
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 264

The Overhead Lines (Exemption) (Scotland) Regulations 2013

Restrictions on the exemptions contained in regulation 3(1)(c), (e) and (f)

5.—(1) Where—

- (a) the electric line is to be installed in a different position from the existing line;
- (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; or
- (c) subject to paragraph (4), the installation will be in a National Park or a National Scenic Area,

the exemptions in regulation 3(1)(c), (e) or (f) only apply if it is determined for the purposes of this paragraph that there is not likely to be a significant adverse effect on the environment as a result of the installation, or keeping installed, of the electric line or additional pole or structure, as the case may be.

(2) For the purpose of paragraph (1) it is determined that there is not likely to be a significant adverse effect on the environment if—

- (a) notice of the proposed installation is given by the person proposing to carry out the installation to the planning authority within whose area the installation is to be situated; and
- (b) the planning authority either—
 - (i) notifies that person that, in the opinion of that authority, if the installation were completed in accordance with the proposal it would not be likely to have a significant adverse effect on the environment; or
 - (ii) does not within the period of 6 weeks beginning with the notification date give notice to that person that, in the opinion of that authority, if the installation were completed in accordance with the proposal it would be likely to have a significant adverse effect on the environment.

(3) Paragraph (1) applies to an additional pole or support installed by virtue of regulation 3(1)(f) as it applies to a pole or support which replaces an existing support.

(4) Where it is necessary to make emergency repairs to an existing line in a National Park or a National Scenic Area—

- (a) paragraph (1)(c) does not apply; and
- (b) the person making such emergency repairs must notify the planning authority as soon as practicable that those repairs have been, are being or will be made.

(5) In this regulation—

“National Park” means an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000(1);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“National Scenic Area” means an area designated as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997⁽²⁾; and

“notification date” means the date on which notice of the proposed installation given in accordance with paragraph (2)(a) is received by the planning authority.

(2) [1997 c.8](#). Section 263A was inserted by section 50 of the Planning etc. (Scotland) Act 2006 ([asp 17](#)).