



# Planning Act 2008

## 2008 CHAPTER 29

### PART 3

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

##### *Energy*

#### 16 Electric lines

- (1) The installation of an electric line above ground is within section 14(1)(b) only if (when installed) the electric line will be—
  - (a) wholly in England,
  - (b) wholly in Wales,
  - (c) partly in England and partly in Wales, or
  - (d) partly in England and partly in Scotland, subject to subsection (2).
- (2) In the case of an electric line falling within subsection (1)(d), the installation of the line above ground is within section 14(1)(b) only to the extent that (when installed) the line will be in England.
- (3) The installation of an electric line above ground is not within section 14(1)(b)—
  - (a) if the nominal voltage of the line is expected to be less than 132 kilovolts, <sup>F1</sup>...
  - <sup>F2</sup>(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
    - (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

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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) to the extent that (when installed) the line will be within premises in the occupation or control of the person responsible for its installation [<sup>F3</sup>, or
- (c) if section 37(1) of the Electricity Act 1989 (consent required for overhead lines) does not apply to it by virtue of 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.]

[<sup>F4</sup>(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.]

[<sup>F5</sup>(3B) The installation of an electric line above ground is not within section 14(1)(b) if the line is associated with the construction or extension of a devolved Welsh generating station granted planning permission or consented to on or after the day on which section 39 of the Wales Act 2017 comes into force and the nominal voltage of the line is expected to be no greater than 132 kilovolts.

(3C) ““Devolved Welsh generating station”” means a generating station that—

- (a) is in Wales and—
  - (i) generates electricity from wind, or
  - (ii) has a capacity of 350 megawatts or less; or
- (b) is in waters adjacent to Wales up to the seaward limits of the territorial sea or in the Welsh zone and has a capacity of 350 megawatts or less.

(3D) ““Welsh zone”” has the meaning given in section 158 of the Government of Wales Act 2006.]

[<sup>F6</sup>(4) In this section—

“European site” has the same meaning as in [<sup>F7</sup>the Conservation of Habitats and Species Regulations 2017 ([S.I. 2017/1012](#))];

“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 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.]

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#### Textual Amendments

- F1** Word in s. 16(3)(a) omitted (1.3.2010) by [The Overhead Lines \(Exempt Installations\) Order 2010 \(S.I. 2010/277\)](#), arts. 1, **2(a)**
- F2** S. 16(3)(aa)(ab) inserted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(a)** (with art. 3)
- F3** S. 16(3)(c) and word inserted (1.3.2010) by [The Overhead Lines \(Exempt Installations\) Order 2010 \(S.I. 2010/277\)](#), arts. 1, **2(b)**
- F4** S. 16(3A) inserted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(b)** (with art. 3)
- F5** S. 16(3B)-(3D) inserted (31.3.2017 for specified purposes, 1.4.2019 in so far as not already in force) by [Wales Act 2017 \(c. 4\)](#), **ss. 42(4)**, 71(2)(e) (with Sch. 7 paras. 1, 6, 8); S.I. 2017/1179, reg. 5(a)
- F6** S. 16(4) substituted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(c)** (with art. 3)
- F7** Words in s. 16(4) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 6**

#### Commencement Information

- I1** S. 16 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 4(a)** (with art. 6)

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