

2010 No. 29

ELECTRICITY

INFRASTRUCTURE PLANNING

The Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010

<i>Made</i> - - - -	<i>5th January 2010</i>
<i>Laid before Parliament</i>	<i>11th January 2010</i>
<i>Coming into force</i> - -	<i>1st March 2010</i>

The Secretary of State, in exercise of the powers conferred by section 237(1) and (3)(b) of the Planning Act 2008(a), makes the following Order.

Citation and commencement

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

Consequential amendment of the Overhead Lines (Exemption) (England and Wales) Regulations 2009

2.—(1) The Overhead Lines (Exemption) (England and Wales) Regulations 2009(b) are amended as follows.

(2) In regulation 2, in paragraph (a) of the definition of “an existing line”, after “Act”, insert “or an order granting development consent under the Planning Act 2008”.

(3) For regulation 4(1)(b), substitute—

“(b) that any conditions applicable to the existing line which are contained in—

(i) a consent granted under section 37(1) of the Act or section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899(c); or

(ii) an order granting development consent under the Planning Act 2008, are complied with;”.

Hunt of Kings Heath
Minister of State

(a) 2008 c. 29.
(b) S.I. 2009/640.
(c) 1899 c.19.

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.

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