

SCHEDULES

SCHEDULE 4

Section 4

OVERHEAD LINES: CONSENT

Scope of Schedule

- 1 This Schedule applies to any electric line to which section 37(1) of the Electricity Act 1989 (c. 29) would apply, but for section 4.

Consent requirement

- 2 (1) An electric line to which this Schedule applies shall not be installed or kept installed above ground except in accordance with a consent granted by the appropriate Ministers.
- (2) Any person who without reasonable excuse contravenes the provisions of subparagraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) No proceedings shall be instituted in respect of an offence under this paragraph except by or on behalf of the Secretary of State.

Applications for consent

- 3 (1) An application for consent under this Schedule shall be in writing and shall state—
- (a) the length of the electric line to which it relates,
 - (b) the nominal voltage of that line, and
 - (c) whether the application to any extent relates to exercise of the power conferred by paragraph 3 of Schedule 2.
- (2) An application for consent under this Schedule shall be accompanied by a map showing—
- (a) the land across which the electric line to which it relates is to be installed or kept installed, including details of the route of that line,
 - (b) the limits of deviation for the scheduled works and the limits of land to be acquired or used, so far as relevant to the application, and
 - (c) if the application to any extent relates to exercise of the power conferred by paragraph 3 of Schedule 2, the extent to which it so relates.
- 4 An application for consent under this Schedule shall be supplemented, if the appropriate Ministers so direct in writing, by such additional information as may be specified in the direction.

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Publicity

- 5 (1) A person applying for consent under this Schedule shall publish notice of the application in two successive weeks in one or more local newspapers circulating in the area in which the land to which the application relates is situated (or in areas which together include that area).
- (2) A notice under sub-paragraph (1) shall—
- (a) describe the route of the electric line to which the application relates,
 - (b) specify a place in the locality where a copy of the application may be inspected,
 - (c) state a time (not being less than 14 days from the date of publication) within which, and the manner in which, objections to the application may be made to the appropriate Ministers, and
 - (d) if it relates to an application by the nominated undertaker, explain the effect of paragraph 8(2)(b).
- (3) Sub-paragraph (1) shall not apply to an application for consent under this Schedule which relates only to exercise of the power conferred by paragraph 3 of Schedule 2.
- (4) If an application for consent under this Schedule relates partly to exercise of the power conferred by paragraph 3 of Schedule 2, so much of the application as relates to exercise of that power shall be disregarded for the purposes of sub-paragraphs (1) and (2).
- (5) If an application for consent under this Schedule is one in relation to which the applicant is subject to a duty under sub-paragraph (1), the appropriate Ministers shall not make any decision about the application until they are satisfied—
- (a) that the applicant has performed his duty under that provision, and
 - (b) that the time allowed by the notice under that provision for making objections to the application has expired.

Consultation

- 6 (1) Within 14 days of receiving an application for consent under this Schedule, the appropriate Ministers shall invite the relevant planning authority to make representations and shall not make any decisions about the application until—
- (a) they have received representations from the authority about it,
 - (b) they have been informed by the authority that it does not wish to make any representations about it, or
 - (c) 28 days have elapsed since the date of the invitation.
- (2) An invitation under sub-paragraph (1) shall specify the time limit for making representations.
- (3) For the purposes of this paragraph, the relevant planning authority is—
- (a) in the case of a line in the area of a unitary authority, the local planning authority, and
 - (b) in the case of a line not in the area of a unitary authority, the district planning authority.
- 7 (1) If the appropriate Ministers consider that an application for consent under this Schedule relates to matters which may affect—
- (a) nature conservation,

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- (b) the conservation of the natural beauty or amenity of the countryside, or
 - (c) a site of archaeological or historic interest,
- they shall, within 14 days of receiving the application, also invite the appropriate body or bodies to make representations.
- (2) Where under sub-paragraph (1) the appropriate Ministers have invited a body to make representations about an application for consent under this Schedule, they shall not make any decision about the application until—
- (a) they have received representations from the body about the request,
 - (b) they have been informed by the body that it does not wish to make any representations about the request, or
 - (c) 14 days have elapsed since the date of the invitation.
- (3) An invitation under sub-paragraph (1) shall specify the time limit for making representations.
- (4) For the purposes of this paragraph, the following are appropriate bodies in relation to the following matters—

<i>Matter</i>	<i>Body</i>
Nature conservation.	Natural England.
Conservation of the natural beauty or amenity of the countryside.	Natural England.
Sites of archaeological or historic interest.	The Historic Buildings and Monuments Commission for England.

Grant of consent

- 8 (1) This paragraph applies to an application for consent under this Schedule by the nominated undertaker.
- (2) An application to which this paragraph applies may only be refused—
- (a) to the extent that it relates to exercise of the power conferred by paragraph 3 of Schedule 2, on the ground that the electric line ought to, and could reasonably, be installed elsewhere within the limits specified, in relation to the diversion concerned, in the third column of the table in paragraph 3 of Schedule 2, and
 - (b) to the extent that it does not relate to the exercise of that power, on the ground that the electric line ought to, and could reasonably, be installed elsewhere within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.
- 9 A consent under this Schedule may include such conditions (including conditions as to the ownership and operation of the electric line to which it relates) as appear to the appropriate Ministers to be appropriate.

Variation and revocation of consent

- 10 (1) A consent under this Schedule may be varied or revoked by the Secretary of State at any time after the end of such period as may be specified in the consent.

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- (2) The period which may be specified under sub-paragraph (1) shall not be less than 10 years from the date of installation of the electric line to which the consent relates.

Duration of consent

- 11 Subject to paragraph 10, a consent under this Schedule shall continue in force for such period as may be specified in or determined by or under the consent.

Interpretation

- 12 In this Schedule, references to the appropriate Ministers are to the Secretary of State for Business, Enterprise and Regulatory Reform and the Secretary of State for Transport acting jointly.