



**DALCOUR
MACLAREN**

Application for a Certificate to confirm Proposed Lawful Development

Client: Scottish and Southern Electricity Networks (SSEN)

Project: EP – Horton Heath

Date: August 2024



Project Details

Project Name	EP - Horton Heath
Scheme Number	23001288
Report Number	001

Prepared by	
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Approved by	
Name	Michael Kordas (Principal Planner)

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Appendices

Appendix 1	Historic Design Drawings (dated 1967)
Appendix 2	Conveyance Document (dated 1967)

Drawings

Drawing No.	Title	Scale
20240729_PLN_LOC_1.1	Site Location Plan	1 : 2500 @A4
CC12118_CONS_VELM_OEL_001276	Proposed Site Layout Plan	1 : 250 @A1
CC12118_CONS_VELM_OELED_001277	Proposed Elevation Plan	1 : 100 @A1

1 Introduction

1.1 Background to the Application

- 1.1.1 Scottish and Southern Electricity Networks (SSEN) have commissioned Dalcour Maclaren (DM) to submit an application for a Certificate of Lawful Development for the proposed extension to the existing 132kV Velmore substation.
- 1.1.2 The Certificate is sought to ascertain whether the proposed extension can be constructed under SSEN's permitted development (PD) rights, afforded to them by the Town and Country Planning (General Permitted Development) Order (2015), hereafter referred to as the 'GPDO'.
- 1.1.3 The existing operational substation is located off Templars Way, Chandler's Ford, Eastleigh, Hampshire, England, SO53 3NT, United Kingdom (SU 42849 19223), hereafter referred to as 'the Site'.
- 1.1.4 This supporting statement forms a part of an application to Eastleigh Borough Council to confirm PD rights are afforded to SSEN, as statutory undertakers for electricity distribution, for works outlined within this statement.

1.2 Scottish and Southern Electricity Networks (SSEN)

- 1.2.1 SSEN is a regulated utility company with statutory responsibilities for the provision of electricity. Under Section 9(1) of the Electricity Act 1989 (as amended), the duties of SSEN are set out as follows:

"It shall be the duty of an electricity distributor to–

a) develop and maintain an efficient, co-ordinated and economical system of electricity distribution."

- 1.2.2 As part of this statutory responsibility to supply electricity, SSEN must ensure that the wider environment is protected by undertaking this activity and ensure that the activity is undertaken in a sustainable manner.

1.3 Site Location and Existing Use

- 1.3.1 The Site is located within the existing operational boundary of Velmore substation, off Templar's Mede in Eastleigh, SO53 3RX. The Site location is shown on drawing number 20240729_PLN_LOC_1.1.
- 1.3.2 The existing operational Site currently comprises electricity transmission infrastructure mounted onto hardstanding, along with a range of associated infrastructure as shown in 20240729_PLN_LOC_1.1. The Site is bounded by:
 - Woodland habitat and residential development to the north;
 - Bournemouth Road and residential development to the east;

- Woodland habitat to the south with Lulworth Close, associated commercial buildings and hardstanding beyond;
- Woodland habitat to the west with residential development beyond.

1.4 Existing Use

- 1.4.1 The Site currently comprises of areas of hardstanding, electricity transmission infrastructure, associated buildings and woodland habitat.

1.5 Environmental Considerations

- 1.5.1 The Site is not located within or adjacent to any statutory landscape designations including National Landscapes (formerly Areas of Outstanding Natural Beauty), National Park, Green Belt, Registered Common Land, Country Parks, or a Conservation Area. Works will be carried out in a sensitive manner, with ecological mitigation measures employed where appropriate.
- 1.5.2 The nearest Site Important for Nature Conservation (SINC) 'Hut Wood' is located approx. 330m south-west of the Site. An 'Ancient and Semi-Natural Woodland' is located approx. 120m east of the Site. As the proposed development is within SSEN's operational boundary in its entirety, there are not anticipated to be any adverse impacts upon these designations.
- 1.5.3 The Site appears to be situated wholly within Flood Zones 2 and 3, which is land defined as having between a 1 in 100 and 1 in 1,000, and land having a 1 in 100 or greater annual probability of river or sea flooding, respectively. This is understood to be a result of the flows within the existing culvert.
- 1.5.4 The Site is not located within or in close proximity to any historic statutory or non-statutory designations such as Scheduled Monuments, World Heritage Sites, Listed Buildings, Registered Battlefields and Registered Parks and Gardens.

2 The Development

2.1 Description of the Development

- 2.1.1 The proposed development comprises the extension to the existing 132kV Velmore substation within SSEN's operational boundary.
- 2.1.2 The following infrastructure will be installed at the Site to allow SSEN to adhere to their duties set out in the Electricity Act 1989 and ensure the efficient, co-ordinated and economical supply of electricity to the local area:

PROPOSED EQUIPMENT DETAILS			
S. No	EQUIPMENT NOMENCLATURE	DESCRIPTION	QTY
1	A120, A220	132kV, 1250A 31.5kA 3 POLE, NON-SF6, LIVE TANK CIRCUIT BREAKER	02
2	A301/A313/A311	132kV, 1250A, 31.5kA 3-PHASE AIS DISCONNECTOR WITH 2 EARTH SWITCH	01
3	A3MT	132kV/33kV, 90MVA GRID TRANSFORMER	01
4	A124,A128, A224, A228 A123, A223	132kV, 1250A, 31.5kA 3-PHASE AIS DISCONNECTOR	06
5	CT	132kV, 2000A, 31.5kA 1-POLE CURRENT TRANSFORMER	18
6	VT	132kV 1-PHASE VOLTAGE TRANSFORMER	T.B.C
7	A121, A221	132kV EARTH SWITCH	02
8	C10L4, C10L6	33kV, 2000A 31.5kA 3-PHASE AIS DISCONNECTOR WITH BUS TRANSFER DUTY CAPACITY	02
9	C3TET	33kV EARTHING / AUX TRANSFORMER	01
10	C3TVT	33kV VOLTAGE TRANSFORMER	01
11	C3T3	33kV, 2000A 31.5kA 3-PHASE AIS DISCONNECTOR WITH 1 EARTH SWITCH	01
12	C1L5,C2T0, C3T0,C1S0,C8L5	33kV, 2000A 31.5kA 3 POLE, NON-SF6, DEAD TANK CIRCUIT BREAKER WITH CTS	05
13	C3LR	33kV NER	01
14	SLIPOVER CT	132KV CABLE SEALING END	06

- 2.1.3 The appearance and design of the proposed infrastructure will be in keeping with the existing infrastructure at the Site. The proposed general arrangement can be seen in drawing CC12118_CONS_VELM_OEL_001276. The proposed elevations of the infrastructure can be seen in drawing CC12118_CONS_VELM_OELED_001277.
- 2.1.4 The proposed infrastructure will not exceed 15m in height.

2.2 Need for the Development

- 2.2.1 The proposed substation expansion and introduction of infrastructure associated with electricity transmission is deemed essential infrastructure and required to provide future resilience and continued electricity supply

to an increasing population and demand in the local area of Eastleigh. This will, in turn, allow SSEN to adhere to their statutory duties to provide an efficient electricity supply.

3 Planning Considerations

3.1 Environmental Impact Assessment (EIA)

- 3.1.1 The proposed development is not defined under Schedule 1 or Schedule 2 of the Town and Country Planning (EIA) Regulations 2017 and additionally would not be subject to the Electricity Works Environmental Impact Assessment (England and Wales) Regulations 2017 as this covers overhead lines (Section 37) and other types of installation covered by Section 36. The proposed development is also not located within a 'sensitive area' as defined by the EIA Regs 2017 and therefore the development does not require EIA screening.

3.2 Permitted Development

- 3.2.1 As a statutory undertaker for electricity undertakings, SSN are afforded PD rights under Part 15 Class B of the GPDO for certain types of development on operational land.

Part 15 Class B of the GPDO states the following can be considered PD:

"Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of –

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

- 3.2.2 According to information readily available on Eastleigh Borough Council website, there are no Article 4 directions in place which remove permitted development rights over the Site.

3.3 Operational Land

- 3.3.1 Under Section 263 and 264 of the Town and Country Planning Act 1990 ("the Act") operational land, in relation to statutory undertakers, is defined as:

a) land which is used for the purpose of carrying out their undertaking

b) land which an interest is held for that purpose

- 3.3.2 S.264 states that land should not be treated as being operational land where:

a) the interest was acquired by them on or after 6th December 1968; or

b) it was held by them immediately before that date but the circumstances were then such that land did not fall to be treated as operation land for the purposes of the 1962 Act.

- 3.3.3 Land which has the above purpose will only be considered operational land if it meets the criteria set out in the Act. Upon reviewing historic design drawings, the Site has been owned and in use for the purpose of electricity undertakings since at least 1967 (see Appendix 1) and has clear labels indicating existing infrastructure used for the purpose of supplying and distributing electricity.
- 3.3.4 SSEN (formerly The Southern Electricity Board) took ownership of the Site as a statutory electricity undertaker, for the purpose of electricity undertakings in 1967 (see Appendix 2) with the existing site being in continuous use since this date. As such there is sufficient evidence to prove the Site can be deemed operational land.

3.4 Conditions and Exceptions to PD Rights

- 3.4.1 Taking into account the provisions of Part 15, the proposed development is considered to be PD as set out by the GPDO, as defined above.
- 3.4.2 There are a number of exceptions and exemptions to Part 15 Class B (f) which are listed under Part 15 Class B.1:
- “Development is not permitted by Class B if –*
- in the case of any Class B(f) development, it would consist of or include-*
- the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or*
- the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 meters in height or the height of any plant or machinery replaced, whichever is the greatest.”*
- 3.4.3 The plant and machinery will not exceed 15m in height and therefore constitute PD under Part 15 Class B(f) of the GPDO.

4 Conclusion

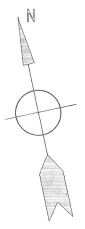
- 4.1.1 The proposed development comprises the extension to the existing Velmore substation site to allow for the continuation of an efficient, co-ordinated and economical system of electricity transmission and distribution.
- 4.1.2 The application site has been held for electricity operations, as defined by The Act prior to the 6th December 1968, with the existing site controlled by SSEN (formerly The Southern Electricity Board) since 1967 for continuous electricity undertakings. As such there is sufficient evidence to prove that the Site can be classed as operational land under Section 263 and 264 of the TCPA 1990 and has been held for the purpose of allowing SSEN to adhere to their statutory duties as a statutory electricity undertaker.
- 4.1.3 It has been demonstrated that the proposals constitute PD as outlined in the GPDO under Schedule 2 Part 15 Class B(f), and it is respectfully requested that a Certificate to Confirm Proposed Lawful Development is issued by Eastleigh Borough Council to confirm this.

Appendix 1 – Historic Design Drawings (Dated 1967)

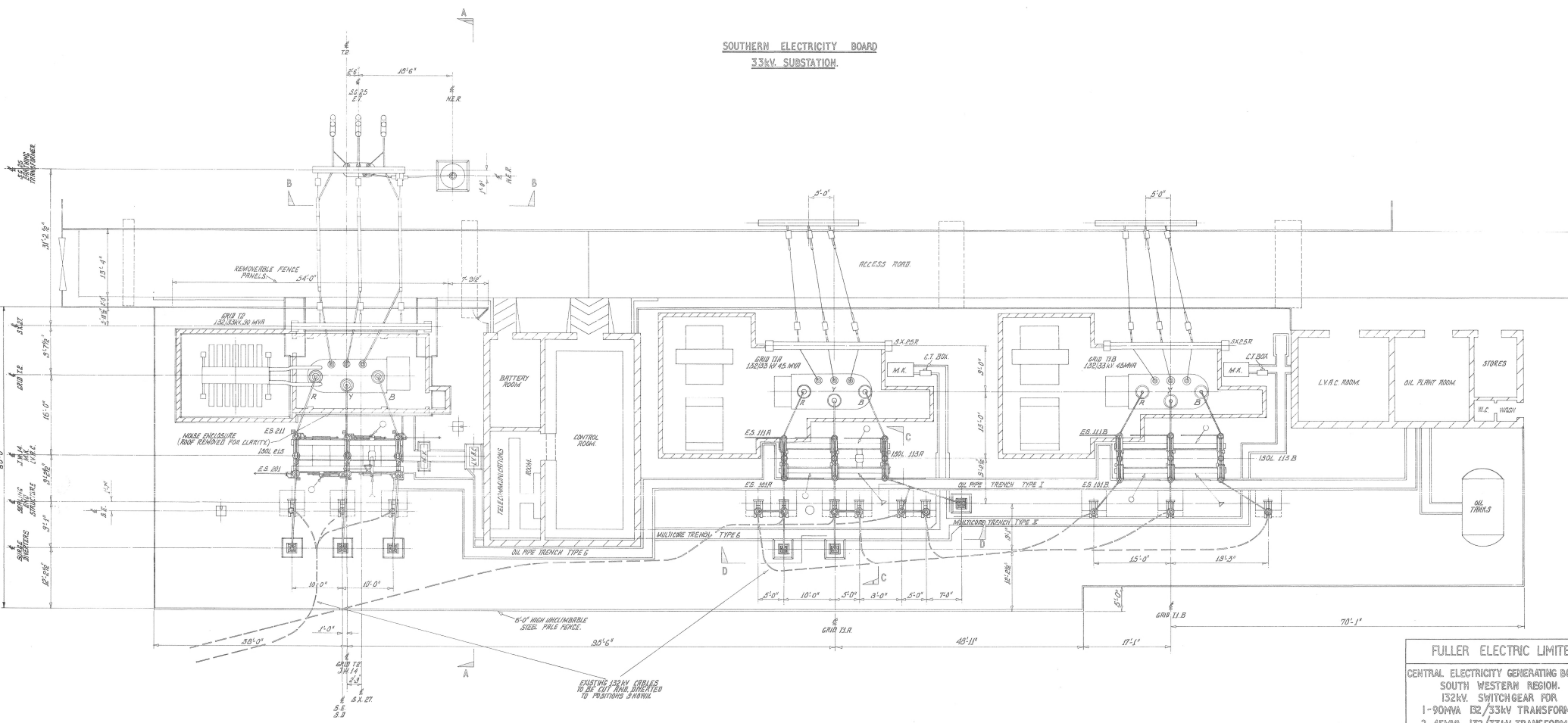
SCALE: 1/8" TO 1'-0"

FOR SECTIONAL VIEWS OF SUBSTATION SEE SHEET 2 OF THIS DRAWING.

SYMBOLS:
○ — DEPARTS POSITION OF EARTH SWITCH MECH. BOX.
◇ — DEPARTS POSITION OF ISOLATOR SWITCH MECH. BOX.



**SOUTHERN ELECTRICITY BOARD
33KV. SUBSTATION.**



FULLER ELECTRIC LIMITED.
CENTRAL ELECTRICITY GENERATING BOARD
SOUTH WESTERN REGION.
132KV. SWITCH GEAR FOR
1-90MVA 132/33KV TRANSFORMERS
2-45MVA 132/33KV TRANSFORMERS
CONTRACT No
3/TRANS/VELMORE/S.II3

153329	Sheet 1 of 1	Rev. All information contained in this document is confidential and copyright owned by FULLER ELECTRIC LIMITED a HUNTER DODGLEY company																	
		No.	Alteration	Date	No.	Alteration	Date	No.	Alteration	Date	No.	Alteration	Date	No.	Alteration	Date	No.	Alteration	Date

CONTRACT: 3/TRANS/VELMORE/S.II3.

S.E.B No 112/21/117

Appendix 2 – Conveyance Document (Dated 1967)

DATED

17th August.

1967

THOMAS ANDREW GRAHAM, ESQ.

to

THE SOUTHERN ELECTRICITY BOARD

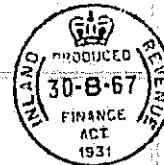
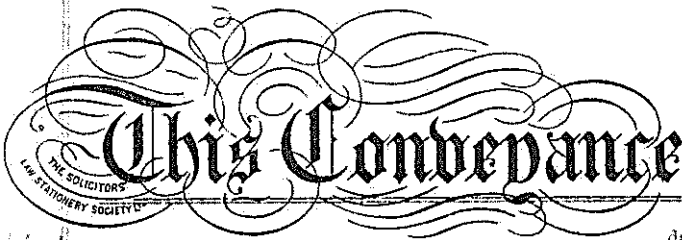
~~DUPLICATE~~ 1837
Conveyance

of

Land at Velmore Farm, Eastleigh in
the County of Hants.

S. K. H.
© K.H.

Bell Pope & Bridgwater,
Romsey, Hants.
LCR/EG
21/8/67



is made the *Seventeenth*
day of *August* One

thousand nine hundred and sixty-seven BETWEEN THOMAS ANDREW GRAHAM of Farley Farm Braishfield near Romsey in the County of Hants Farmer (hereinafter called "the Vendor") of the first part MIDLAND BANK LIMITED whose registered office is situate at Poultry in the City of London (hereinafter called "the Bank") of the second part and THE SOUTHERN ELECTRICITY BOARD whose principal office is situate at Southern Electricity House Littlewick Green in the County of Berks (hereinafter called "the Board") of the third part _____

W H E R E A S :-

- (1) The Vendor is seized of the property hereinafter described (inter alia) for an estate in fee simple in possession subject only as to part thereof to the Mortgage next hereinafter recited and subject as to the whole thereof to the covenants herein after referred to but otherwise free from incumbrances _____
 - (2) By a Mortgage (hereinafter called "the Mortgage") dated the Eighteenth day of November One thousand nine hundred and fifty-seven and made between the Vendor of the one part and the Bank of the other part the said property was demised by the Vendor to the Bank for the term of Four thousand (4,000) years from the date thereof to secure the payment to the Bank of all moneys owing by the Vendor to the Bank and interest thereon as therein mentioned _____
 - (3) The Vendor has agreed with the Board for the sale to them of the fee simple in possession of the property hereinafter described at the price of Five hundred pounds (£500) _____
 - (4) The Bank have agreed to join herein in manner hereinafter appearing _____
- NOW THIS DEED WITNESSETH as follows:-

1. IN pursuance of the said agreements and in consideration of Five hundred pounds (£500) paid to the Vendor by the Board with the consent of the Bank (the receipt whereof the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys and the Bank as mortgagees hereby surrender and release unto the Board ALL THAT piece or parcel of land situate in the Borough of Eastleigh in the County of Hants bounded on the East by property in the ownership of the Board and comprising part of Numbers 742 and 737 on the Ordnance Survey map for the Parish of Eastleigh (1939 Edition) at Velmore Farm which said piece or parcel of land has the dimensions or approximate dimensions shown on the plan attached hereto and is for the purpose of identification more particularly delineated on the said plan and thereon edged Red EXCEPT AND RESERVED unto the Vendor and his successors in title full right and liberty to use the ditches and culverts referred to in clause 2 hereof other than the

C 49 15

section of ditch to be filled in by the Board and to enter upon the land hereby conveyed for the purpose of maintaining repairing and cleansing the said ditches and culverts TO HOLD the same unto the Board in fee simple discharged from the Mortgage and all principal moneys and interest thereby secured and all claims and demands thereunder and to the intent that the term subsisting under the Mortgage shall as respects the property hereby conveyed merge and be extinguished in the fee simple thereof but SUBJECT to the restrictive covenant contained in a Conveyance dated the Thirteenth day of October One thousand nine hundred and fifty and made between John Brown Phillimore Willis Fleming Edward Charles Augustus Willis Fleming and Richard Hugh Willis Fleming of the one part and Ernest Edward Witchard of the other part so far as the same relates to the property hereby conveyed and is still subsisting and capable of being enforced _____

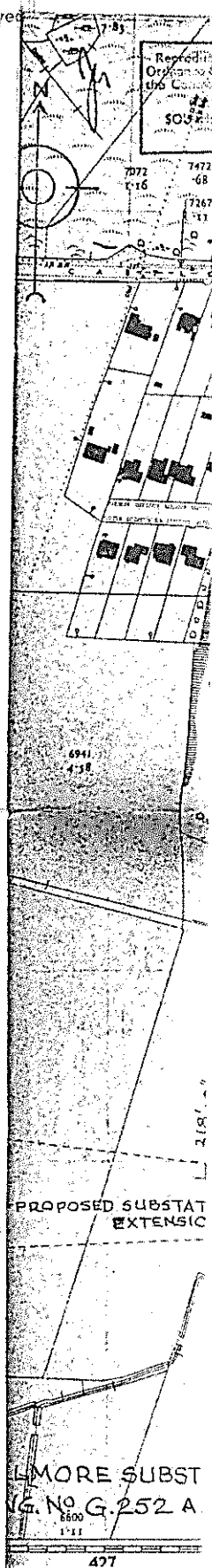
2. THE Board hereby covenant with the Vendor to (a) fill in the north-eastern section of the existing ditch crossing the property hereby conveyed and lay in its place an open ditch along part of the northern boundary of the property hereby conveyed and thence a culvert running south to join the remaining section of the said existing ditch (b) culvert such part of the existing ditch crossing the property hereby conveyed as is not to be filled in as aforesaid and (c) erect and maintain fencing along the northern western and southern boundaries of the property hereby conveyed similar to the fencing along the boundaries of the adjoining property owned by the Board to the east of the property hereby conveyed with a gate in the fencing on the western boundary of the property hereby conveyed _____

3. THE Bank hereby acknowledge the right of the Board to production of the documents specified in the Schedule hereto and to delivery of copies thereof _____

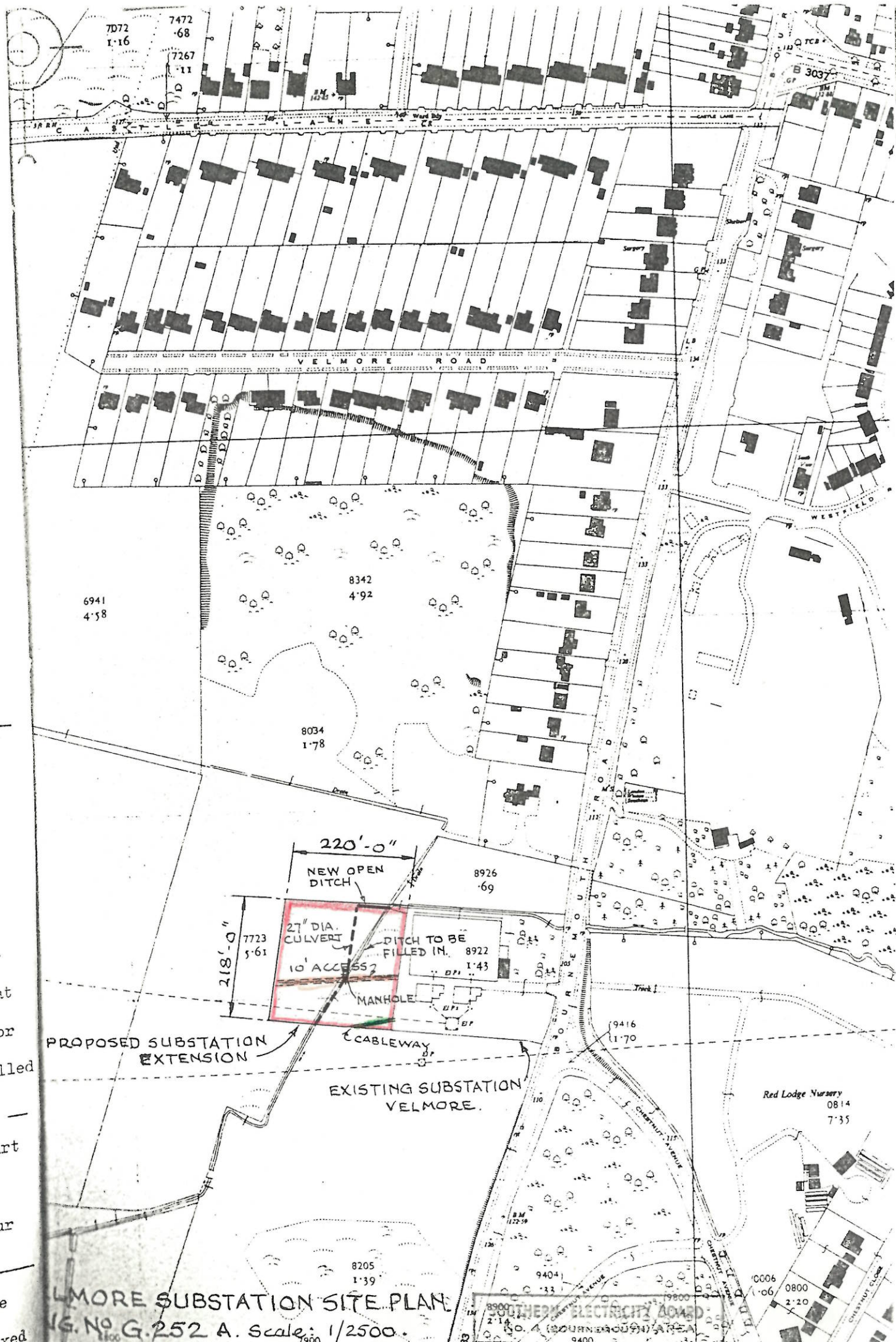
4. THE Vendor as to the before-mentioned documents hereby covenants with the Board that as and when any of the said documents shall come into the possession of the Vendor or his successors in title he or they will when requested and at the cost of the Board or their successors in title execute a statutory acknowledgment for production and undertaking for the safe custody of such documents and that in the meantime and until the execution of such undertaking every person having for the time being possession of the said documents will keep them safe whole uncanceled and undated unless prevented from so doing by fire or other inevitable accident _____

5. IT is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Four thousand five hundred Pounds (£4,500) _____

I N W I T N E S S whereof the Vendor has hereunto set his hand and seal and the Bank and the Board have caused their respective Common Seals to be hereunto affixed the day and year first above written _____



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THE SCHEDULE above referred to

<u>Date of document</u>	<u>Description of document</u>	<u>Parties</u>
12th October 1950	<u>STATUTORY DECLARATION</u>	by Frederick Thomas Brookes
13th October 1950	The hereinbefore-mentioned <u>CONVEYANCE</u> of this date	
22nd October 1957	<u>CONVEYANCE</u>	Ernest Edward Witchard (1) Lloyds Bank Limited (2) the Vendor (3)
18th November 1957	The <u>MORTGAGE</u>	
5th April 1958	<u>CONVEYANCE</u>	Ernest Edward Witchard (1) Lloyds Bank Limited (2) the Vendor (3)

SIGNED SEALED and DELIVERED by the said
THOMAS ANDREW GRAHAM in the presence of

Attest
Per
By

THE COMMON SEAL of MIDLAND BANK LIMITED
was hereunto affixed in

THE COMMON SEAL of THE SOUTHERN
ELECTRICITY BOARD is hereunto affixed
and is authenticated by:-

An Assistant Secretary

Seal Register No.
19348



**DALCOUR
MACLAREN**

Midlands

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