, the two existing overhead lines into the substation need to be disconnected and joined together to form a 'through circuit' between Ratcliffe and Berkswell.



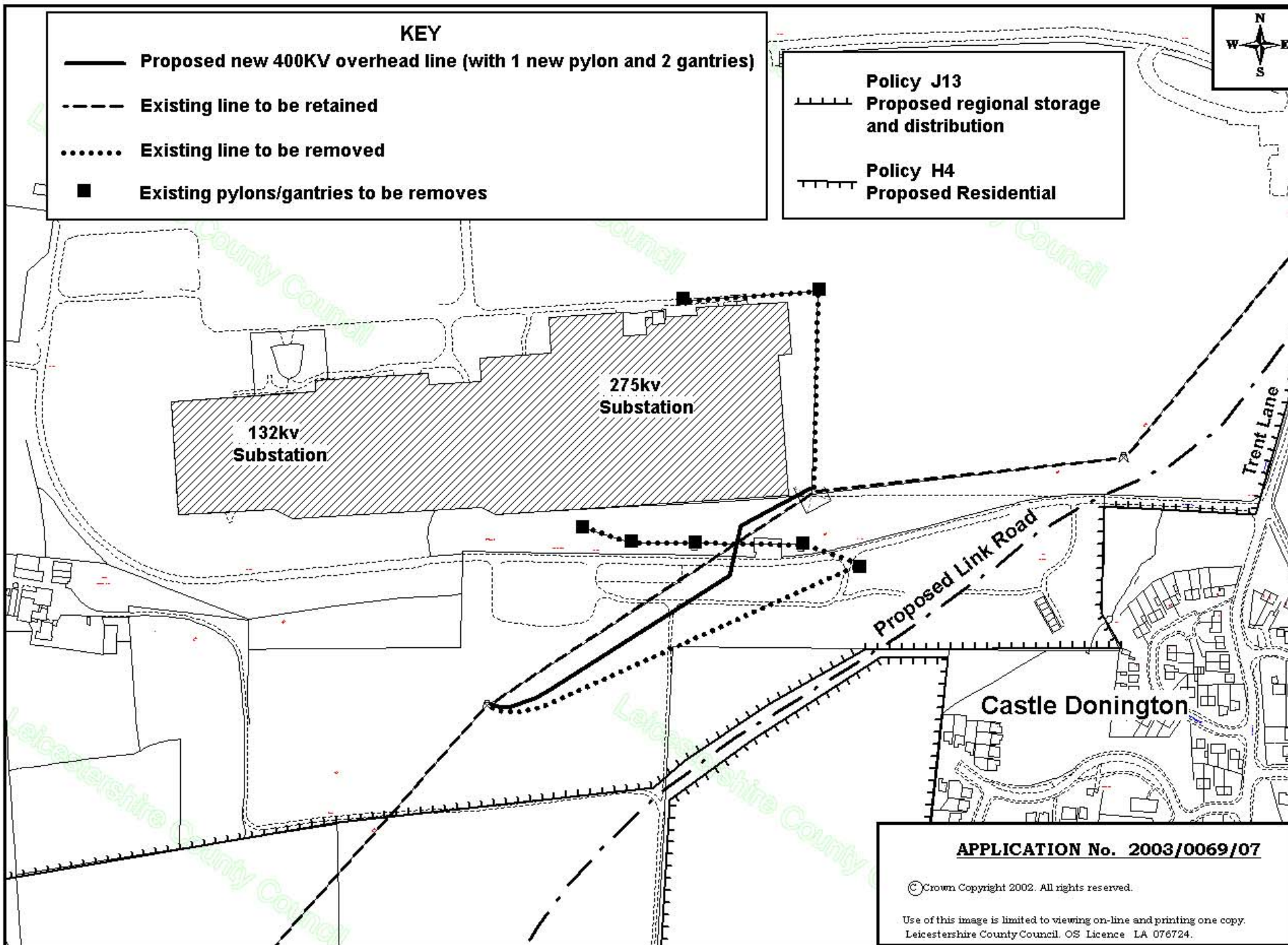
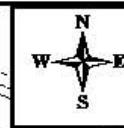
KEY

- Proposed new 400KV overhead line (with 1 new pylon and 2 gantries)
- - - Existing line to be retained
- Existing line to be removed
- Existing pylons/gantries to be removed

Policy J13
Proposed regional storage and distribution



Policy H4
Proposed Residential



APPLICATION No. 2003/0069/07

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5. This work involved the construction of a short section of new 400kV line to 'bypass' the former substation, and removal of redundant section of supply line connected to the substation itself. The former power station has now been demolished, pending redevelopment of the site as a regional distribution centre.

Regulatory requirements

6. The construction of 400kV overhead lines (amongst other works) requires consent under Section 37 of the Electricity Act 1989 from the Department of Trade and Industry. This involves prior formal consultation with the local planning authorities and other bodies, and Leicestershire County Council is a formal consultee in this process (Electricity [Application for Consent] Regulations 1990 and Circular 14/90). At the same time, National Grid is seeking a direction from the Secretary of State that the development is 'deemed' to be granted by virtue of Section 90 of the Town and Country Planning Act 1990.
7. The erection of high voltage overhead lines normally would be the subject of an Environmental Impact Assessment (EIA), under appropriate Regulations. However, in this case the Secretary of State has ruled that - taking account of the nature of the development, the previous views of the LPA's, and the findings of an earlier EIA by Wilson Bowden for the Power Station site - the proposal does not qualify as an 'EIA' development.
8. Nevertheless, the application is accompanied by an informal 'environmental commentary' that sets out a brief assessment of the environmental impacts of the development, and any necessary mitigation works.
9. The County Planning Authority is required to indicate whether:
 - (i) it has any objections to the proposal (or considers whether the development should be subject to any conditions); and
 - (ii) it wishes to be heard at a public inquiry into the proposal (para 2 of Schedule 8 of the Electricity Act 1989).

Description of Proposal

10. The proposed works are illustrated on an accompanying plan (drawing no 13/4647) and include the dismantling of the two existing electricity supply lines into the substation. This would result in the removal of 5 lattice steel towers (pylons), two lattice steel gantries and a total length of 820m of overhead line. In order to connect the two circuits as a 'bypass' to the substation, a new section of overhead line is required to pass beneath the third existing circuit in this locality.
11. The replacement route involves the construction of one new tower (pylon) of approximate height 46m and two new, lower level steel gantry towers. The total length of the replacement line would be 320m. The submitted application includes a request for a 'tolerance' of 40m either side of the proposed line, to allow for local ground conditions when finalizing the precise location of the new towers. National Grid is seeking consent to construct this new section of line so as to be capable of operating at a voltage of 400kV, consistent with the remainder of the route. However, it will initially operate at 275kV.

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12. The proposed development is confined to a limited area of flat land on the edge of the Power Station site, to the north west of Castle Donington village, between the built-up area and the River Trent. The site is largely abandoned scrubland within the periphery of the former Power Station, but there is an area of agricultural land beneath the proposed conductors.
13. Following a recent public inquiry, planning permission has been granted for the development of a regional storage and distribution centre on the former Power Station site, as reflected in the Local Plan for the area. The consent (and policies for the new development) require substantial block planting along the southern boundary of the site, in the near vicinity of the proposed overhead line.

Environmental Impacts

14. The Environmental Commentary that accompanies the application investigates land use, ecology, cultural heritage, landscape, visual impacts of the development. The local landscape is dominated by the large tract of derelict land comprising concrete hardstandings, former coal stocking areas, foundations of demolished buildings and the existing electricity substation (all part of the former Power Station). The adjacent land to the south is made up of large, flat arable fields.
15. Visually, the clutter of existing power lines and pylons around the substation have a significantly detracting appearance on the edge of the Trent Valley. This is clearly visible from residential properties to the south east, on the sloping land that forms the edge of Castle Donington. From the east (Back Lane and Trent Lane), the existing electricity supply network is highly visible across open fields.
16. Having carried out a brief appraisal of the environmental impacts of the development, the only other notable impact of the development is considered to be the effect on a active badger setts in the area. National Grid intends to liaise closely with English Nature to agree the timing and nature of works so as to minimise any disturbance to resident badgers.

Planning Policy

Strategic Policy Considerations

17. The approved Structure Plan for Leicestershire sets out the overall strategy for development in the County between 1991 - 2006. Strategy Policy 1 sets out the overall intentions for development and provides that (inter alia).

Local Plan considerations

18. The Draft Local Plan for North West Leicestershire is close to adoption, following the resolution of the District Council to resolve that the Plan be agreed in its modified form. The application site is included within an area covered by *Policy J13* of the Plan, namely that Castle Donington Power Station site be allocated as a regional storage and distribution Centre. The terms of the policy require that a comprehensive form of development be undertaken, with substantial block landscaping along the southern boundary of the site.

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19. It also requires that a single carriageway link road be constructed from the B6540 (Tamworth Road) to Spital Hill in the south east corner of the proposed development site. The line of this perimeter road continues south-westwards towards Park Lane, to serve a new residential allocation of 200 dwellings on 9.2ha of land just south of the current application site (*Policy H4*). The road line passes close to the proposed overhead supply route.

Assessment of Proposals

20. The proposed reconfiguration of overhead electricity supply lines in this vicinity will result in a net reduction in the number of pylons (from 5 towers to one tower) and total length of overhead supply route (from 820m to 320m). The net effect will be a reduction in the visual despoliation of the local landscape, including the visual impact from the nearest residential properties. The general impact of the supply route through the area will remain similar to the existing situation.
21. The development will also facilitate the removal of the existing substation, and with it a constraint on the development of the much larger 'brown field' site of the former Power Station. The extent of land available for structural planting around the new regional storage and distribution centre would be expanded, allowing for some additional tree planting.
22. In the circumstances, it is considered that the development is acceptable and will have positive environmental consequences. It accords with and helps to fulfil development plan objectives for the locality. There should be no objection to the proposed development.

Recommendation

That the National Grid Company plc be advised that the County Planning Authority (on behalf of Leicestershire County Council):

- (i) has no objection to make to the development, as described in the application made under the provisions of Circular 14/90 and accompanying plans and documents (National Grid Company ref no 5.4.434); and
- (ii) does not request that a public inquiry be held pursuant to para 2 of Schedule 8 of the Electricity Act 1989 before the Secretary of State reaches his decision on the application 2006.

That the appropriate Form B certificate be duly completed and returned to the applicant accordingly.

Circulation Under Sensitive Issues Procedures

Mrs. L.A.S. Pendleton C.C.

Officers to Contact

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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Property will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.