

Company Directive

POLICY DOCUMENT : EW3/1

Relating to Access to Private Land, Work in Protected and Sensitive Areas, and Statutory Notices

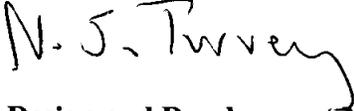
Policy Summary

This policy document outlines the Company Policy on gaining access to private land, procedures for working in protected areas, and relevant statutory notices.

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Approved by


Design and Development Manager

Date:

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Document Revision & Review Table		
Date	Comments	Author
04.11.14	Document reviewed and the following changes made:- 2.5 changes to names of external statutory bodies to reflect changes in Wales 3.2 reference to government website 'magic' added	Christian Hjelm

1.0 INTRODUCTION

- 1.1 As holders of an Electricity Distribution Licence, Western Power Distribution (WPD) have an obligation to consult with certain statutory consultees and are required to comply with the statutory requirements set out in the 1989 Electricity Act (as amended by the Utilities Act 2000). The Act also grants WPD powers in respect of access to privately-owned land.
- 1.2 Although WPD has powers of access to privately-owned land, there are certain impositions with regard to work within certain protected and sensitive areas and under Schedule 9 of the Electricity Act 1989, as amended, WPD must “have regard to the desirability” of preserving natural beauty and “seek to do what it reasonably can to mitigate” the effect of its activities on the countryside, geological and physiographical features, flora, fauna and protected sites, buildings or structures or objects of historic or archaeological interest when WPD:-
- Plans to install electricity lines (overhead or underground) to supply an individual or community
 - Carries out other works in connection with the operation and maintenance of the distribution system
- 1.3 Nationally protected areas includes work at Sites of Special Scientific Interest (SSSI) and work at or near English Heritage or Welsh Historic Monuments Executive Agency (CADW) sites of Scheduled or Ancient Monuments (SAM) or designated sites of historic interest.
SSSIs include Special Areas of Conservation, Special Protection Areas, Ramsar sites, National Nature Reserves and Local Nature Reserves.
- 1.4 In addition to SSSIs and SAMs, other protected or sensitive work areas include:-
- National Parks
 - Areas of Outstanding Natural Beauty (AONB)
 - Conservation Areas
 - Heritage Coasts
 - Marine Nature Reserves
 - World Heritage Sites
 - Watercourses, canals, flood plains, flood and sea defences and raised water levels
 - Local wildlife sites including badger sets and nesting birds
 - Local land stewardships or Tir Gofal schemes (in Wales)
 - Special Protections Areas (SPAs), Special Areas of Conservation (SACs) and RAMSAR sites
 - Regionally Important Geological and Geomorphological sites (RIGGs)
 - UNESCO sites
- 1.5 Whilst not normally environmentally sensitive sites, work or access to Network Rail infrastructure also requires separate consideration and consent.

2.0 POLICY

- 2.1 It is WPD policy that although they have powers of access to privately-owned land, good public relations are maintained with landowners and tenants.
- 2.2 It is a requirement of the Electricity Act 1989, as amended, that WPD publish a "Schedule 9" statement and this forms part of WPD Policy Document EN1. It outlines how WPD will comply with Schedule 9 of the Act.
- 2.3 Standard Technique EW3A specifies the procedures that must be followed in order to gain access to private land and statutory notices that need to be served.
- 2.4 Due regard will be given to the sensitive nature of work in protected areas, which is taken to include Sites of Special Scientific Interest (SSSI) and Scheduled and Ancient Monuments (SAMs). Relevant precautions will be taken to ensure that there will be minimal disturbance to such sites. Similar precautions should also be adopted for work at other sensitive sites as listed in 1.4, the majority of which are recorded within the EMU mapping system. Information on flood plains, stewardships and local sites for wildlife are not currently within EMU and there may also be other sites with local status not recorded which may require consideration before starting work. Site visits should be used and the appropriate local body (eg wildlife trust) can be contacted for guidance in case of doubt.
- 2.5 Standard Technique EW3B specifies the procedures that must be followed in order to perform work in protected and sensitive areas. This includes a requirement to consult with Local Authorities, statutory bodies and other interested parties.
- In England, Natural England must be consulted for work in SSSIs and English Heritage for work at or near SAMs. The County Archeological Officer should also be contacted. In Wales, Natural Resources Wales (NRW) must be consulted for work in SSSIs and CADW for work at or near SAMs. In Wales, it is also advisable to consult local archaeological trusts who have records of unscheduled monuments.
- Other parties that should be consulted, depending on the nature of the work, includes local wildlife trusts, the Environment Agency, the Canal & River Trust and Local Drainage Boards if appropriate.
- 2.6 Policy Document GE19 sets out the legal requirements for consultation and consents required from the Environment Agency before carrying out works at or near watercourses, and flood or sea defences and on flood plains.
- 2.7 Policy Document GE14 sets out the requirements for access to and work within Network Rail infrastructure and at level crossings.

3.0 RECORDS & MAPPING INFORMATION

- 3.1 Whilst there is no legal requirement, where the information is available to WPD, WPD will endeavour to maintain a geographic record of the locations of nationally protected and sensitive areas referred to in this policy document.
- 3.2 The EMU electronic mapping system is the primary source for data and locations of nationally protected areas and other sensitive sites. The website Magic (www.magic.gov.uk) is also a useful source of information.

- 3.3 The EMU mapping system is updated when updates are received from national bodies or Local Authorities who are the owners of the various data sets. WPD are also consulted on proposed new protected or sensitive areas.
- 3.4 WPD also maintains a record within the mapping system of all environmentally sensitive areas (known as Work Sensitive Areas or WSAs).

APPENDIX A

SUPERSEDED DOCUMENTS

This document supersedes POL:EW3 dated October 1997 which should now be withdrawn.

APPENDIX B

ANCILLARY DOCUMENTS

The Electricity Act 1989 (as amended by the Utilities Act 2000).

The Wildlife and Countryside Act 1981.

The Ancient Monuments and Archaeological Areas Act 1979.

Conservation of Habitats and Species Regulations 2010

The Countryside and Rights of Way Act 2000

Electricity and Pipe-line Works (assessment of Environmental Effects) Regulations 1990

Electricity Works (Environmental Impact Assessment) (England & Wales) Regulations 2000

Electricity Works (Environmental Impact Assessment) (England & Wales) (Amendment) Regulations 2007

Environmental Protection Act 1990 & 1995

Environmental Damage (Prevention and Remediation) Regulations 2009

Water Resources Act 1991

EU Habitats Directive 92/43/EEC – Special Areas of Conservation

Land Drainage Act 1991

The Hedgerows (Amendment)(England) Regulations 2003

APPENDIX C

ASSOCIATED DOCUMENTATION

POL: EN1 Relating to Environmental Policy

POL: GE 14 Relating to Requirements for Access to Network Rail Infrastructure and for Work at Level Crossings

POL: GE19 Relating to Works near Watercourses and Flood Defences - Legal Duties to Consult with Environment Agency

APPENDIX D

POLICY IMPLEMENTATION

This Policy shall be implemented with immediate effect. Team Managers shall ensure that copies of this Policy are provided to all staff engaged in planning activities and that team members are aware of the overall general requirements for access to and works on private land and protected and sensitive areas.

APPENDIX E

POLICY IMPACT

Relevant to all staff involved in working or scheduling work in or on private land or protected or sensitive areas. November 2011 update – recent legislation references and new types of protected sites added.

APPENDIX F

KEY WORDS

Ancient Monument, Landowner, Privately-owned land, Protected area, Scheduled Monument, Site of Special Scientific Interest (SSSI), Tenant.