Department for Energy Security & Net Zero

# Guidance

## Form B

This Form must be used in connection with an application to the Secretary of State for Energy Security and Net Zero (ESNZ) for consent under section 37 of the Electricity Act 1989 to install and keep installed above ground an electric line of any voltage.

This Form should be sent to each local planning authority in whose area the proposed development would be situated. The views obtained by means of this Form are then to be submitted to the Secretary of State to help inform the decision making process on the application.

The local planning authority[1] is required to sign and complete all sections of Part Two and Part Three and to return this form to the Applicant **within two months[2]**. Please note that the Secretary of State would not progress a section 37 application in the absence of a completed Form B. Additional information describing this procedure and the reason for it can be found in the published Guidance Note 14D/226.

## Appendix A

If the section 37 application is for a development as referred to under Schedule 2 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the 2017 Regulations) (i.e. the proposal is within a sensitive area[3] or the voltage is of 132kV or more), the Secretary of State will be required to make a Screening Decision before the section 37 application can be decided. To inform its decision, the Secretary of State must receive the views of the Local Planning Authority. To this effect:

- The applicant should submit to the Local Planning Authority the additional information referred to under Regulation 12 of the 2017 Regulations, and
- The Local Planning Authority should provide their views by completing Appendix A[4].

[1] Please note: if the development falls partially within a National Park, a Form B must be completed by each relevant planning authority for that area. If the proposal concerns a line of 132kV or more, the Part One, Certificate of the Form B must also be completed by the County Council.

[2] The relevant planning authority is obliged to make its representations to the Secretary of State on the proposal within a statutory two month period or obtain an extension to the time limit from the Secretary of State and as agreed with the Applicant as per Regulation 8 of the Electricity (Applications for Consent) Regulations 1990.

[3] The full list of sensitive areas is in legislation at https://www.legislation.gov.uk/uksi/2017/580/schedule/2/made

[4] Appendix A enables the local planning authority to give its views under regulation 13(3) of the 2017 Regulations.

Department for Energy Security & Net Zero

# Form B - Part One

To be completed by the Applicant

| | |
|---|---|
| Name | Charlotte Cole |
| Company | UK Power Networks |
| Applicant's Reference | 100000804/Billingshurst Road |

## PARTICULARS OF PROPOSED DEVELOPMENT

Application is being made to the Secretary of State for Energy Security and Net Zero:

a) for consent under section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground;
b) for a direction under section 90(2) of the Town and Country Planning Act 1990 that planning permission for the proposed development be deemed to be granted.

1. Description of the proposed development[5].

| |
|---|
| Reinforcement of high voltage overhead lines involving reconductoring and addition of a third wire. Existing overhead line between poles 563802 to 563812 to be replaced (10 spans). Poles 563810 and 563811 to be replaced. |

2. Details of any representations or objections which have been received by the applicant prior to the submission of this form[6].

| |
|---|
| No representations or objections have been received prior to submission of this form. |

3. Details of the Applicant's compliance with their duty as specified under paragraph 1(1)(a)(b) of Schedule 9 to the Electricity Act 1989[7].

| |
|---|
| It is considered that the addition of a third wire in the overhead line will not make a significant impact on the surrounding landscape due to this being an existing line.<br><br>It is confirmed that due recognition has been paid to the Company's obligation under Schedule 9 to the Electricity Act 1989 |

For and on behalf of the applicant:

Date: 13/02/2025 Signed: Charlotte Cole

[5] In this section the Applicant should include the link to the Energy Portal application which will contain the necessary information to enable the LPA to provide their views on the proposal.

[6] In this section the Applicant should list any consultations and representations received prior to consulting the LPA. These consultations should be made available for review by the LPA on the Energy Portal.

[7] In this section the Applicant can indicate the sections or documents within the Energy Portal application that include the measures to comply with this requirement.

Department for Energy Security & Net Zero

# Form B - Part Two

To be completed by the Local Planning Authority

CERTIFICATE

The local planning authority: Horsham District Council

have no objection to make to the development described above in Part One of this Form;

do not request that a public inquiry be held pursuant to paragraph 2 of Schedule 8 to the Electricity Act 1989 before the Secretary of State reaches his decision on the application.

Dated 26/03/2025

Signed: Tamara Dale

Designation: Principal Planning Officer

On behalf of the: Horsham District Council

If the Local Planning Authority objects to the development, please provide details below:

Department for Energy Security & Net Zero

# Form B - Part Three

To be completed by the Local Planning Authority

CONSULTATIONS AND OBSERVATIONS

LPA Planning Reference | DC/25/0252

1. List the names of interested parties consulted by the local planning authority and provide particulars of any comments received[8].

N/A

2. Provide details of any objections or representations received by the local planning authority.

N/A

3. Are there any restrictions on the land that require the Applicant to obtain approval from other organisations[9]?

Yes ☐ No ☒

If yes, please provide details below:

4. Is the local planning authority's agreement to the proposal subject to modifications or conditions being applied to the consent? (If so, specify the modifications or conditions proposed and state whether they are acceptable to the Applicant).

Modifications/conditions not required

5. Does the local planning authority consider that the proposal is an EIA development and should be subject to an Environmental Impact Assessment? (Please note: if the development falls under Schedule 2 of the 2017 Regulation, the Secretary of State must receive[10] the local planning authority's views in order to make its EIA Screening Decision and therefore **Appendix A** must be completed.

No, the proposal is not a Schedule 2 development nor an EIA development

Date 26/03/2025 Signed: Tamara Dale

[8] Please note if the proposal falls within a SSSI Risk Zone the local planning authority should consult with the relevant statutory conservation body to seek guidance on any necessary mitigation.

[9] e.g. consent under Section 38 of the Commons Act 2006.

[10] Regulation 13 of the 2017 Regulations sets out the legal requirement for this consultation.

Department for Energy Security & Net Zero

# Appendix A

LOCAL PLANNING AUTHORITY'S VIEWS

The LPA should consider if the Applicant has submitted sufficient information to determine whether or not the proposal is an EIA development. Please note that the Applicant must take into account the relevant criteria set out in Schedule 3 when compiling the required information.

| Has the Applicant provided the following information? | |
|---|---|
| 1. a description of the physical characteristics of the whole development and, where relevant, of demolition works | Yes ☒ No ☐ |
| 2. a description of the location of the development, with regard to the environmental sensitivity of geographical areas likely to be affected | Yes ☒ No ☐ |
| 3. a description of the aspects of the environment likely to be significantly affected by the development | Yes ☐ No ☒ |
| 4. a description of any likely significant effects resulting from: | |
| a. the expected residues and emissions and the production of waste | Yes ☐ No ☒ |
| b. the use of natural resources, in particular soil, land, water and biodiversity | Yes ☐ No ☒ |

The LPA should provide their views in the comments section in the next page taking account of the below factors where relevant to the proposal and tick the relevant boxes for confirmation.

| **Characteristics of development** | | | Select all relevant factors |
|---|---|---|---|
| (a) | the size and design of the whole development | | ☐ |
| (b) | cumulation with other existing and approved developments; | | ☐ |
| (c) | the use of natural resources, in particular land, soil, water and biodiversity; | | ☐ |
| (d) | the production of waste; | | ☐ |
| (e) | pollution and nuisances; | | ☐ |
| (f) | the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge; | | ☐ |
| (g) | the risks to human health (for example, due to water contamination or air pollution). | | ☐ |
| **Location of development** | | | Select all relevant factors |
| (a) | the existing and approved land use; | | ☐ |
| (b) | the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; | | ☐ |
| (c) | the absorption capacity of the natural environment, paying particular attention to the following areas— | | ☐ |
| | (i) | wetlands, riparian areas and river mouths; | ☐ |
| | (ii) | coastal zones and the marine environment; | ☐ |
| | (iii) | mountain and forest areas; | ☐ |
| | (iv) | nature reserves and parks; | ☐ |
| | (v) | areas classified or protected under domestic legislation or legislation of EEA states; | ☐ |
| | (vi) | European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2017); | ☐ |
| | (vii) | areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure; | ☐ |
| | (viii) | densely-populated areas; | ☐ |
| | (ix) | landscapes and sites of historical, cultural or archaeological significance. | ☐ |

Department for Energy Security & Net Zero

| | Type and characteristics of potential impact | Select all relevant factors |
|---|---|---|
| (a) | the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected); | ☐ |
| (b) | the nature of the impact; | ☐ |
| (c) | the transboundary nature of the impact; | ☐ |
| (d) | the intensity and complexity of the impact; | ☐ |
| (e) | the probability of the impact; | ☐ |
| (f) | the expected onset, duration, frequency and reversibility of the impact; | ☐ |
| (g) | the cumulation of the impact with the impact of other existing and approved developments; | ☐ |
| (h) | the possibility of effectively reducing the impact. | ☐ |

The LPA should provide their views below and give reasons for their conclusion as to whether the proposal is an EIA development or not.

Not EIA Development

Dated 26/03/2025 Signed: Tamara Dale

Designation: Principal Planning Officer On behalf of the: Horsham District Council