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STATUTORY INSTRUMENTS

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**1990 No. 455**

**ELECTRICITY**

**The Electricity (Applications for Consent) Regulations 1990**

<i>Made</i>	- - - -	<i>5th March 1990</i>
<i>Laid before Parliament</i>		<i>19th March 1990</i>
<i>Coming into force</i>	- -	<i>31st March 1990</i>

The Secretary of State for Energy (as respects England and Wales) and the Secretary of State for Scotland (as respects Scotland), in exercise of the powers conferred by sections 36(8) and 60(2) and (3) and by paragraphs 1(3), 2(3), 2(5) and 3(1) of Schedule 8 to the Electricity Act 1989<sup>(1)</sup> and of all other enabling powers, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Electricity (Applications for Consent) Regulations 1990 and shall come into force on 31st March 1990.

**Application**

2. These Regulations apply in relation to an application for a consent —
- (a) under section 36 to construct, extend or operate a generating station;
  - (b) under section 37 to instal or keep installed an electric line above ground,

which is received by the Secretary of State on or after the date on which these Regulations come into force.

**Interpretation**

- 3.—(1) In these Regulations —
- “SSSI” means a site of special scientific interest designated under section 29 of the Wildlife and Countryside Act 1981<sup>(2)</sup>;
  - “the 1957 Regulations” means the Electricity (Publication of Applications) Regulation 1957<sup>(3)</sup>;

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(1) 1989 c. 29  
(2) 1981 c. 69  
(3) S.I. 1957/2227

“the 1958 Regulations” means the Electricity (Publication of Applications) (Scotland) Regulations 1958(4).

- (2) In these Regulations, unless the context otherwise requires —
- (a) any reference to a numbered section or Schedule is a reference to the section or Schedule bearing that number in the Electricity Act 1989; and
  - (b) any reference to a numbered regulation or paragraph is a reference to the regulation or paragraph bearing that number in these Regulations.

#### **Publication of notice of application for consent under section 36**

4.—(1) Subject to paragraph (2) below, notice of an application for a consent under section 36 shall be published by the applicant —

- (a) in two successive weeks in one or more local newspapers circulating in the locality in which the land to which the application relates is situated; and
- (b) in the London Gazette, or in Scotland in the Edinburgh Gazette, and in one or more national newspapers.

(2) A notice published in pursuance of paragraph (1) shall describe, by reference to a map, the land to which the application relates, and shall name a place within the locality in which such land is situated where such map may be inspected.

(3) Paragraphs (1) and (2) shall not apply where —

- (a) an application for consent is made under section 36 in respect of the extension of a generating station or of the change in the manner of operation of a generating station which extension or change the Secretary of State considers to be of a minor character; and
- (b) the Secretary of State gives a direction dispensing with the requirements of those paragraphs.

#### **Publication of notice of application for consent under section 37**

5.—(1) Notice of an application for a consent under section 37 in respect of the installing or keeping installed of an electric line of a nominal voltage of not less than 132 kilovolts shall be published by the applicant in two successive weeks in one or more local newspapers circulating in the locality in which the land over which the line is proposed to pass or passes is situated or circulating respectively in the several localities in which different parts of that land are situated.

(2) A notice published in pursuance of paragraph (1) shall describe, by reference to a map, the land over which the line is proposed to pass or passes, and shall name a place within each locality in which such land is situated where such map may be inspected.

#### **Service of notice of applications for consent under sections 36 and 37**

6. Notice of an application for a consent under section 36 or 37 shall be served —

- (a) where all or part of the land to which the application relates is an SSSI, on the Nature Conservancy Council; and
- (b) where the Secretary of State so directs, on such persons other than the relevant planning authority as may be specified in the direction.

### Objections by other persons

7. Any notice published or served pursuant to regulation 4, 5 or 6 shall state the time (which shall not be less than 28 days from the date or latest date of publication of the notice, or less than 28 days from the date of service of the notice) within which, and the manner in which, objections to the application may be made to the Secretary of State by persons other than the relevant planning authority.

### Objections by relevant planning authority

“8.—(1) Subject to regulation 9, where an application is made for a consent under section 36 or section 37, the relevant planning authority shall serve notification of any objection by it to the application on the Secretary of State —

(a) in the case of an application for a consent under section 36, within 4 months; or

(b) in the case of an application for a consent under section 37, within 2 months,

of the date of the application, or within any longer period as may be agreed in writing by the authority with both the Secretary of State and the applicant.”

(2) The Secretary of State may, for the purposes of paragraph 2(2) of Schedule 8, disregard any objection not notified in accordance with paragraph (1).

9. Where —

(a) an application is made for a consent under section 37 in respect of an electric line of a nominal voltage of less than 132 kilovolts; and

(b) written notice of the proposal to make such application was sent to the relevant planning authority before the application was made; and

(c) the relevant planning authority has sent written notification to the applicant of whether or not it would object to an application in the terms of that proposal,

regulation 8 shall not have effect and paragraph 2 of Schedule 8 shall have effect with the modification that sub-paragraph (1) of that paragraph shall not apply.

### Service of notices

10. Notices or documents required to be served or sent under any of the provisions of these Regulations may be sent by post.

### Fees payable on applications for consent

11.—(1) Subject to paragraph (2), the fee to be paid to the Secretary of State upon application being made for a consent under section 36 or section 37 shall be as specified in the Table below.

TABLE

Subject matter of application for consent	Fee
Overhead line	£50.00
Generating station	
1. Construction or construction and operation of non-nuclear station of megawatt capacity —	
(a) (a) not exceeding 200	£5000.00

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Subject matter of application for consent	Fee
(b) (b) exceeding 200 but not exceeding 500	£12000.00
(c) (c) exceeding 500	£20000.00
<b>2.</b> Construction or construction and operation of nuclear station of megawatt capacity —	
(a) (a) not exceeding 200	£10000.00
(b) (b) exceeding 200 but not exceeding 500	£24000.00
(c) (c) exceeding 500	£40000.00
<b>3.</b> Extension or extension and operation of non-nuclear station resulting in increase in megawatt capacity —	
(a) (a) not exceeding 200	£5000.00
(b) (b) exceeding 200 but not exceeding 500	£12000.00
(c) (c) exceeding 500	£20000.00
<b>4.</b> Extension or extension and operation of nuclear station resulting in increase in megawatt capacity —	
(a) (a) not exceeding 200	£10000.00
(b) (b) exceeding 200 but not exceeding 500	£24000.00
(c) (c) exceeding 500	£40000.00
<b>5.</b> Extension of station by retrofitting of emission control equipment	£5000.00
<b>6.</b> Any other extension of station	£1000.00
<b>7.</b> Operation only or charge to manner of operation of station	£1000.00

(2) Where the subject matter of an application for a consent under section 36 is two or more of the matters specified under heads 3 to 7 in the Table above, the fee to be paid shall be the higher or highest of the relevant fees there specified.

### **Revocation, transitional and savings**

**12.**—(1) Subject to paragraph (2), the 1957 Regulations and the 1958 Regulations are hereby revoked.

(2) The 1957 Regulations and in Scotland the 1958 Regulations shall continue to apply to any application for consent under section 2 of the Electric Lighting Act 1909<sup>(5)</sup> or under section 10(b)

(5) 1909 c. 34

of the Electric Lighting (Clauses) Act 1989<sup>(6)</sup> which was received by the Secretary of State before the date on which these regulations came into force.

5th March 1990

*John Wakeham*  
Secretary of State for Energy

5th March 1990

*Malcolm Rifkind*  
Secretary of State for Scotland

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<sup>(6)</sup> 1899 c. 19, as incorporated with the Electricity Act 1947 (c. 54) and amended by the Electricity Reorganisation (Scotland) Act 1954 (c. 60)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply in relation to applications to the Secretary of State for Energy in England and Wales and the Secretary of State for Scotland in Scotland for consent under section 36 of the Electricity Act 1989 (“the 1989 Act”) to construct, extend, operate or change the manner of operation of a generating station, or under section 37 of the 1989 Act to instal or keep installed an electric line above ground.

Regulations 4 and 5 re-enact provisions in the Electricity (Publication of Applications) Regulations 1957 (“the 1957 Regulations”) and the Electricity (Publication Applications) (Scotland) Regulations 1958 (“the 1958 Regulations”) which relate to the publication of applications under section 2 of the Electric Lighting Act 1909 and under section 10(b) of the Electric Lighting (Clauses) Act 1899, replaced by sections 36 and 37 respectively. New provision is made for publication of an application under section 36 in the London Gazette or Edinburgh Gazette and in national newspapers, and that notice of an application under section 37 shall refer to a map.

Regulation 6 extends the provisions in the 1957 Regulations and the 1958 Regulations relating to service of notice of applications to include service on the Nature Conservancy Council where the land in question is a site of special scientific interest.

By paragraph 2(1) of Schedule 8 to the 1989 Act, notice of an application for consent under section 36 or section 37 is to be served on the relevant planning authority. Regulation 8 of these Regulations makes provision for any objection by that authority to any such application to be served on the Secretary of State within four months and two months respectively of the application. Regulation 9 disapplies the requirement to serve notice under paragraph 2(1) of Schedule 8 in respect of applications for consent under section 37 where the electric line is of a nominal voltage of less than 132 kilovolts and where consultation has already taken place on the proposed where consultation has already taken place on the proposed application.

Provision is made in regulation 11 for fees payable on applications for consent. Regulation 12 revokes the 1957 Regulations and the 1958 Regulations but provides that they will continue to apply to applications made before these Regulations come into force.