
D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No.

ELECTRICITY

INFRASTRUCTURE PLANNING

**The Planning Act 2008 (Nationally Significant Infrastructure
Projects) (Electric Lines) Order 2013**

Made - - - - - ***

Coming into force - - - - - ***

The Secretary of State, in exercise of the powers conferred by section 14(3)(b) and (4) of the Planning Act 2008(a), makes the following Order.

Citation and commencement

1. This Order may be cited as the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013 and comes into force on 6 April 2013.

Exempt installations

2. Section 16 of the Planning Act 2008(b) is amended as follows—

(a) after 16(3)(a) insert—

“(aa) if the length of the line is less than two kilometres,

(ab) if—

- (i) the line replaces an existing line of a lower nominal voltage,
- (ii) the line is installed in the same position as the existing line, and
- (iii) the installation of the line does not involve any change to the existing supports,”

(b) after 16(4) insert—

“(5) “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(c) or an order granting development consent under this Act; or

(a) 2008 c.29.
(b) 2008 c.29, as amended by SI 2010/277.
(c) 1989 c.29, as amended by the Planning Act 2008 c.29.

(b) has been installed above ground and is an electric line to which section 37(1) of the Electricity Act 1989 does not apply either by virtue of paragraph 5(4) or (5) of Schedule 17 of the Electricity Act 1989 or by virtue of the Overhead Lines (Exemption) (England and Wales) Regulations 2009(a).”.

Transitional Provision

3. This Order shall not apply to any application for an order granting development consent where such application has been received prior to the date on which this Order comes into force.

Date

Minister of State
Department of Energy and Climate Change

(a) S.I. 2009/640, amended by S.I. 2010/29.

EXPLANATORY NOTE

(This note is not part of the Order)

The installation of an electric line which is classed as a nationally significant infrastructure project is subject to the development consent processes set out in the Planning Act 2008 (“the 2008 Act”), whereas the installation of an electric line which is not a nationally significant infrastructure project is subject to the consent process under section 37 Electricity Act 1989 (“the 1989 Act”). In the case of both the 2008 Act and the 1989 Act, certain minor works are exempted from the requirement for consent by the Overhead Lines (Exemption) (England and Wales) Regulations 2009. Section 16(3) of the 2008 Act specifies which installations of electric lines constitute a nationally significant infrastructure project for the purposes of the Act, by excluding various classes of installation.

This Order, which comes into force on 6 April 2013, amends section 16(3) of the 2008 Act to provide two new categories of electric line installation which are no longer considered nationally significant infrastructure projects, and are therefore subject to the consents process under the 1989 Act rather than the 2008 Act. Article 2(a) provides that an electric line (of any voltage) which is less than 2km in length is not a nationally significant infrastructure project. Article 2(b) provides that the replacement of an existing line with a new line of a higher voltage is not a nationally significant infrastructure project if it does not involve any change to the supports to the line or the position of the line.