

2010 No. 277

ELECTRICITY

INFRASTRUCTURE PLANNING

The Overhead Lines (Exempt Installations) Order 2010

Made - - - - *9th February 2010*

Coming into force - - *1st March 2010*

The Secretary of State, in exercise of the powers conferred by section 14(3)(b) and (4) of the Planning Act 2008(a), makes the following Order.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 232(6) of that Act.

Citation and commencement

1. This Order may be cited as the Overhead Lines (Exempt Installations) Order 2010 and comes into force on 1st March 2010.

Exempt installations

2. Section 16(3) of the Planning Act 2008 is amended as follows—

(a) omit “or” at the end of paragraph (a);

(b) after paragraph (b), insert—

“, or

(c) if section 37(1) of the Electricity Act 1989 (consent required for overhead lines) does not apply to it by virtue of the Overhead Lines (Exemption) (England and Wales) Regulations 2009 (S.I. 2009/640), as amended by the Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010.”.

9th February 2010

Hunt of Kings Heath
Minister of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 37 of the Electricity Act 1989, the Secretary of State's consent is generally required before electric lines may be installed above ground. Under the Overhead Lines (Exemption) (England and Wales) Regulations 2009, certain minor works involving the installation of such lines are exempted from the requirement of consent under section 37.

By virtue of sections 31 and 33(1)(h) of the Planning Act 2008, the installation of certain electric lines with a nominal voltage of 132 kilovolts and above which are defined as nationally significant infrastructure projects for the purposes of that Act by sections 14(1)(b) and 16 of that Act requires a grant of development consent under that Act rather than a consent under section 37 of the Electricity Act 1989. Article 2 carries across to the new Planning Act 2008 regime the exemptions which currently apply under section 37 of the Electricity Act 1989 and the 2009 Regulations. It provides that the installation of an electric line is not a nationally significant infrastructure project if it is exempt from the requirement for section 37 consent by virtue of the 2009 Regulations.

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