



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Other infrastructure provisions

21 Consents under Electricity Act 1989: deemed planning permission

- (1) Section 90 of the Town and Country Planning Act 1990 (deemed planning permission: development with government authorisation) is amended as set out in subsections (2) and (3).
- (2) For subsection (2) substitute—
 - “(2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—
 - (a) so much of the operation or change of use to which the consent relates as constitutes development;
 - (b) any development ancillary to the operation or change of use to which the consent relates.
- (2ZA) On varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—
 - (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;
 - (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;
 - (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a

Status: This is the original version (as it was originally enacted).

condition subject to which a new or varied planning permission is deemed to be granted.”

(3) For subsection (5) substitute—

“(5) In subsection (2), the reference to ancillary development, in the case of a consent relating to the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station.

(6) In this section, references to England or Wales include—

- (a) waters adjacent to England or Wales up to the seaward limits of the territorial sea, and
- (b) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

(7) In this section “electric line”, “extension”, “generating station” and “Renewable Energy Zone” have the same meanings as in Part 1 of the Electricity Act 1989.”

(4) Section 57 of the Town and Country Planning (Scotland) Act 1997 (deemed planning permission: development with government authorisation) is amended as set out in subsections (5) and (6).

(5) For subsection (2) substitute—

“(2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

- (a) so much of the operation or change of use to which the consent relates as constitutes development;
- (b) any development ancillary to the operation or change of use to which the consent relates.

(2ZA) On varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—

- (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;
- (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;
- (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.”

(6) In subsection (5), for “In subsection (2) “ancillary development”, in relation to development consisting of” substitute “In subsection (2)(b), the reference to ancillary development, in the case of a consent relating to”.