
Changes to legislation: Electricity Act 1989, Cross Heading: Preservation of amenity: England and Wales is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F¹ SCHEDULES

SCHEDULE 9

PRESERVATION OF AMENITY AND FISHERIES.

Preservation of amenity: England and Wales

- 1 (1) In formulating any relevant proposals, a licence holder or a person authorised by exemption to [F¹generate, [F²distribute, supply or participate in the transmission of] electricity]—
- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and
 - (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- (2) In considering any relevant proposals for which [F³its] consent is required under section 36 or 37 of this Act, the [F⁴appropriate authority] shall have regard to—
- (a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and
 - (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.
- (3) In this paragraph—
- [F⁵“appropriate authority” has the meaning given by section 36(10)(b) or (c) of this Act;]
 - “building” includes structure;
 - “relevant proposals” means any proposals—
 - (a) for the construction or extension of a generating station of a capacity not less than 10 megawatts, or for the operation of such a station in a different manner;
 - (b) for the installation (whether above or below ground) of an electric line; or
 - (c) for the execution of any other works for or in connection with the transmission or supply of electricity.
- (4) The [F⁶appropriate authority] may by order provide that sub-paragraph (3) above shall have effect as if for the capacity mentioned in paragraph (a) there were substituted such other capacity as may be specified in the order.
- (5) This paragraph and paragraph 2 below extend to England and Wales only.

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Textual Amendments

- F1** Words in Sch. 9 para. 1(1) substituted (1.10.2001) by [S.I. 2001/3264, art. 6](#)
- F2** Words in Sch. 9 para. 1(1) substituted (1.9.2004) by [Energy Act 2004 \(c. 20\), s. 198\(2\), Sch. 19 para. 16; S.I. 2004/2184, art. 2\(2\), Sch. 2](#)
- F3** Word in Sch. 9 para. 1(2) substituted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 51\(a\) \(i\)](#) (with [Sch. 7 paras. 1, 6, 8](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F4** Words in Sch. 9 para. 1(2) substituted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 51\(a\) \(ii\)](#) (with [Sch. 7 paras. 1, 6, 8](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F5** Words in Sch. 9 para. 1(3) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 51\(b\)](#) (with [Sch. 7 paras. 1, 6, 8](#)); [S.I. 2017/1179, reg. 5\(b\)](#)
- F6** Words in Sch. 9 para. 1(4) substituted (1.4.2019) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 51\(c\)](#) (with [Sch. 7 paras. 1, 6, 8](#)); [S.I. 2017/1179, reg. 5\(b\)](#)

Modifications etc. (not altering text)

- C1** [Sch. 9 para. 1\(2\)](#) modified (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 12\(5\)\(b\), 324\(3\); S.I. 2010/298, art. 2, Sch. para. 4](#) (with [art. 4\(1\)](#))

- 2 (1) A licence holder shall within twelve months from the grant of his licence prepare, and from time to time modify, a statement setting out the manner in which he proposes to perform his duty under paragraph 1(1) above, including in particular the consultation procedures which he intends to follow.
- (2) Before preparing or modifying a statement under this paragraph, a licence holder shall consult the [^{F7}Countryside Agency], [^{F8}and—
- (a) where the activities which he is authorised by his licence to carry on include activities in England, [^{F9}Natural England] and the Historic Buildings and Monuments Commission for England; and
 - (b) where those activities include activities in Wales, [^{F10}the Natural Resources Body for Wales] and the [^{F11}National Assembly] for Wales.]
- (3) As soon as practicable after preparing or modifying a statement under this paragraph, the licence holder shall publish the statement as so prepared or so modified in such manner as he considers appropriate.

Textual Amendments

- F7** Words in Sch. 9 para. 2 substituted (20.2.1999) by [S.I. 1999/416, art. 3, Sch. 1 para. 13](#)
- F8** Words in Sch. 9 para. 2(2) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 16\(a\); S.I. 1991/685, art. 3](#)
- F9** Words in Sch. 9 para. 2(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 115\(b\); S.I. 2006/2541, art. 2](#) (with Sch.)
- F10** Words in Sch. 9 para. 2(2)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 197](#) (with Sch. 7)
- F11** Words in Sch. 9 para. 2(2)(b) substituted (1.4.2006) by [The Historic Buildings Council for Wales \(Abolition\) Order 2006 \(S.I. 2006/63\), arts. 1\(2\), 3\(4\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 11AA inserted by [2018 c. 14 s. 13\(3\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 5A para. 2(1A) inserted by [2018 c. 14 s. 13\(4\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)