

Draft Order laid before Parliament under section 232(6) of the Planning Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

**ELECTRICITY
INFRASTRUCTURE PLANNING**

**The Planning Act 2008 (Nationally Significant
Infrastructure Projects) (Electric Lines) Order 2013**

*Made - - - - 2013
Coming into force in accordance with article 1*

The Secretary of State, in exercise of the powers conferred by section 14(3)(b) and (4) and section 232(3)(b) of the Planning Act 2008⁽¹⁾, makes the following Order.

Citation and commencement

1. This Order may be cited as the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013 and comes into force on the day after the day on which it is made.

Exempt installations

2. Section 16 of the Planning Act 2008 is amended as follows—

(a) after subsection (3)(a) insert—

“(aa) if the length of the line (when installed) will be less than two kilometres,

(ab) if—

- (i) the line will replace an existing line,
- (ii) the nominal voltage of the line is expected to be greater than the nominal voltage of the existing line (but see subsection (3A)),
- (iii) the height above the surface of the ground of any support for the line will not exceed the height of the highest existing support or support which is being replaced by more than 10 per cent, and

⁽¹⁾ 2008 c.29. Section 16 was amended by [S.I. 2010/277](#).

- (iv) where the line is to be installed in a different position from the existing line, the distance between any new support and the existing line will not exceed 60 metres and the existing line will be removed within twelve months from the date on which the installation of the line which replaces it is complete,”
- (b) after subsection (3) insert—
- “(3A) Paragraph (ab)(ii) of subsection (3) (condition that nominal voltage of line expected to be greater than nominal voltage of existing line) does not apply if any part of the line (when installed) will be within a European site or an SSSI.”
- (c) for subsection (4), substitute—
- “(4) In this section—
- “European site” has the same meaning as in the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490);
- “existing line” means an electric line which—
- (a) has been installed or is kept installed above ground in accordance with a consent granted under section 37(1) of the Electricity Act 1989⁽²⁾ or an order granting development consent; or
- (b) has been installed above ground and is an electric line to which section 37(1) of the Electricity Act 1989 does not apply by virtue of—
- (i) paragraph 5(4) or (5) of Schedule 17 to that Act, or
- (ii) the Overhead Lines (Exemption) (England and Wales) Regulations 2009 (S.I. 2009/640), as amended by the Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010;
- “premises” includes any land, building or structure;
- “SSSI” means a site of special scientific interest notified under sections 28 to 28D of the Wildlife and Countryside Act 1981⁽³⁾.”

Transitional Provision

3. This Order shall not apply to any application for an order granting development consent where such application has been received by the Secretary of State prior to the date on which this Order comes into force.

Date

Name
Minister of State
Department of Energy and Climate Change

(2) 1989 c.29, as amended by the Planning Act 2008 c.29.
(3) 1981 c.69, as amended by the Countryside and Rights of Way Act 2000 c.37, the Natural Environment and Rural Communities Act 2006 c.16, and the Marine and Coastal Access Act 2009 c.23.

EXPLANATORY NOTE

(This note is not part of the Order)

The installation of an electric line which is classed as a nationally significant infrastructure project is subject to the development consent processes set out in the Planning Act 2008 (“the 2008 Act”), whereas the installation of an electric line which is not a nationally significant infrastructure project is subject to the consent process under section 37 Electricity Act 1989 (“the 1989 Act”). In the case of both the 2008 Act and the 1989 Act, certain minor works are exempted from the requirement for consent by the Overhead Lines (Exemption) (England and Wales) Regulations 2009 (“the 2009 exemption regulations”). Section 16(3) of the 2008 Act specifies which installations of electric lines constitute a nationally significant infrastructure project for the purposes of the Act, by excluding various classes of installation.

This Order amends section 16(3) of the 2008 Act to provide two new categories of electric line installation which are no longer considered nationally significant infrastructure projects, and are therefore subject to the consents process under the 1989 Act rather than the 2008 Act.

Article 2(a) of the Order inserts subsections (3)(aa) and (3)(ab) into section 16 of the 2008 Act. Subsection (3)(aa) provides that an electric line (of any voltage) which is less than 2km in length is not a nationally significant infrastructure project. Subsection (3)(ab) provides that the replacement of an existing line with a new line of a greater voltage is not a nationally significant infrastructure project if: the new line supports are no more than 10% higher than the existing supports, and the new line is no more than 60 metres from the position of the existing line (in which case the existing line must be removed within 12 months of the installation of the new line). Subsection (3)(ab)(ii) provides that the nominal voltage of the replacement line will be greater than the existing line, in order to avoid any overlap with the 2009 exemption regulations.

Article 2(b) of the Order inserts subsection (3A) which provides that subsection (3)(ab)(ii) does not apply where part of the line is in a site of special scientific interest or a European site, as such lines are not covered by the 2009 exemption regulations.

Article 2(c) of the Order substitutes subsection (4) in order to insert the relevant definitions.