

1990 No. 2035

ELECTRICITY

The Overhead Lines (Exemption) Regulations 1990

<i>Made</i> - - - -	<i>10th October 1990</i>
<i>Laid before Parliament</i>	<i>19th October 1990</i>
<i>Coming into force</i> -	<i>12th November 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 37(2)(c), 60 and 64(a) of the Electricity Act 1989(b) and of all other enabling powers, hereby make the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Overhead Lines (Exemption) Regulations 1990 and shall come into force on 12th November 1990.

Interpretation

2. In these Regulations-

“the Act” means the Electricity Act 1989;

“an 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 Act; or
- (b) has been installed above ground and is an electric line to which section 37(1) of the Act does not apply either by virtue of paragraph 5(4) or (5) of Schedule 17 to the Act or by virtue of any provision of these Regulations.

Exemptions from section 37(1) of the Act

3.—(1) Section 37(1) of the Act shall not apply in relation to-

- (a) the installation or keeping installed of an electric line which-
 - (i) connects an electric line installed below ground with apparatus mounted on a pole or structure; and
 - (ii) is attached to the pole or structure throughout its length except where it passes through a fuse or other apparatus;
- (b) the installation or keeping installed of a wire or cable (including its casing or coating) which forms part of telecommunication apparatus (within the meaning given to that expression in paragraph 1 of Schedule 2 to the Telecommunications Act 1984(c)) and which is supported, or carried by, or suspended from the supports for an existing line;
- (c) the installation or keeping installed for a period not exceeding six months of

(a) See the definition of “prescribed” in section 64.

(b) 1989 c.29.

(c) 1984 c.12.

an electric line (no part of which is within a National Park, a National Scenic Area, an area of outstanding natural beauty, a regional park or SSSI) which connects two points on an existing line which are no further apart than the maximum distance so as to provide a diversion for the existing line;

- (d) the installation or keeping installed of an electric line attached to a building (other than a scheduled monument, listed building or building in a conservation area) where the building in question crosses a road, railway or watercourse and its principal purpose is not the support of the electric line; or
- (e) the installation or keeping installed, subject to the limitations in regulation 4 and the provisions of regulation 5, of an electric line (no part of which is within a National Park, a National Scenic Area, an area of outstanding natural beauty, a regional park or SSSI) which replaces an existing line whether or not it is installed in the same position as the existing line in question.

(2) In this regulation—

“area of outstanding natural beauty” means an area designated as such by an order under section 87 of the National Parks and Access to the Countryside Act 1949(a) as confirmed by the Secretary of State;

“building” includes structure;

“conservation area” and “listed building” have the same meanings as in section 91 of the Planning (Listed Buildings and Conservation Areas) Act 1990(b) or, as the case may be, section 275 of the Town and Country Planning (Scotland) Act 1972(c);

“the maximum distance” means—

- (a) in relation to an electric line which has a nominal voltage less than 66 kilovolts, 500 metres; and
- (b) in relation to any other electric line, 850 metres;

“National Scenic Area” means an area designated as such by a direction under section 262C of the Town and Country Planning (Scotland) Act 1972(d);

“regional park” means lands designated as such by an order under section 48A of the Countryside (Scotland) Act 1967(e) as confirmed by the Secretary of State;

“SSSI” means a site of special scientific interest designated under section 29 of the Wildlife and Countryside Act 1981(f); and

“scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(g).

Limitations on the exemptions contained in regulation 3

4.—(1) The limitations referred to in regulation 3(1)(e) are—

- (a) that the electric line does not have a nominal voltage greater than the nominal voltage of the existing line;
- (b) that any conditions contained in a consent granted under section 37(1) of the Act or, as the case may be, under section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899(h) applicable to the existing line are complied with;
- (c) that the height above the surface of the ground of any support for the electric line does not exceed the height of the highest support which is being replaced by more than 10 per cent;
- (d) that where the electric line is installed in a different position from the existing line the distance between any small support and the existing line does not exceed 30 metres and the distance between any other support and the existing line does not exceed 60 metres; and

(a) 1949 c.97.

(b) 1990 c.9.

(c) 1972 c.52.

(d) Section 262C was inserted by paragraph 38 of Schedule 11 to the Housing and Planning Act 1986 (c.63).

(e) 1967 c.86; section 48A was inserted by section 8 of the Countryside (Scotland) Act 1981 (c.44).

(f) 1981 c.69.

(g) 1979 c.46.

(h) 1899 c.19, as incorporated with the Electricity Act 1947 (c.54).

- (e) that where the electric line is installed in a different position from the existing line, the existing line is removed within twelve months from the date on which the installation of the electric line which replaces it is completed.
- (2) In this regulation—
 - (a) any reference to the distance between a support and an existing line is a reference to the shortest distance between the centre of the base of that support and an imaginary line through the centre of the base of each support for the existing line; and
 - (b) “a small support” means a support for an electric line which does not exceed 10 metres in height.

Further restrictions on the exemptions contained in regulation 3

- 5.—(1) Regulation 3(1)(e) shall only apply in a case where either—
- (a) the electric line is to be installed in a different position from the existing line; or
 - (b) the height above the surface of the ground of any support for the electric line will exceed the height of the highest support which is to be replaced,
- if it is determined for the purposes of this regulation that there is not likely to be a significant adverse effect on the environment.
- (2) For the purposes of this regulation it shall be determined that there is not likely to be a significant adverse effect on the environment if—
- (a) notice is given by the person proposing to instal the electric line to the relevant planning authority of the proposal to instal that electric line; and
 - (b) the relevant planning authority does not, within six weeks of receiving that notice—
 - (i) determine that if the electric line were installed in accordance with the proposal it would in the opinion of that authority be likely to have a significant adverse effect on the environment; and
 - (ii) notify the person by whom the notice was given and the Secretary of State of that determination.
- (3) In this regulation “relevant planning authority” has the same meaning as in paragraph 2(6) of Schedule 8 to the Act(a).

10th October 1990

John Wakeham
Secretary of State for Energy

10th October 1990

Malcolm Rifkind
Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the cases where the consent of the Secretary of State is not required under section 37 of the Electricity Act 1989 to the installation or keeping installed of an electric line above ground. The cases are specified in regulation 3 subject in certain circumstances to the limitations in regulation 4 and the restrictions in regulation 5.

(a) Paragraph 2(6)(a) of Schedule 8 was amended by paragraph 83(1) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11).