



Supporting Statement

Cellarhead Substation, Rownall Road,
Wetley Rocks, Staffordshire, ST9 0BS

Lawful Development Certificate Application

October 2023

nationalgrid

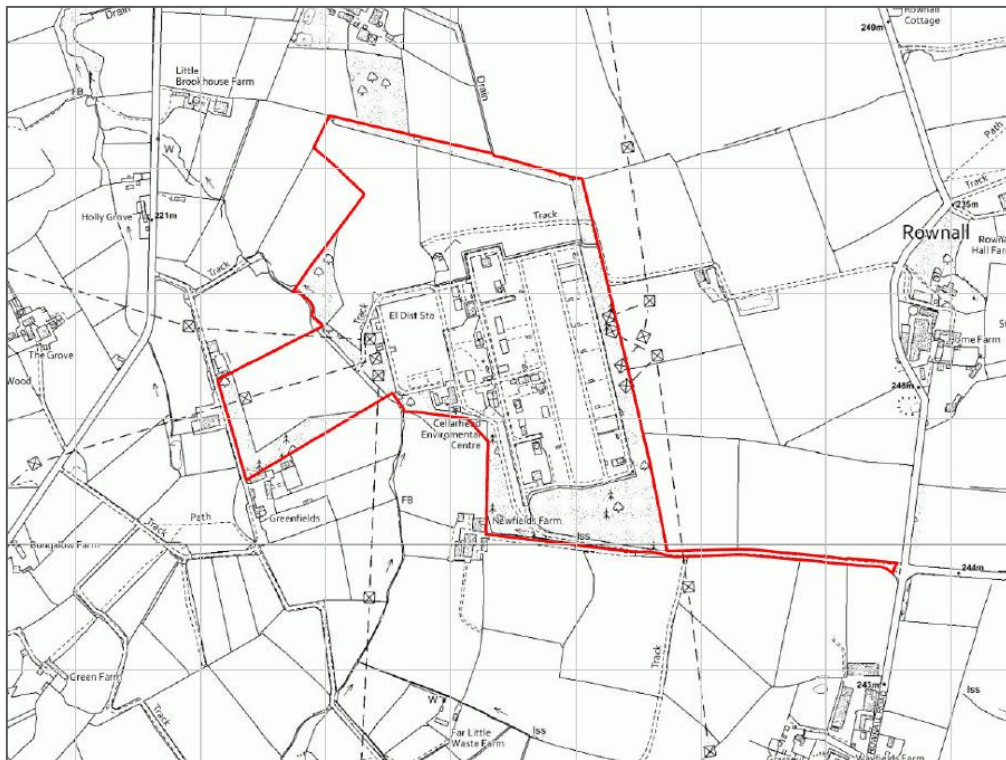
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1. Introduction

- 1.1 National Grid Electricity Transmission (NGET) own and operate the high voltage electricity transmission network in England and Wales and are licensed to do so under the Electricity Act 1989. NGET are therefore a statutory electricity undertaker.
- 1.2 NGET own and operate a 400kV substation at Cellarhead, which forms part of the electricity transmission network. A Location Plan and Site Plan accompany this Supporting Statement which shows the extent of land at and around the Cellarhead substation which is within the ownership of NGET (hereto referred to as 'the site'), and the site plan is shown below:

Plan 1: Site Plan



- 1.3 This supporting statement has been prepared in support of an application a Lawful Development Certificate to demonstrate that:
 - (a) all land within the site meets the definition of 'operational land' as laid out in Section 263 and 264 of the Town and Country Planning Act 1990 (as amended); and
 - (b) is therefore land where development can be carried in accordance with electricity undertaker permitted development rights as laid out in the Town and Country Planning (General Permitted Development) (England) Order 2015.

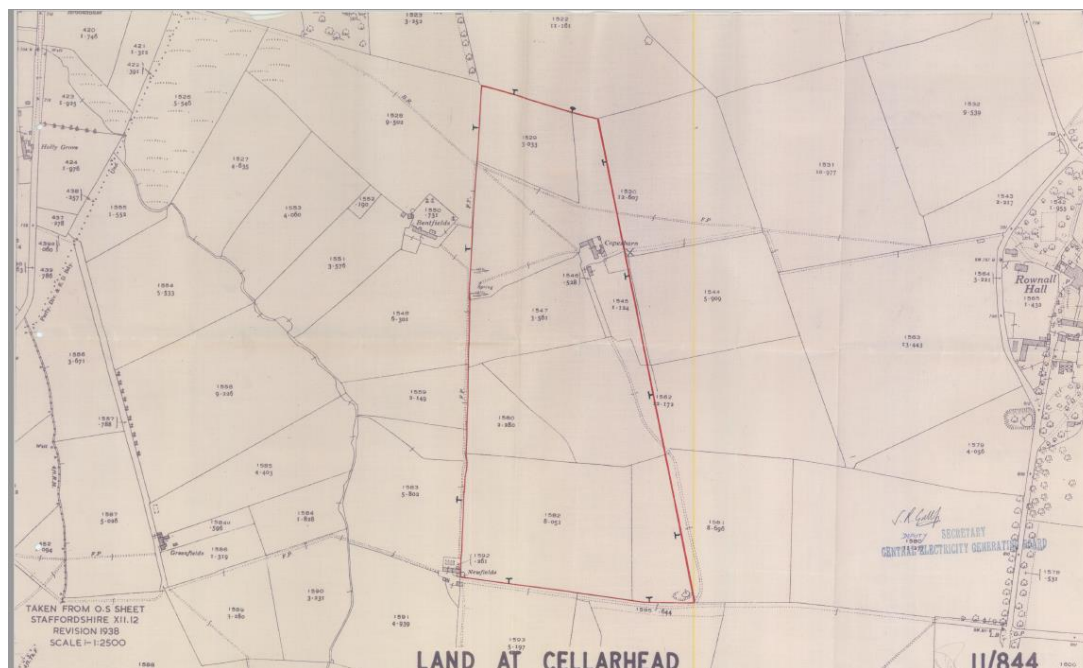
2. Legislation

- 2.1 Electricity undertaker permitted development rights are laid out in Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (hereto referred to as the GPDO).
- 2.2 Permitted development rights under GPDO Part 15 Class B (d), (e) and (f) only apply where the development is to take place on 'operational land'.
- 2.3 The GPDO (Part 15, para B.5) gives a definition of 'operational land' for the purposes of Class B (d), (e) and (f), it states that:
- "...the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licencing of supply etc.) is treated as operational land if it would be operational land within section 263 of the Act (meaning of "operational land") if such licence holders were statutory undertakers for the purpose of that section."*
- 2.4 Section 263(1) of the Town and Country Planning Act 1990 (as amended) (hereto referred to as the TCPA 1990) provides the following definition of operational land in relation to statutory undertakers such as NGET:
- (a) *"land which is used for the purpose of carrying on their undertaking" [i.e., land currently used for purposes of the undertaking concerned]; and*
- (b) *'land in which an interest is held for that purpose' [i.e., land which the undertaker now owns and is retained for safeguarding land and / or future operational use.]*
- 2.5 The TCPA 1990 at 263(2) then states that *"paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings".*
- 2.6 It is NGET's assertion that this exclusion is intended to rule out premises such as showrooms, offices, dwelling houses etc. which may be owned by a statutory undertaker, but which are not used or retained for purposes of the undertaking (i.e., the transmission of electricity). The TCPA 1990 therefore seeks to draw a distinction between land held by an undertaker for general purposes, and land which is used or retained specifically for the carrying on of the undertaking.
- 2.7 However, land owned by NGET around a substation, which was acquired for its construction and is held for possible substation expansion, or to ensure that neighbouring development does not encroach too near to the substation would clearly fall within category (b) above as it is land which was acquired and retained solely for purposes relating to the undertaking. This definition would apply whether or not the land is fenced.
- 2.8 Section 264 of the TCPA 1990 defines cases in which land is not to be treated as operational land. This section has the effect of narrowing the categories of operational land defined in section 263 by excluding land acquired by a statutory undertaker since 6 December 1968, unless it has planning permission for operational development.

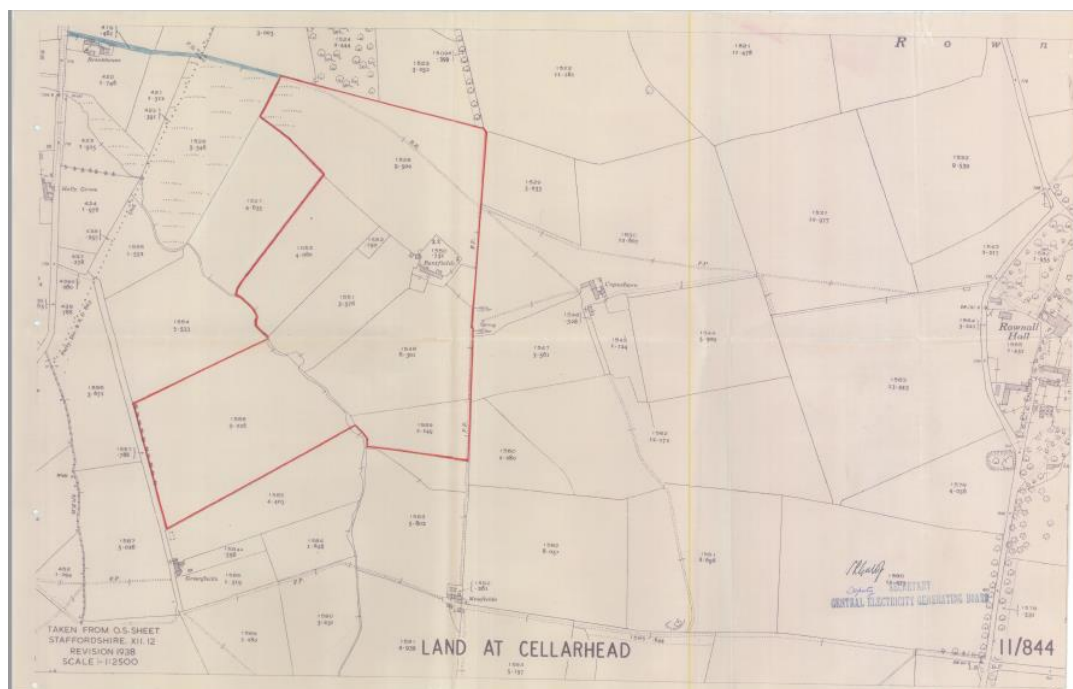
3. Evidence

- 3.1 The site at Cellarhead was purchased by NGET's predecessor, the Central Electricity Generating Board (CEGB), in 1964 and 1965 in four separate land transactions. Copied of Conveyance certificates are attached as Appendix 1 – 4 inclusive. The land parcels purchased in each transaction are shown below:

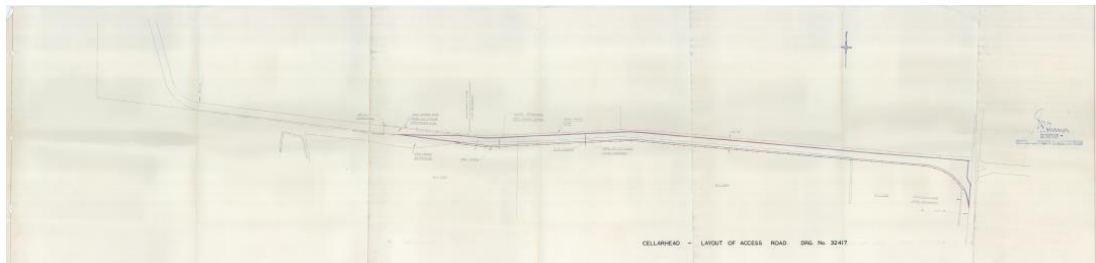
Plan 2: Eastern section of the site purchased on 19th June 1964



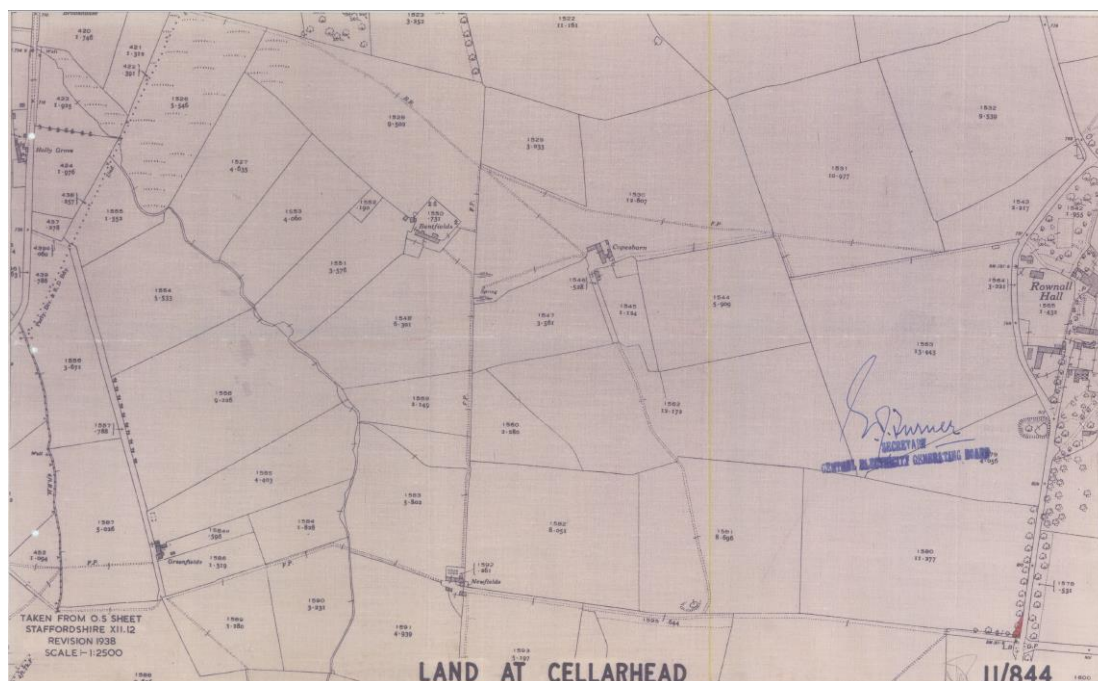
Plan 3: Western section of the site purchased on 24th July 1964



Plan 4: Access road leading to the site purchased on 3rd February 1965



Plan 5: Land at road junction purchased on 3rd March 1965



- 3.2 Cheadle Rural District Council on behalf of Staffordshire County Council granted unconditional planning permission at the site for “*substation at Cellarhead*” on 27th January 1966. A copy of the Decision Notice is attached as Appendix 5.
- 3.3 Following the enactment of the Electricity Act 1989 which privatised the electricity industry, the Central Electricity Generating Board was disbanded and the electricity transmission network assets in England and Wales were transferred to the ‘National Grid Company’ (now NGET).
- 3.4 The site was therefore acquired by the statutory electricity undertaker prior to 6 December 1968 for the construction of a substation and the site benefits from unconditional planning consent for substation development.

- 3.5 The site has subsequently been retained by the statutory electricity undertaker solely for purposes associated with the undertaking; specifically, the operation of an electricity transmission substation and the safeguarding of land around it. The site is therefore considered to be land which is used for the purposes of carrying on the electricity undertaking and in which an interest is held for the purpose of the undertaking.

4. Conclusion

- 4.1 NGET are a statutory electricity undertaker who own and operate the electricity transmission network in England and Wales.
- 4.2 NGET operate a 400kV substation at Cellarhead, which forms part of the electricity transmission network. The site comprises land at and around the Cellarhead substation within the ownership of NGET.
- 4.3 The land parcels comprising the site were purchased for the construction of a substation by NGET's predecessor the Central Electricity Generating Board in 1964 and 1965.
- 4.4 Unconditional planning consent was granted at the site for a "*substation at Cellarhead*" in 1966.
- 4.5 The site has subsequently been retained by the statutory electricity undertaker solely for purposes associated with the undertaking; specifically, the operation of an electricity transmission substation and the safeguarding of land around it.
- 4.6 The site therefore comprises land which:
- was acquired before 6th December 1968 for the purposes of constructing a substation required for the transmission of electricity;
 - benefits from unconditional planning consent for a substation at Cellarhead; and
 - is land which is used for the purposes of carrying on the electricity undertaking and in which an interest is held in the interests of the electricity undertaking.
- 4.7 The land contained within the site therefore meets the legal definition of operational land as laid out in Section 263 and 264 of the TCPA 1990, and consequently it is land where development can be carried out for the purposes of the undertaking in accordance with electricity undertaker permitted development rights as laid out in the Town and Country Planning (General Permitted Development) (England) Order 2015.

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