

## SCHEDULES

### SCHEDULE 14

Section 50.

#### OVERHEAD LINES: CONSENT

##### *Scope of Schedule*

- 1 This Schedule applies to any electric line to which section 37(1) of the Electricity Act 1989 would apply, but for section 50(1) above.

##### *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) above 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(1) of Schedule 2 to this Act.
- (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(1) of Schedule 2 to this Act, 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) above 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) below.
- (3) Sub-paragraph (1) above shall not apply to an application for consent under this Schedule which relates only to exercise of the power conferred by paragraph 3(1) of Schedule 2 to this Act.
- (4) If an application for consent under this Schedule relates partly to exercise of the power conferred by paragraph 3(1) of Schedule 2 to this Act, so much of the application as relates to exercise of that power shall be disregarded for the purposes of sub-paragraphs (1) and (2) above.
- (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) above, 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 decision 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) above 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 Greater London, the local planning authority, and
  - (b) in the case of a line in Essex or Kent, 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,
  - (b) the conservation of the natural beauty or amenity of the countryside, or

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- (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) above 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) above 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.	The Nature Conservancy Council for England.
Conservation of the natural beauty or amenity of the countryside.	The Countryside Commission.
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(1) of Schedule 2 to this Act, 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(1) of Schedule 2 to this Act, and
- (b) to the extent that it does not relate to 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) above 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 above, a consent under this Schedule shall continue in force for such period as may be specified in or determined by or under the consent.

*Anticipatory applications*

- 12 (1) This paragraph applies where—
- (a) an application to the appropriate Ministers has been made in anticipation of the coming into force of this Schedule,
  - (b) the application was made on or after 31st October 1996, and
  - (c) the person by, or on whose behalf, the application was made—
    - (i) is specified under section 34(1) above for purposes consisting of or including the construction of any works,
    - (ii) is a member of the same group as a person who is so specified, or
    - (iii) is the holder of a licence under section 6 of the Electricity Act 1989.
- (2) In that case—
- (a) the application,
  - (b) any notice of the application published by the applicant,
  - (c) any objections to the application made in response to any such notice,
  - (d) any invitation by the appropriate Ministers to make representations about the application, and
  - (e) any representations about the application, or statement about the wish to make representations about it, made in response to any such invitation,
- shall have effect as if this Schedule had been in force at all material times.
- (3) In sub-paragraph (1)(c)(ii) above, “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning of the Companies Act 1985.

*Interpretation*

- 13 In this Schedule, references to the appropriate Ministers are to the Secretary of State for Trade and Industry and the Secretary of State for Transport acting jointly.