

ATODLEN 1

Erthygl 5(2)

Gosod llinellau cysylltiedig datganoledig

“PART 17A

Installation of devolved associated lines

Class A

Permitted Development

A. Development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their statutory undertaking consisting of—

- (a) the installation of a devolved associated line with a nominal voltage not exceeding 20 kilovolts used or intended to be used for supplying a single consumer;**
- (b) the installation of so much of a devolved associated line as is or will be within premises in the occupation or control of the person responsible for its installation;**
- (c) the installation of a devolved associated line which—**
 - (i) connects an electric line installed below ground with apparatus mounted on a pole or structure; and**
 - (ii) is attached to the pole or structure throughout its length except where it passes through a fuse or other apparatus;**
- (d) the installation for a period not exceeding six months of a devolved associated line which connects two points on an existing line which are no further apart than the maximum distance so as to provide a diversion for the existing line;**
- (e) the installation of a devolved associated line attached to a building where the building in question crosses a road, railway or watercourse and its principal purpose is not the support of the line;**
- (f) the installation of a devolved associated line which replaces an existing line whether or not it is installed in the same position as the existing line in question;**
- (g) the installation of one or more additional poles to support an existing devolved associated line;**
- (h) the installation of a devolved associated line which has been, or is to be, installed in accordance with a power conferred by, or by an order made under, an Act of Parliament or an Act of the National Assembly for Wales.**

Development not permitted

A.1.—(1) Development is not permitted by Class A if:

- (a)** in the case of any Class A(d) and (f) development, any part of the line is within a European site or a site of special scientific interest;
- (b)** (save as provided for in paragraph A.2(3)) in the case of any Class A(d), (f) or (g) development—
 - (i)** the line is to be installed in a different position from the existing line; or
 - (ii)** the height above the surface of the ground of any support for the line will exceed the height of the highest support which is to be replaced;

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- (iii) the installation will be in a National Park or an area of outstanding natural beauty,
and it is determined there is likely to be a significant adverse effect on the environment;
 - (c) in the case of any Class A(e) development, the building in question is a scheduled monument, a listed building or in a conservation area;
 - (d) in the case of any Class A(f) development the line has a nominal voltage greater than the nominal voltage of the existing line.
- (2) For the purposes of paragraph A.1(b) it is determined that there is likely to be a significant adverse effect on the environment if—
- (a) notice is given by the person proposing to carry out the installation to the local planning authority of that proposal; and
 - (b) the authority, within six weeks of receiving that notice—
 - (i) determines that if the installation were completed in accordance with the proposal it would in the opinion of that authority be likely to have a significant adverse effect on the environment; and
 - (ii) notifies the person by whom the notice was given and the Welsh Ministers of that determination.

Conditions

A.2.—(1) Development is permitted in the case of any Class A (f) and (g) development subject to the following conditions—

- (a) that any conditions applicable to the existing line contained in—
 - (i) a consent granted under section 37(1) of the Electricity Act 1989⁽¹⁾ (consent required for overhead lines) or paragraph 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899⁽²⁾; or
 - (ii) an order granting development consent under the Planning Act 2008⁽³⁾, or
 - (iii) a planning permission relating to the height, design or position of the existing line which are capable of being applied to the installation;are complied with;
- (b) that the height above the surface of the ground of any support for the line does not exceed the height of the highest existing support or support which is being replaced by more than 10 per cent;
- (c) that where the line is installed in a different position from the existing line the distance between any small support and the existing line does not exceed 30 metres and the distance between any other support and the existing line does not exceed 60 metres; and
- (d) that where the line is installed in a different position from the existing line, the existing line is removed within twelve months from the date on which the installation of the line which replaces it is completed.

(2) Development is permitted in the case of any Class A(d) development subject to the conditions that—

(1) 1989 p. 29. Diwygiwyd adran 37(1) gan baragraff 33 o Atodlen 2 i Ddeddf Cynllunio 2008 (p. 29) a chan adran 42 o Ddeddf Cymru 2017 (p. 4).

(2) 1899 p. 19. Diddymwyd y Ddeddf gan Ddeddf Trydan 1989.

(3) 2008 p. 29. Gweler adran 31 am y diffiniad o “development consent.”.

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- (a) at the end of a period of six months from the date on which the installation is completed or on the ending of the diversion (whichever is the sooner) the devolved associated line is removed; and
 - (b) the land on which any operations have been carried out is restored as soon as reasonably practicable to its condition before the development took place.
- (3) Where it is necessary to make emergency repairs to an existing devolved associated line in a National Park or an area of outstanding natural beauty—
- (a) the limitation in paragraph A.1.(1)(b) does not apply; and
 - (b) development is permitted subject to the condition that the person making those emergency repairs must notify the local planning authority as soon as practicable that those repairs have been, are being or will be made.

Interpretation of Class A

A.3.—(1) For the purposes of this Part—

“devolved associated line” means an electric line which—

- (a) is above ground;
- (b) has a nominal voltage of 132 kilovolts or less, and
- (c) is associated with the construction or extension of a devolved Welsh generating station granted planning permission or consented to on or after 1 April 2019;

“devolved Welsh generating station” has the same meaning as in section 37(2B) of the Electricity Act 1989(4);

“electric line” has the meaning assigned to that term by section 64(1) of the Electricity Act 1989(5) (interpretation etc. of Part 1);

“European site” has the same meaning as in regulation 8 of the Conservation of Habitats and Species Regulations 2017(6);

“an existing line” means an electric line which—

- (a) has been installed or is kept installed above ground in accordance with a consent granted under section 37(1) of the Electricity Act 1989(7) or an order granting development consent under the Planning Act 2008 or planning permission; or
- (b) has been installed above ground and is an electric line to which section 37(1) of the Electricity Act 1989 does not apply by virtue of paragraph 5(4) or (5) of Schedule 17 to that Act;

“small support” means a support for an electric line which does not exceed 10 metres in height.

(2) For the purposes of Class A(d) development “maximum distance” means—

- (a) in relation to a devolved associated line which has a nominal voltage less than 66 kilovolts, 500 metres; and
- (b) in relation to any other devolved associated line, 850 metres.

(3) For the purposes of paragraph A.2(1)(c), any reference to the distance between a support and an existing line is a reference to the shortest distance between the centre of the base of that

(4) Mewnsoodwyd adran 37(2B) gan adran 42(3) o Ddeddf Cymru 2017 (p. 4).

(5) Mae diwygiadau i adran 64(1) nad ydynt yn berthnasol i'r Gorchymyn hwn.

(6) O.S. 2017/1012.

(7) Diwygiwyd adran 37(1) gan baragraff 33 o Ddeddf Cynllunio 2008 (p. 29) ac Atodlen 2 iddi.

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support and an imaginary line through the centre of the base of each support for the existing line.”