

Overhead Lines (Exemption) (England and Wales) Regulations 2009/640

reg. 3 Exemptions from section 37(1) of the Act

Law In Force

Version 3 of 3

4 November 2024 - Present

Subjects

Energy; Planning; Utilities

3.— Exemptions from section 37(1) of the Act

(1) [Section 37\(1\)](#) of the Act shall not apply in relation to—

(a) the installation or keeping installed of an electric 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;

(b) the installation or keeping installed of a wire or cable (including its casing or coating) which forms part of electronic communications apparatus (within the meaning given to that expression in [the electronic communications code set out in [Schedule 3A](#) to the [Communications Act 2003](#)] ^{1 2}) and which is supported, or carried by, or suspended from the supports for an existing line;

(c) the installation or keeping installed, subject to the provisions of [regulation 5](#), for a period not exceeding six months of an electric line (no part of which is within a European site or an SSSI) 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;

(d) the installation or keeping installed of an electric line attached to a building (other than a scheduled monument, listed building or building in a conservation area) where the building in question crosses a road, railway or watercourse and its principal purpose is not the support of the electric line;

(e) the installation or keeping installed, subject to the limitations in [regulation 4](#) and the provisions of [regulation 5](#), of an electric line (no part of which is within a European site or an SSSI) which replaces an existing line whether or not it is installed in the same position as the existing line in question; or

(f) the installation or keeping installed, subject to the limitations in [regulation 4](#) and the provisions of [regulation 5](#), of one or more additional poles to support an existing line.

(2) In this regulation—

“*building*” includes structure;

“*conservation area*” and “*listed building*” have the same meanings [in relation to areas and buildings in England] ³ as in [section 91](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)[and in relation to areas and buildings in Wales, have the meanings in [section 210](#) of the [Historic Environment \(Wales\) Act 2023](#)] ⁴;

“*European site*” has the same meaning as in [regulation 10](#) of the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) ⁵;

“*the maximum distance*” means—

(a) in relation to an electric line which has a nominal voltage less than 66 kilovolts, 500 metres; and

(b) in relation to any other electric line, 850 metres;

“*scheduled monument*” has the same meaning [in relation to monuments in England]⁶ as in [section 1\(11\) of the Ancient Monuments and Archaeological Areas Act 1979](#)[and in relation to monuments in Wales, has the meaning in [section 3\(7\) of the Historic Environment \(Wales\) Act 2023](#)]⁷; and

“SSSI” means a site of special scientific interest notified under [sections 28 to 28D of the Wildlife and Countryside Act 1981](#)⁸.

Notes

- 1 Words substituted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 [Sch.4 para.35\(2\)](#) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)
- 2 The definition of “electronic communications apparatus” was substituted by [paragraph 2\(2\) of Schedule 3 to the Communications Act 2003 \(c.21\)](#).
- 3 Words inserted by Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024/924 [Pt i reg.45\(a\)\(i\)](#) (November 4, 2024)
- 4 Words inserted by Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024/924 [Pt i reg.45\(a\)\(ii\)](#) (November 4, 2024)
- 5 [Regulation 10](#) was amended in relation to England by [S.I. 2000/192, regulation 2\(1\), \(2\)\(a\) and \(2\)\(b\)](#), and in relation to England and Wales by [S.I. 2007/1843, regulation 5\(1\), \(9\)\(a\) and \(9\)\(b\)](#).
- 6 Words inserted by Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024/924 [Pt i reg.45\(b\)\(i\)](#) (November 4, 2024)
- 7 Words inserted by Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024/924 [Pt i reg.45\(b\)\(ii\)](#) (November 4, 2024)
- 8 [Sections 28 to 28D](#) were substituted by [section 75\(1\) of and paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 \(c.37\)](#) and amended by [section 105\(1\) of and Schedule 11, paragraph 79 to the Natural Environment and Rural Communities Act 2006 \(c.16\)](#).

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