

**ELECTRICITY ACT 1989 (SECTION 37 AND SCHEDULE 8)**

**APPLICATION BY NATIONAL GRID FOR CONSENT TO  
INSTALL AND KEEP INSTALLED A NEW SECTION OF 275 kV  
ELECTRICAL LINE ABOVE GROUND EAST OF BRAMHAM  
SUBSTATION IN THE DISTRICT OF LEEDS AND SELBY.**

**RULE 6 STATEMENT**

OF

**CUNNANE TOWN PLANNING LLP**

ON BEHALF OF

**SAMUEL SMITH OLD BREWERY (TADCASTER)**

DECC REFERENCE:

01.08.10.05/410CGDBF/014/00088C

CTP REFERENCE:

TL/MCR/4383



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## **1.0 Introduction**

- 1.1 Cunnane Town Planning LLP are instructed by Samuel Smith Old Brewery (Tadcaster) (“SSOBT”) to present evidence in support of its objection to the application by National Grid (“NG”) to the Department of Energy and Climate Change (“DECC”) for consent to install and keep installed a new section of 275kv electrical line above ground east of Bramham substation in the district of Leeds and Selby.

## **2.0 Background**

- 2.1 The extensive history of the proposals, including the previously unsuccessful attempt to be granted necessary wayleaves and the 2007 aborted wayleave hearing will be set out in detail.

## **3.0 Planning Policy Framework**

### *The Development Plan*

- 3.1 The Development Plan comprises the Regional Spatial Strategy for Yorkshire and the Humber to 2026 (2008) (“RSS”), the “saved” policies of the Selby District Local Plan (2005) (“Selby Local Plan”) and the “saved” policies of the Leeds Review Unitary Development Plan (2006) (“Leeds UDP”). The North Yorkshire County Structure Plan (1995) Alteration no. 3 (“Structure Plan”) has expired, however, policy E8, relating to the extent of the Green Belt, has been saved and continues to form part of the Development Plan. The emerging Selby District Local Development Framework and the emerging Leeds Local Development Framework are in the early stages of preparation and currently have little relevance to this application.
- 3.2 This Statement of Case is therefore confined to the relevant policies contained within the RSS, Selby Local Plan, Leeds UDP and policy E8 of the Structure Plan, as well as other relevant guidance and material planning considerations as necessary.

### *National Policy Framework*

- 3.3 In relation to Government advice it is considered that PPG2, PPS7, PPS9, ODPM Circular 06/2005 and DEFRA Circular 1/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system, DEFRA Circular 2/2002 New Guidance for Local Planning Authorities: On European Protected Species and Changes in Licensing Procedures and The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 are particularly relevant.

## **4.0 Case for the Objector**

- 4.1 The evidence will provide an assessment of the proposal for this development within the Green Belt and the clear harm that this development causes to the integrity of the Green Belt and its essential purpose.
- 4.2 Evidence will be presented which demonstrates that, in line with policy guidance and Government advice, the proposed development is inappropriate in the Green Belt and is harmful to its visual amenity and openness, and that no very special circumstances exist that would justify allowing such inappropriate development in the Green Belt.

- 4.3 Evidence will be presented which demonstrates that the requirements of the Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 as advised in DEFRA Circular 1/2005 and PPS9 have not been complied with in such a way as to enable consent for the proposal to be lawfully granted and a DEFRA licence obtained to comply with the Regulations ensuring that the appropriate statutory protection is afforded to GCNs present in the area.
- 4.4 Evidence will be presented which demonstrates that there is a satisfactory alternative which could meet the need to reinforce the Ferrybridge Ring and which would resolve or lessen the nature of the harm/objections.
- 4.5 Evidence will be presented which demonstrates that the proposals will have an adverse impact upon the visual amenity of the local landscape and are unlikely to be successfully mitigated.
- 4.6 Evidence will be presented which demonstrates that the financial appraisals carried out by NG are flawed.

## **5.0 Witnesses**

- 5.1 Witnesses will be called to present evidence on at least the following topics:
- 5.2 Planning.
- 5.3 Landscape.
- 5.4 Technical issues relating to NG's proposal and on alternative options.
- 5.5 Ecology.
- 5.6 Financial Appraisals.

## **6.0 Conclusion**

- 6.1 The proposals fail to meet, or conflict with, a number of important policy tests and are harmful to the environment (including the Green Belt, the countryside, landscape and ecology).
- 6.2 Alternative options are available to NG to meet any identified need.
- 6.3 The proposed implementation of the proposals would involve the erection of inappropriate and harmful structures within this area of Green Belt, an important national statutory designation and there are no very special circumstances to outweigh the harm to the Green Belt that will occur.
- 6.4 Potential impacts on the presence of statutorily protected species such as GCNs has not been fully or properly assessed in line with Natural England guidance and the statutory requirements.
- 6.5 The proposal will also have a harmful impact upon the countryside and local landscape character and setting.

**7.0 Documents that are currently intended to be referred to (without prejudice to the right to refer to further documents as necessary)**

- PPG2 Green Belts (1995)
- PPS7 Countryside
- PPS9 Biodiversity and Geological Conservation (2005)
- ODPM Circular 06/2005 and DEFRA Circular 1/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system
- DEFRA Circular 2/2002 New Guidance for Local Planning Authorities: On European Protected Species and Changes in Licensing Procedures
- The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007
- Regional Spatial Strategy for Yorkshire and the Humber (2008)
- The North Yorkshire County Structure Plan (1995) Alteration no. 3
- Selby District Local Plan (2005)
- Leeds Unitary Development Plan Review (2006)
- Harrogate District Local Plan (2001)
- Schedule of Judicial Review Decisions
- ASKON Report
- DoE Circular 14/90 – Electricity Generating Stations and Overhead Lines
- Engineering Recommendation P2/5 – Security of Supply
- CTP Objection letters
- Landscape Character Assessment – Countryside Agency and Scottish Natural Heritage (ref: CAX 84), April 2002
- Guidelines for Landscape and Visual Impact Assessment – Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA), 2002 (Second Edition)
- Leeds Landscape Assessment, Land Use Consultants 1994
- Selby Landscape Character Assessment, 1999
- Holford Rules
- A Sense of Place – Design Guidelines for Development (National Grid Document)
- Overhead or Underground? National Grid's Approach (National Grid Leaflet).