

POLICY NOTE

THE OVERHEAD LINES (EXEMPTION) (SCOTLAND) REGULATIONS 2013

SSI 2013/264

The above instrument was made in exercise of the powers conferred by sections 37 (2)(c) and 60 of the Electricity Act 1989 . The instrument is subject to negative procedure.

Purpose of the Instrument

These regulations revoke, in Scotland, the Overhead Lines (Exemption) Regulations 1990 (the “1990 regulations”) and introduce replacement measures which include wider circumstances where consent under section 37 of the Electricity Act 1989 is not required.

The Electricity Act 1989 is the main legislation for dealing with consent to install or keep installed overhead electric lines in Scotland. The power to grant consent under section 37 of the Act has been executively devolved to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750) and any application for consent for an overhead line is made to Scottish Ministers.

The Overhead Lines (Exemption) Regulations 1990 make provision for cases where consent by Scottish Ministers is not required under section 37 of the Electricity Act 1989.

Policy background

These regulations will bring into effect further provisions to deregulate the consenting process for overhead power lines and to enable minor changes to be made to existing overhead lines, often for the purposes of improving the resilience of the overhead line electricity network.

This will create a more proportionate and less bureaucratic regulatory framework for statutory consents to minor changes to maintain, replace or strengthen existing overhead electricity lines to improve their reliability.

Main Changes

These regulations replicate with minor modifications the 1990 Regulations. The changes now include a more balanced approach to dealing with certain existing lines in national parks and national scenic areas. Under the Regulations certain works are now exempt from the need to obtain section 37 consent where it is determined that there is not likely to be a significant adverse effect on the environment . The Regulations also provide additional protections for European sites and provisions are included (regulation 4(1)(b))to ensure that works to install electric line which would constitute Schedule 1 EIA development do not benefit from the exemption and would require Section 37 consent. Regulation 3(1)(f) extends the categories of exemptions to include the installation of additional supports for existing lines.

Regulation 5(4) also allows for emergency repairs to an existing line in a National Park and National Scenic area to be carried out with expediency and notifications to be made to planning authorities.

Consultation

All Scottish local planning authorities, statutory consultees and Scotland's two transmission licence holders (SPT and SHETL) were issued with draft proposals. The four week consultation period commenced on the 13 February 2013 with responses due by the 12 March 2013. No objections to the proposed changes were received by the close of the consultation.

Impact Assessments

An equality impact assessment has not been completed on The Overhead Lines (Exemption) (Scotland) Regulations 2013 as it was considered that changes would not result in any additional equality impact issues.

Regulation 3 specifies the main circumstance in which these regulations will apply. These are subject in certain cases to the limitations in regulation 4 and to the restriction in regulation 5

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