
Site Address:	SSE Havant Sub Station, Harts Farm Way, Havant		
Proposal:	Application for Certificate of Lawful proposed development relating to relocation of Oil Storage Tanks and bowsers.		
Application No:	APP/13/01009	Expiry Date:	05/12/2013
Applicant:	SSE	Team:	Team 1
Agent:	Glanville Consultants	Case Officer:	Heather Lealan
Ward:	St Faiths		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

- 1.1 The site is a 132kV Electricity Sub Station owned and operated by SSE. The site is used to transmit and supply electricity to the Havant area. The boundaries of the operational land on the Sub Station site are identified in blue on the attached drawing BS8130694 / 101 T2.

2 Planning History

No relevant planning history

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the relocation of oil storage tanks and bowsers is considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, which is an amendment to the Town and Country Planning (General Permitted Development) Order 1995.
- 3.2 The smaller area as identified in red on the attached drawing BS8130694 / 101 T2 is the location of the existing Oil tank which is currently used to service circuit breakers etc, on the Havant Sub Station site. The larger area identified in red is the area in which it is proposed to locate 2No new bunded Oil tanks which will be used to service circuit breakers etc, on the Havant Sub Station site. The existing Oil tank will be decommissioned and removed once the new Oil tanks are operational.

4 Policy Considerations

There are no policy considerations with regards to determining lawfulness of the development proposed.

5 Statutory and Non Statutory Consultations

None

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a

result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: One

Statutory advertisement: 0

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Whether planning permission is required

7.2 The proposed additions should be considered against Part 17, Statutory Undertakings, Class G, (Electricity Undertakings), of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The permitted development classes are written as to allow for all types of development described within the title of the Class unless the development would fall foul of the listed criteria. Therefore unless it is clear that a proposed development would fail to comply with the relevant criteria contained within a Class, the development should be held to constitute permitted development i.e. the default position is permitted development, not the need for planning permission.

7.3 Part 17, Class G regards development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their undertaking consisting of—

(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;

(b) the installation or replacement of any telecommunications line **electronic communications line** which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;

(c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;

(d) the extension or alteration of buildings on operational land;

(e) the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;

(f) any other development carried out in, on, over or under the operational land of the undertaking.

G.1. Development is not permitted by Class G (f) if—

(e) in the case of any Class G(f) development, it would consist of or include—
(i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
(ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

- 7.3 Part 17 of the GPDO provides permitted development rights for development by Statutory Undertakings. SSE are a Statutory Undertaking as defined under the GPDO. The permitted development rights under Part 17, Class G of the GPDO covers development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their undertaking. Section (f) to which this application relates covers 'any other development carried out in, on, over or under the operational land of the undertaking'. The proposed development involves the replacement and resiting of oil tanks within the boundaries of the operational site which constitutes development under Section (f). There are two instances defined in G.1 Section (e) where development is not permitted. The proposals do NOT comprise the erection, reconstruction or alteration of a building (Part (i)) or installation of any plant or machinery exceeding 15m in height or the height of any plant or machinery replaced (Part (ii)).

8 Conclusion

The proposed development falls within permitted development tolerances as set out in Part 17, Class G (F) of the The Town and Country Planning (General Permitted Development) Order 2008 (As Amended). As such the proposed development would not require planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/13/01009 as follows:

Wording for decision notice:

Havant Borough Council, as Local Planning Authority, certifies that on 5 December 2013 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted plan 'Site Location Plan' drawing no. BS8130694 / 101 T2 would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed relocation of oil storage tanks and bowers within the curtilage of SSE Havant Sub Station, Harts Farm Way, Havant is permitted development by virtue of Part 17, Class G (f) of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the No. 2(England) Order 2008.

FIRST SCHEDULE:

This certificate relates to the following development:

Relocation of oil storage tanks and bowers, as shown on submitted drawing

'Proposed Works Plan' drawing no. BS8130694_104 Rev T1
2013.

received 10 October

SECOND SCHEDULE:

SSE Havant Sub Station, Harts Farm Way, Havant, Hampshire, as shown edged in
red on submitted plan 'Site Location Plan' drawing no. BS8130694 _101 Rev T2
received 10 October 2013.