WESTERN POWER DISTRIBUTION

Serving the Midlands, South West and Wales

Requests to Divert Overhead Tower Lines

Guidance to Landowners and Developers

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Overview

This note provides guidance to landowners and developers on Western Power Distribution's (WPD's) approach to requests to divert overhead tower lines. This may be in response to an informal enquiry or the formal service of a notice to remove. The guidance relates to land that is being promoted for development which is over sailed by overhead tower lines and any associated apparatus.

WPD has a statutory obligation to develop and maintain an efficient, co-ordinated and economical network and in this respect, its response to diversion requests is to identify the minimum cost option.

In many cases this will be a decision by us to retain the overhead line. When that happens we discuss with the landowner/developer whether it is appropriate to make a payment for a permanent easement.

Notice to remove

WPD acts to protect its network at all times. While this does not preclude settlement discussions with landowners and developers, it does mean that we will use our statutory powers to in response to the service of a valid notice to remove.

In such instances it is usual for the statutory process to be held in abeyance to enable settlement negotiations to proceed, but in the event of a landowner/developer asking the Secretary of State to progress the statutory process we will present the case for the overhead line to be retained at the statutory hearing.

In these circumstances we may decide to withdraw from negotiations in order to concentrate resources on preparations for the hearing.

Success by WPD in the statutory process, will result in compulsory rights being granted for the retention of our overhead line and the establishment of a fixed date of valuation for the assessment of statutory compensation.

Therefore it is important for us to stress, a notice to remove will not automatically instigate the diversion of our equipment, but it will force us into protecting our network and seeking the necessary legal advice to do so.

Basis of compensation

WPD adopts a consistent approach to diversion requests regardless of whether a notice to remove is served. Critical to the evaluation of our least cost outcome, is an assessment of the payment which is appropriate for the overhead line to remain in situ. We do this in response to a claim from the landowner/developer.

The compensation assessment is based on a properly mitigated configuration of the proposed development, assuming that the overhead tower lines remain in their current location. In this respect, in a way which is consistent with statutory compensation principles, we expect landowners/ developers to mitigate their losses by accommodating non-development land uses under the overhead line, insofar as the planning regime will allow.

This may include, but is not limited to:

- **open spaces**
- **sustainable urban drainage**
- **roads and driveways, footpaths and bridleways allotments and informal recreation areas**

This work may require us to engage town planning consultants and urban designers for advice and to discuss With the landowner/developer's advisors to establish an optimum layout for a masterplan, with the overhead lines retained and one with them diverted with appropriate underground cable corridors allowed for.

Once an alternative layout is agreed, or where areas of disagreement re-established, negotiations for the settlement of compensation will take place.

Developer contribution

In the event of the retention of WPD apparatus being our minimum cost outcome, we may still be willing to divert an overhead line in return for a top-up payment by the landowner/developer.

In these circumstances, we will undertake an engineering feasibility study and provide a cost estimate. This may require an up-front payment by the landowner/ developer to cover any associated costs.

A diversion on these terms will usually require an assessment of where terminal towers can be positioned, on land under the control of the landowner/developer, and the routes of underground cables across the site.

WPD will also need to consider the timing of planned shutdowns on the overhead line to enable construction. The availability of shutdowns between autumn and spring is highly constrained due to network service restrictions.

There are a number of settlement solutions in these circumstances, but typically we seek to agree terms for a permanent easement for the overhead line in return for a payment of compensation to reflect the landowner/developer's loss (assuming a fully mitigated development).

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