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STATUTORY INSTRUMENTS

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**2013 No. 495**

**ELECTRICITY  
INFRASTRUCTURE PLANNING**

**The Electricity (Applications for Consent)  
Amendment (England and Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>4th March 2013</i>
<i>Laid before Parliament</i>		<i>8th March 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 36(8) and 60(3) of, and paragraph 1(3) of Schedule 8 to, the Electricity Act 1989<sup>(1)</sup> and section 188 of the Energy Act 2004<sup>(2)</sup>, makes the following Regulations.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Electricity (Applications for Consent) Amendment (England and Wales) Regulations 2013 and come into force on 6th April 2013.

(2) These Regulations extend to England and Wales only.

**Amendment of the Electricity (Applications for Consent) Regulations 1990**

2.—(1) The Electricity (Applications for Consent) Regulations 1990<sup>(3)</sup> are amended as follows.

(2) In regulation 3(1) insert, in the appropriate places, the following definitions—

““EIA development” has the same meaning as set out in regulation 2(1) of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000<sup>(4)</sup>;

“screening opinion” has the meaning given in regulation 2(1) of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000;”.

(3) In regulation 11(1) for “Overhead line ... £50” substitute—

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(1) 1989 c.29. Section 60(3) has been amended by the Utilities Act 2000 (c.27).

(2) 2004 c.20, amended by the Energy Act 2008 c.32 and S.I. 2011/1043.

(3) S.I. 1990/455, disappplied in respect of offshore generating stations in England and Wales by S.I. 2006/2064 and amended in respect of Scotland by S.S.I. 2005/295.

(4) S.I. 2000/1927, amended by S.I. 2007/1977.

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**Status:** This is the original version (as it was originally made).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

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*“Overhead line*

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1. Overhead line with a nominal capacity not exceeding 132kV	£200.00
2. Overhead line with a nominal capacity exceeding 132kV	£700.00”

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(4) After regulation 11(1) insert—

“(1A) Where the subject matter of an application for a consent under section 37 is EIA development, an additional fee of £375.00 shall be paid to the Secretary of State.”.

(5) After regulation 11 insert—

**“Fees payable on request for screening opinion**

**11A.** A fee of £60.00 shall be payable upon a request being made to the Secretary of State for a screening opinion in relation to an application for a consent under section 37.”.

4th March 2013

*Gregory Barker*  
Minister of State  
Department of Energy and Climate Change

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 6 April 2013, amend the Electricity (Applications for Consent) Regulations 1990 in so far as they make provision for applications for consent under section 37 of the Electricity Act 1989 (“the 1989 Act”) to install or keep installed an electric line above ground in England and Wales.

Regulation 2(3) increases the application fees payable for applications for consent under section 37 of the 1989 Act by replacing the existing fee of £50 for all overhead line applications with a fee of £200 for lines with a nominal capacity of up to 132kV and a fee of £700 for lines with a nominal capacity of more than 132kV. Regulation 2(4) introduces an additional fee of £375 where an overhead line constitutes EIA development, as defined in the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (“the EIA Regulations”).

Regulation 2(5) introduces a new fee of £60 payable when the Secretary of State is requested (under regulation 5 of the EIA regulations) to give a written statement of opinion as to whether an overhead line constitutes EIA development within the meaning of the EIA Regulations.