

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 ensures that the range of minor works which are exempt when they are to be carried out in respect of an existing line in respect of which consent has previously been given under section 37 will also be exempt when they are to be carried out in respect of an existing line in respect of which consent has previously been given under the 2008 Act.