

## SCHEDULES

### SCHEDULE 8

Article 39(8).

#### CONSENTS UNDER ARTICLES 39 AND 40

##### *Applications for consent*

1.—(1) An application for a consent under Article 39 or 40 shall be in writing and shall describe by reference to a map the land to which the application relates, that is, the land—

- (a) on which the generating station is proposed to be constructed, extended or operated; or
- (b) across which the electric line is proposed to be installed or kept installed.

(2) An application for a consent under Article 40 shall also state—

- (a) the length of the proposed line and its nominal voltage; and
- (b) whether all wayleaves have been agreed with owners and occupiers of land proposed to be crossed by the line,

and shall be supplemented, if the Department so directs, by such additional information as may be specified in the direction.

(3) Regulations may make provision for determining the fees to be paid on applications for consent under Article 39 or 40, and the circumstances in which they are to be paid.

##### *Special provisions as to consents under Article 40*

2.—(1) Where an application for consent under Article 40 states that all wayleaves have not been agreed with owners and occupiers of land proposed to be crossed by the electric line, the Department may—

- (a) give notice to the applicant that the Department does not intend to proceed with the application until the Department is satisfied, with respect to all the land over which wayleaves have not been agreed, that the applicant has applied to the Department for consent under paragraph 10 (acquisition of wayleaves) of Schedule 4; or
- (b) grant consent subject to the condition (either in respect of the whole of the line or in respect of any part of it specified in the consent) that the work is not to proceed until the Department has given permission.

(2) In determining at any time whether to give permission for any work to proceed, either generally or in respect of any part of the line, the Department—

- (a) shall have regard to the extent to which the wayleaves have been agreed by that time; and
- (b) in so far as any such wayleaves have not then been agreed in respect of any part of the line, shall take into account any prejudicial effect which, in the opinion of the Department, the giving of permission (whether in respect of that part or of any adjacent part of the line) might have on any subsequent proceedings relating to the outstanding wayleaves.