



Department
of Energy &
Climate Change

THE TEN- E REGULATION EU347/2013

Manual of Procedures: The permitting process
for Projects of Common Interest in the UK

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1. Introduction

- 1.1. The Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (TEN-E Regulation) lays down rules for the timely development and interoperability of energy networks in European Union Member States and the European Economic Area (EEA). The TEN-E Regulation sets out guidelines for streamlining the permitting processes for major energy infrastructure projects that contribute to European energy networks.
- 1.2. These infrastructure projects, referred to as “Projects of Common Interest” (PCIs) are selected by twelve regional groups established under Article 3 of the TEN-Regulation¹. A regional group is composed of representatives from the Member States, the Transmission Systems Operators (TSO), the Commission, the Agency for the Cooperation of Energy Regulators (the Agency) and the European Network of Transmission Systems Operators (ENTSO). Project promoters wishing projects to be PCIs apply to the regional groups, which select projects for inclusion on the “Union List”. Decision-making on the selection process is, however, reserved to Member States and the Commission. The first Union List of PCIs was published in the Official Journal of the European Union on 21 December 2013 and came into force on 10 January 2014².
- 1.3. The TEN-E Regulation establishes that PCIs are necessary to take forward EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. To ensure rapid treatment the TEN-E Regulation sets an overall timetable of 3.5 years for the permitting process, with an indicative period of 2 years for “pre-application procedures” – e.g. preparation of the necessary schedules, concept for public participation and public consultation on PCI proposals – and 1.5 years for determination of applications for “permits”. In the UK this may include planning permissions, development consent orders, marine licences and works authorisations as appropriate, depending on the type of PCI infrastructure and consenting regimes.
- 1.4. The TEN-E Regulation has “direct application” in EU Member States. In the UK the consenting processes for major energy infrastructure are broadly similar to the procedures set out in the TEN-E Regulation. It is not necessary, therefore, to implement the provisions through domestic

¹ Article 3(1) and Annex III.1

² OJ L 349/28 <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1395932371300&uri=CELEX:32013R1391> The Union list of PCIs will be updated every 2 years. The next list should therefore come into force in January 2016.

legislation nor to materially change UK processes. There are some provisions in UK consenting regimes, for example where certain types of energy infrastructure have general permitted development rights under the Town and Country Planning Act 1990, that will require a slightly different approach for PCI applications from applications for the same type of infrastructure projects that are not PCIs.

- 1.5. The TEN-E Regulation requires PCI project promoters to undertake certain activities, including written notification of the PCI to the national competent authority, establishment of a project website and to carry out at least one public consultation on the PCI. These activities are discussed in the relevant sections below.
- 1.6. This Manual of Procedures sets out practical guidance for PCI project promoters (developers) and the general public who wish to understand the process for determining consents for PCIs. It will refer to the “permit granting process” when describing provision of the TEN-E Regulation, but will describe the necessary permissions and consents required for infrastructure in the UK as the “consenting process” or “consenting regime” to distinguish ordinary UK practice from the TEN-E Regulation provisions.
- 1.7. This Manual of Procedures should be used alongside the TEN-E Regulation and other relevant legislation to which it refers. It sets out the consenting regimes for major energy infrastructure in the UK and the Department of Energy and Climate Change’s and relevant authorities’ views on how the requirements of the TEN-E Regulation should be met in respect of PCIs in the UK. It is not, however, legally binding nor a substitute either for relevant legislation or for independent advice by suitably qualified professionals as appropriate.

2. Definitions

2.1. The TEN-E Regulation introduces several terms that are not normally used in UK consenting regimes for energy infrastructure. These are described below:

“Project of Common Interest”

2.2. A ‘project of common interest’ (PCI) is a project necessary to implement the energy infrastructure priority corridors and areas set out in Annex I of the TEN-E Regulation and which is part of the Union list of projects of common interest referred to in Article 3 of the TEN-E Regulation.

“Comprehensive Decision”

2.3. The “comprehensive decision” is defined in Article 2(2) and Recital 33 to mean the decision or set of decisions that determines whether or not a project promoter is granted authorisation to construct a PCI. Recital 33 of the TEN-E Regulation clarifies that Member States may choose to cover negotiations with individual landowners on access, ownership or rights to occupy property. The Government has decided that the comprehensive decision will not be applied to these decisions in the UK. The comprehensive decision will not therefore include e.g. Crown Estate leases, environmental permits or similar operational permits or commercial arrangements. Nor will it include decommissioning requirements. However developers will need to comply with all relevant legislation on these issues.

“Project Promoter”

2.4. A project promoter is defined under Article 2(6)(a) and (b) of the TEN-E Regulation as Transmission System Operator (TSO), a distribution system operator, other operator or an investor, or – in defined circumstances – an entity with legal personality that is developing a PCI. In this Manual the project promoter is referred to as “the developer”.

“Concept for Public Participation”

2.5. The concept for public participation is a plan by the developer for consultation on the PCI. The TEN-E Regulation does not directly define a “concept for public participation”. It does set out, in Annex VI (4) the minimum information that a concept for public participation should include. The concept of public participation is described in more detail in paragraph 4.23 of this Manual.

“Draft application file”

2.6. The “draft application file” in the TEN-E Regulation is the compiled applications and associated information that is necessary for all required consents and permits that comprise the comprehensive decision. The TEN-E Regulation provides a 3 month period for the NCA to consider the draft and request any information that was specified by the NCA in the pre-application procedures but is missing from the file. Within 3 months of receipt of the draft, the NCA must either formally accept the file for examination or reject it.

3. National Competent Authority

3.1. Under Article 8(1) of the Regulation, Member States are required to designate a “National Competent Authority” (NCA) that will co-ordinate and facilitate the comprehensive decision and provide a single point of contact for developers. For the UK, the designated NCA is the Secretary of State for Energy and Climate Change.

3.2. In the UK the NCA will carry out its role according to the “collaborative scheme” set out in Article 8(3)(c). The NCA is required to co-ordinate the permitting processes for PCIs and set a schedule for the required permits within the timetable set out in Chapter III of the TEN-E Regulation.

Article 8(3)(c)

Collaborative scheme: the comprehensive decision shall be coordinated by the competent authority. The competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 10, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned.

3.3. Consenting powers for some types of energy infrastructure in the UK have been devolved to the Scottish, Welsh and Northern Ireland Administrations (the “Devolved Administrations” - DAs). This means that for PCIs for which the UK portion is wholly in a DA, consenting powers may not rest with the UK Government. The facilitation and co-ordination of the permitting process by the Secretary of State as the NCA would, therefore, cut across the devolved consents processes. To take this into account the NCA has delegated its responsibilities for PCIs wholly in a DA for which the DA has devolved consenting powers to the appropriate Ministers. Where a PCI is partly in one UK administration and partly in another, the NCA may delegate its responsibilities on a case by case basis, as set out in the Ministerial Statement of 18 November 2013³. The different consenting regimes for PCI infrastructure types are set out in Section 6 below.

3.4. This means that, for practical purposes dependent on the location of the UK part of a PCI and on the infrastructure type, the NCA will be:

- In England the Secretary of State for Energy and Climate Change.

³

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131118/wmstext/131118m0001.htm#1311182000002>

- In all offshore areas of the UK in relation to reserved oil and gas matters (for PCIs this means oil, gas or CO2 pipelines) the Secretary of State for Energy and Climate Change.
 - In Wales the Welsh Ministers.
 - In Scotland the Minister for Energy, Enterprise and Tourism.
 - In Northern Ireland the Minister of Enterprise, Trade and Investment.
- 3.5. Some offshore energy infrastructure is regulated under the Marine and Coastal Access Act 2009 (MCAA2009). For PCIs, this means submarine electricity interconnector cables. Under the MCAA2009, the Marine Management Organisation (MMO) is the consenting authority in England. The NCA has therefore delegated its tasks relating to the facilitation and co-ordination of the permit granting process to the MMO for PCIs for which a marine licence will be the primary consent required.
- 3.6. Similarly, the Planning Act 2008 defines some energy infrastructure projects as “Nationally Significant Infrastructure Projects” (NSIPs) that require a Development Consent Order (DCO). The Planning Inspectorate (PINS) appoints an Examining Authority to examine applications for DCOs and make a recommendation to the Secretary of State. The NCA has therefore delegated tasks relating to the facilitation and co-ordination of the permit granting process to PINS for PCIs for which a DCO will be the primary consent required. For PCIs, these may be overhead electric lines in England and Wales, gas transporter pipelines in England, other pipelines in England and Wales and “pumped storage” generating plants in England and Wales that meet the relevant thresholds to be NSIPs.
- 3.7. Under the TEN-E Regulation, the designated NCA (i.e. the Secretary of State for Energy and Climate Change) is required to notify the Commission where such delegation has been made either for a category of infrastructure or on a case-by-case basis. It is intended that the (designated) NCA will advise individual PCI developers where NCA responsibility or tasks for that PCI have been delegated as described above.
- 3.8. Developers should note that the TEN-E Regulation does not change the consenting regimes applicable to energy infrastructure in the UK; the consent decision remains the responsibility of the relevant UK consenting authority. Moreover, because a project is a PCI does not mean that consent will necessarily be granted. Although PCI status establishes the need for the proposed infrastructure, any permit required for a PCI to be constructed must be determined according to the requirements of the relevant consenting regime
- 3.9. Developers should also note particularly that PCIs which are in more than one Member State will have a designated NCA in each Member State (e.g. for a project that is in both France and England the developer will need to engage with both the French and English NCAs).

3.10. A regulatory authority that is either the designated NCA, or has delegated NCA responsibilities and/or tasks may also be a consenting authority for some types of infrastructure projects. However the role of the NCA, its tasks and responsibilities, are separate from examination and determination of a consent application. The NCA will co-ordinate and facilitate a comprehensive decision. As part of that comprehensive decision, the consenting authority will carry out its usual functions. For example for a PCI in England or Wales that is an overhead line, the Secretary of State for Energy and Climate Change is the decision-maker. The Secretary of State will also be the NCA and, if the consent required is consent under section 37 of the Electricity Act 1989, officials in the Department of Energy and Climate Change (DECC) will carry out the responsibilities and tasks under the TEN-E Regulation, but the tasks and responsibilities will be separate from examination and determination of a consent application. If a PCI that is an overhead line is an NSIP, then the facilitation and co-ordination tasks would be carried out by PINS, alongside the Examining Authority's examination of a DCO application, and the DCO decision would be made by the Secretary of State (who would *not* in this instance carry out the NCA tasks).

4. TEN-E Procedures

General

4.1. The TEN-E Regulation sets out specific periods for actions to deliver the “comprehensive decision” in Article 10. There are several procedures (stages) in the TEN-E Regulation through which a PCI must pass. In the UK, these are broadly similar to normal consenting procedures, but there are additional requirements for developers. These include requirements to draw up an implementation plan, and to establish and maintain a website on the PCI and to carry out at least one public consultation on the PCI.

Implementation Plan

4.2. Under Article 5(1), developers must draw up an Implementation Plan for the PCI, that includes timetables for:

- (a) feasibility and design studies;
- (b) approval by the national regulatory authority or by any other authority concerned;
- (c) construction and commissioning;
- (d) the permit granting schedule referred to in Article 10(4)(b).

4.3. As the permit granting schedule will not be prepared until after written notification to the NCA has been accepted, the timetable required at point (d) is understood to mean the timetable for drawing up the schedule, not the schedule itself.

Developer’s Website

4.4. Developers are also required to set up and regularly update a webpage for each PCI that includes information set out in Annex VI (6). The main requirements for information to be published on the website under the TEN-E Regulation that developers may not normally include are for an information leaflet, information about the NCA for the PCI; a link to the Commission’s website and a link to the website on which the NCA has published the “Manual of Procedures” (a developer with requirements for consents in more than one MS may need only one website, with the relevant information from both MS NCAs).

4.5. The website must make available, as a minimum:

- (a) the information leaflet referred to in Annex VI(5) of the TEN-E Regulation;
- (b) a non-technical and regularly updated summary of no more than 50 pages reflecting the current status of the project and clearly indicating, in case of updates, changes to previous versions;
- (c) the project and public consultation planning, clearly indicating dates and locations for public consultations and hearings and the envisaged subject matters relevant for those hearings;
- (d) contact details in view of obtaining the full set of application documents;
- (e) contact details in view of conveying comments and objections during public consultations.

4.6. The TEN-E Regulation sets out procedures for both the NCA and developer in preparing an application for a PCI (the “pre-application procedures” and in examining it, prescribed in Article 10(1)(a) and (b). The detailed steps, set out in Article 10(4) are:

Pre-application.

- Pre-application notification to the NCA;
- Agreement of the schedule for the permit granting process;
- Determination by the NCA of the scope and detail of information required by consenting authorities;
- Submission of a “concept for public participation” to the NCA;
- Submission of a “draft formal application file”.

Examination of an application

- Examination and determination of consent applications by the relevant consenting authorities;
- Delivery of the “comprehensive decision”.

4.7. The Commission website URL for the purposes of TEN-E is http://ec.europa.eu/energy/infrastructure/pci/pci_en.htm . The UK website that contains NCA information is <https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects> .

Pre-Application Notification

4.8. Article 10(1)(a) of the Regulation requires a developer to provide written notification to the NCA of a project, with “a reasonably detailed outline” of the proposal. When written notification of a PCI is submitted, the NCA must reply within 3 months either acknowledging the notification or rejecting it. If a notification is acknowledged, the date of acknowledgement is the start date for the permitting process set out in the TEN-E Regulation. Where two or more Member States (including

EEA Member States) are concerned, the start date will be the date of acknowledgement of the last notification to a Member State's NCA. For example, for a PCI between France and England, if written notification was first acknowledged by the French NCA and subsequently by the UK NCA, the permitting process would start from the date of acknowledgement of notification by the UK NCA.

- 4.9. This written notification has two purposes. As noted above, acknowledgement by the NCA starts the clock for the permitting process. But it also requires the NCA to consider whether the proposed project is in a fit state to enter the permitting process and reject it if it considers the project as "not mature enough".
- 4.10. The Regulation does not define the format in which a written submission should be made, what should constitute a "reasonably detailed outline" or how "not mature enough" should be interpreted. This allows Member States to be flexible and apply existing consenting processes if appropriate.
- 4.11. To avoid unnecessary bureaucracy, the UK does not intend to introduce a formal application form for written notification. In general, the notification should be a letter (which may be sent by email as attachment in Word or .pdf) to the NCA responsible for specified PCI type/category. If, however, authorities that have delegated NCA responsibilities already have notification processes the delegated NCA may decide use these processes where it considers this to be possible. For example where it has delegated NCA tasks the MMO will permit written notification for a PCI to be made through its normal electronic applications system for marine licences.
- 4.12. Written notification needs to have sufficient information for the NCA to judge whether it is "mature enough to enter the permitting process". Consideration of whether a project is "mature" means, in practice, whether the project is likely to be sufficiently advanced to be able to submit an application for the consent or consents required for construction of the PCI within two years of written notification.
- 4.13. It follows, therefore, that the "reasonably detailed outline" is likely to include such details as:
- A description of the main elements of the project in the UK; (e.g. a submarine cable for an electricity interconnector, or an offshore gas transporter pipeline, with any converter stations, electricity-substations or gas pipeline pumping stations or similar associated infrastructure that would be required to construct and operate the proposed PCI);
 - A description of the main elements that are in other Member States;
 - The location of the project. (Where the project is linear and alternative corridors are being considered, this should include the details of the alternatives.) The information on location should state clearly whether it is within or partly within a designated area (e.g. a Ramsar site, Special Protection Area (SPA), Area of

Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI) or other designated area);

- If the PCI is likely to have any significant environmental effects, any Environmental Impact Assessment (EIA) screening or scoping opinion given by relevant authorities or credible plans to request an appropriate screening or scoping opinion;
 - The principal developer(s) for the Project in all relevant Member States;
 - Any consultations or public information already available for the project.
 - Contact details for the NCA (s) in other Member States.
 - A provisional project timetable indicating the target date for the project to start operation. (This could be the “Implementation Plan” required under Article 5(1) of the TEN-E Regulation.)
 - The primary contact point for the developer.
- 4.14. After acknowledging notification, the NCA is required to undertake two tasks in consultation with relevant consenting authorities and the developer. The first is to identify the “scope of material and level of detail of information to be submitted by the project promoter, as part of the application file”. The second is to prepare a detailed schedule for the permit granting process.

Information required by consenting authorities

- 4.15. Article 10(4)(a) of the TEN-E Regulation requires the NCA to identify what information should be included in a formal application and what level of detail should be given. This should be done in consultation with consenting authorities and the developer. In the UK, it is intended that this information would be the information required for applications under the existing consenting regimes.
- 4.16. One opportunity for the NCA and consenting authorities in drawing up the information requirements is that – because the consents required will be co-ordinated – the NCA can help a developer to provide information that is suitable for all the consenting authorities (where possible) rather than having essentially the same information provided in a slightly different format for a number of consent applications. (E.G. for major infrastructure, developers may be required to submit a flood plan approved by the relevant environmental agency – so the plan could include information on all the parts of the project and be used by e.g. local authorities consenting associated infrastructure as well as an authority consenting the major infrastructure).
- 4.17. Further details of the information requirements for PCIs are given in Section 6 below.

Schedule for the Permit Granting Process

- 4.18. Under Article 10(4)(b) the NCA is required to prepare a detailed schedule for the permit granting process for each PCI after written notification by the developer has been acknowledged. Guidelines for the drafting of this schedule are set out in Annex VI(2), which requires that the schedule specify as a minimum:
- The decisions and opinions to be obtained;
 - The authorities, stakeholders, and the public likely to be concerned;
 - The individual stages of the procedure and their duration;
 - Major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;
 - The resources planned by the authorities and possible additional resource needs.
- 4.19. No timetable is given for production of the schedule, but as the developer is required to produce a “concept for public participation” within 3 months of acknowledgement of written notification, it is recommended that the NCA produces the schedule for permit granting process in the same timescale.
- 4.20. To assist the NCA in preparing the schedule for the permit granting process the developer should provide any plans or schedules for required development consents that they may have already prepared as part of the written notification. The schedule will take as its basis the procedures for the relevant consenting regimes as set out in Section 5 of this Manual, using the table at Annex 1 to indicate those regimes applicable to the individual PCI.
- 4.21. As discussed in Section 5, UK legislation does not generally set out timescales of pre-application procedures, although some consenting regimes may set minimum periods for public consultation; e.g. under the PA 2008 section 42 consultations must be a minimum of 28 days. It will therefore be for the developer to propose reasonable timescales for pre-application procedures, particularly with regard to any EIA that might be necessary and the conduct of required public consultation, within the 2 year period set by the TEN-E Regulation. The indicative duration of the examination period after formal acceptance of an application file will be according to the timescales applying to the consent regimes. For TCPA consent in England and Wales and the equivalent regimes in Scotland and Northern Ireland, this is likely to be 16 weeks. For marine licences, the target date for determination of an application by the MMO is 13 weeks and in Scotland, Wales and Northern Ireland the target is 3 months. However more complex projects may take up to 9 months to determine.
- 4.22. For PCIs that require permits in two or more Member States the TEN-E Regulation requires Member States’ NCAs to prepare a joint schedule of permits and align their permitting timetables if possible. As

this will require early engagement between Member States' NCAs, it would be helpful if developers could advise in their written notification of any correspondence with other Member State's NCAs.

Concept for Public Participation

- 4.23. Within 3 months of the written notification to the NCA, the developer is required to submit a "concept for public participation" according to the principles in Annex VI (4). This is to ensure that the developer carries out proper public consultation on the project. In approving a concept for public participation, the NCA may take into consideration any form of public participation and consultation that took place before the start of the consenting process, to the extent that it fulfils the requirements of Article 9 of the TEN-E Regulation. Although it enumerates principles for consultations in Annex VI(3) the TEN-E Regulation does not prescribe rigid rules.
- 4.24. The "concept for public consultation" must include, as a minimum, the following information:
- (a) the stakeholders concerned and addressed;
 - (b) the measures envisaged, including proposed general locations and dates of dedicated meetings;
 - (c) the timeline;
 - (d) the human resources allocated to the respective tasks.
- 4.25. It may be that the overall concept would be for consultation on a specific route for a linear PCI or specific location for the site of a sub-station, but because the specific site will be subject to more detailed assessments, it is not possible to specify exact dates or locations for any dedicated meetings. In such circumstances, it may be acceptable for the concept to set out in general terms what is proposed and use an indicative timescale in which consultations would be undertaken. It should be noted however, that for PCIs that are in more than one MS, consultations on the PCI in each MS must be held within two months of the first consultation.
- 4.26. The TEN-E Regulation sets out the minimum requirements for "public participation" that would meet the consultation requirements in Article 9(3) and Annex VI (3). Annex VI(5) also specifies that for the required public consultation, the relevant parties shall at least:
- (a) publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures, which shall be published prior to the start of the consultation. The information leaflet shall furthermore list the web addresses of the transparency

platform referred to in Article 18 and of the manual of procedures referred to in point (1);

(b) inform all stakeholders affected about the project through the website referred to in Article 9(7) and other appropriate information means;

(c) invite in written form relevant affected stakeholders to dedicated meetings, during which concerns shall be discussed.”

4.27. The concept for public participation should be proportionate to the nature of the infrastructure proposed, but must include at least one public consultation. Developers should consider how best to engage with the public, considering the likely stakeholders and issues that might be of concern. A “concept for public participation” could follow the pattern of a stakeholder engagement plan that developers often prepare as part of project planning for a proposal that requires an EIA⁴. It should include some indication of where in the project timetable any proposed information events might occur. It is not expected, however, that all concepts for public participation would be able to state the precise day, hour or location of any putative information event.

4.28. In indicating the “human resources” to be allocated to specific consultation tasks, it may not be possible to state explicitly the number of persons allocated to each part of a consultation process, nor the precise timing of potential consultation events. Further, some developers may use professional public relations consultants to manage public information and consultation on a project. However developers will be expected to indicate the type of resources expected to be committed to consultation tasks (for example a project engineer and environmental specialist to explain the project and any potential significant effects) and an indication of the timing of consultations to demonstrate that the TEN-E obligations and any UK obligations will have been met before an application is submitted.

4.29. Some UK consenting regimes set out specific requirements for consultation. For example, the Planning Act 2008 and its implementing regulations have statutory obligations to consult statutory bodies, including environmental bodies such as Natural England and local authorities before submitting an application. Prospective applicants for a DCO must prepare a “Statement of Community Consultation” (SOCC), having first consulted relevant local authorities on a draft of this and carry out consultations as set out in the SOCC. The developer is required to submit a report on all the statutory consultation and publicity they have undertaken with an application for an order granting

⁴ E.G in compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 requirement for the consultation statement prepared under section 47 (duty to consult local community) to set out “if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information” (Regulation 10(b)).

development consent and show how the outcome of the consultation has been taken account.

- 4.30. There is a process for consultation on applications for a Marine Licence that takes place during the examination period and the concept for public participation would take into this into account. There are also consultation requirements in regulations implementing the environmental impact assessment (EIA) directive in the UK.
- 4.31. Under the Town and Country Planning Act 1990, local planning authorities are required to carry out consultations as prescribed in Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010. In considering a proportionate concept for public participation for PCIs that may only require TCPA planning permission, developers should ensure that the concept takes account of the statutory obligations on local authorities. It should be noted that such consultations will take place *after* the formal application file has been accepted, i.e. in the 18 month examination and determination period. It is recommended that developers have discussions with the NCA and relevant local authorities on the timing of such consultations, which may also be reflected in the schedule of permit-granting process. Guidance on consultations under the TCPA is available on the Planning Portal at: <http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>
- 4.32. In drafting a concept for public participation, developers should include any statutory requirements for consultation and how they will comply with these requirements. Note, however, that any statutory consultations required by UK consenting regimes during the *examination* of an application do not over-ride or substitute for the requirement in the TEN-E Regulation to hold at least one public consultation before submission of the “draft application file” – which should be accompanied by a report on the consultation. It is recommended that developers discuss any proposed “concept for public participation” with the NCA at an early stage. This would avoid rejection of an inadequate plan later.

Submission of a “draft application file”

- 4.33. Article 10(4)(c) of the TEN-E Regulation requires the NCA to review the developer’s “draft application file” and request any missing information. In the UK, there is no requirement to submit draft applications for approval by consenting authorities before a formal application is made for consent of an infrastructure project. Moreover, in respect of an application for a DCO under the Planning Act 2008, there is no provision during the acceptance period under section 55 of the Act to require or allow submission of additional information once an application has been made. The application must be accepted or rejected within 28 days.
- 4.34. However, it is normal for developers to have informal discussions with consenting or examining authorities prior to submitting an

application. In the context of the TEN-E Regulation, the developer may ask the NCA to co-ordinate these discussions and the “draft application file” could be the compendium of information compiled from such discussions on formal consent applications identified in the schedule of consents drawn up in the pre-application procedure. For DCOs, such discussions should take place with PINS within two months of the intended formal application, as set out in the developer’s implementation plan.

- 4.35. The NCA must consider whether any information is missing according to the details identified in the pre-application stage and, if so, request it from the applicant. Under the TEN-E Regulation, the NCA has 3 months in which to confirm whether the application is accepted for examination. To avoid unnecessary duplication of material, if consenting authorities require missing information, they should consult the NCA so that the NCA can make a co-ordinated request to the developer.

Statutory Permit Granting Process

- 4.36. The TEN-E Regulation does not replace any consents for infrastructure required in the UK. Although the NCA will facilitate and co-ordinate the permit granting process it does not determine consents (although the authority may also be a consenting authority that will ordinarily determine consent applications). In the UK the processes for applying for consents are set out in guidance issued by the relevant consenting authorities. These will continue to apply in respect of PCIs and developers must ensure that they meet all the statutory requirements for relevant consents. Guidance on the relevant consenting regimes is set out in Section 5 below.
- 4.37. In the TEN-E Regulation the “statutory permit granting process” is the 18 month period from formal acceptance by the NCA of a “draft application file” to the determination of the “comprehensive decision”. As explained in paragraph 4.33, following submission of any information required, the NCA should accept – or reject - an application in written form. The formal application should be for a “comprehensive decision” as described in paragraph 2.3 above. Under the TEN-E Regulation, formal acceptance of the draft application file means, in effect, acceptance of all the applications for permits (consents) that comprise the “comprehensive decision”. The NCA would then forward applications to the appropriate consenting or examining authorities.
- 4.38. The NCA is the single point of contact for the developer for the PCI permit granting process. However to avoid an unnecessary additional layer of bureaucracy, if a developer wishes to have a direct relationship with relevant consenting authorities it may, by arrangement with the NCA, submit an application according to existing procedures for any relevant consenting regime, copying the applications to the NCA.
- 4.39. The NCA monitors compliance by consenting authorities with the detailed schedule for permits and should ensure that a comprehensive decision is delivered within 18 months following acceptance of the

submitted application file (i.e. a total of 3 years 6 months from written notification). The timetable may be amended if the NCA considers that a consenting authority is not likely to make a consent determination within the timetable, up to a maximum of 9 months.

5. UK Consenting Regimes

- 5.1. The UK has a number of different consenting regimes for energy infrastructure, depending both on the location and type of infrastructure. Each consenting regime has its own timetable and the period for determination of a consent application may vary from 16 weeks to 15 months from the formal acceptance of an application. As described in paragraph 2.3, for PCIs each individual application to be decided by a consenting authority will form part of the comprehensive decision. This means that all the individual consents will be scheduled to be determined within 18 months of start of the statutory permitting process.
- 5.2. UK consenting authorities may also have statutory or advisory pre-application processes in which developers go through an iterative process to draft an application and complete any activities that may be required. In particular, for PCIs these are likely to include at least an EIA screening request and/or scoping opinion from the consenting authorities to determine whether it is necessary for the proposed project to have an EIA.
- 5.3. There are no statutory time-limits in UK law for pre-application procedures and it should be noted that, if an EIA is required, the necessary surveys may take more than a year to complete, as e.g. migratory species surveys can only be done at certain times of the year and there are restrictions on when surveys may be carried out for protected species.
- 5.4. A table showing the types of PCI infrastructure and the principal consenting regulations that apply in the UK is at Annex 1 (Page 40).

The Marine and Coastal Access Act 2009

- 5.5. The Marine and Coastal Access Act 2009 (MCAA2009) regulates activities in the UK marine area, as defined in section 42 of the Act, which is broadly the area below the mean high water springs mark. The licensable activities are set out in Section 66 of the MCAA2009. Licensing in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters is the responsibility of the Marine Management Organisation (MMO). Guidance on applications for a marine licence is at <http://www.marinemanagement.org.uk/licensing/marine.htm>
- 5.6. In Scotland marine licences are the responsibility of Marine Scotland. The Department of the Environment in Northern Ireland and Natural Resources Wales are the licensing authorities in their respective territories, as described below.

- 5.7. PCIs that are electrical interconnectors comprising submarine “high voltage direct current” (HVDC) cables between the UK and other Member States, e.g. from Wales to Ireland or from England to Belgium, will require a marine licence. The MMO strongly advises applicants to consult with them before submitting an application where large, novel or complex projects are proposed. It is also recommended that developers consult MMO at an early stage (which is likely to be before submission of written notification) where a project is likely to require an environmental impact assessment or an appropriate assessment.
- 5.8. The MMO provides up to two hours of pre-application advice free of charge. Further advice will be charged by the hour. Information on fees and charges is on the MMO website <http://www.marinemanagement.org.uk/licensing/marine/fees.htm> .

Marine Licence: Scotland

- 5.9. Marine Scotland Licensing Operation Team (MSLOT) regulates licensing and consenting schemes on behalf of the Scottish Ministers within Scottish Waters (0-12nm and 12-200nm). MSLOT is the single point of contact responsible for the assessment of applications (ensuring compliance with all relevant legislation) for marine licences.
- 5.10. MSLOT aims to process marine licence applications as a matter of routine within 3 months of receipt of a completed application. Guidance on an application for a marine licence in Scotland is at <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/LicensingManual>

Marine Licence: Northern Ireland

- 5.11. The Department of the Environment (DOE) regulates marine licensing within the Northern Ireland inshore region (0-12nm) under the MCAA2009. DOE aims to process marine licence applications as a matter of routine within 4 months of receipt of a completed application. Where a marine licence is requested at the same time as consent under Article 39 of the Electricity (Northern Ireland) Order 1992 the applications will be determined concurrently and to the same timescales.

Marine Licence: Wales

- 5.12. The Welsh Ministers are the licensing authority for Welsh inshore waters (out to 12 nautical miles). Welsh Ministers have delegated licensing to Natural Resources Wales under the Marine Licensing (Delegation of Functions) (Wales) Order 2013. Detailed information is available on the NRW website at <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/marine-licensing/?lang=en>

The Planning Act 2008

- 5.13. The Planning Act 2008 as amended (PA 2008) established that nationally significant infrastructure projects (NSIPs) require development

consent in the form of an Order, referred to as a Development Consent Order (DCO), granted by the relevant Secretary of State for applications in England and Wales. PA 2008 does not apply in Scotland or Northern Ireland. Details of the PA 2008 consenting regime, including thresholds to determine whether a proposal for energy infrastructure is an NSIP, are set out on the Planning Portal website at <http://infrastructure.planningportal.gov.uk/> and further details of the procedures are available at.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7769/applicationformguidance.pdf

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-1v4.pdf>

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-3v4.pdf>

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-5v3.pdf>

5.14. In respect of PCIs, the main types of infrastructure to which the PA 2008 applies will be electricity lines above ground (overhead lines or OHLs) in England and Wales, gas transporter pipelines and other gas infrastructure in England and other pipelines, e.g. for CO₂, in England and Wales. Additionally, in respect of energy infrastructure projects in England not specified in the PA 2008, the Secretary of State may make a direction that the project is treated as being nationally significant.

5.15. Applications for a DCO are made to the Planning Inspectorate, which appoints an Examining Authority to examine applications and make recommendations to the Secretary of State on the proposed projects. Detailed guidance on the application process for DCOs is available on the Planning Inspectorate website at <http://infrastructure.planningportal.gov.uk/application-process/>. An application under PA 2008 should be accompanied a number of supporting documents, specified under Section 55 of the Act, details of which are available in a checklist at http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/an6_annexe_Section_55_Acceptance_of_Appli

[cations_Checklist.doc](#) . There are statutory timetables for acceptance of an application, examination of the application, for the Examining Authority to make a recommendation to the Secretary of State and for the Secretary of State to make a decision. The process timetable from acceptance of an application to a decision is around 15 months.

Planning Permission

- 5.16. Depending on the proposed infrastructure, a PCI may require planning permission for infrastructure under the Town and Country Planning Act 1990 in England and Wales, the Town and Country Planning (Scotland) Act 1997 in Scotland or the Planning (Northern Ireland) Order 1991 in Northern Ireland.
- 5.17. The general provisions of these Acts are similar. For PCIs, it is likely that associated development such as electricity sub-stations, electricity converter stations, gas “above ground installations” (AGIs) – pressure reduction, network junctions, inspection facilities etc. – or similar building works will require TCPA planning permission.
- 5.18. In England, Wales and Scotland Local Planning Authorities (LPA) – usually the district or borough council – are responsible for deciding whether a proposed development should be allowed to go ahead, although some minor building works – known as permitted development – do not need to apply for planning permission, which is deemed to be granted. This is because the effect of such developments on neighbours or the surrounding environment is likely to be small. However where a development is considered by the LPA to require an Environmental Impact Assessment (EIA), then it cannot be permitted development and a planning application has to be made and granted. In these administrations, the target time for determination of an application for planning permission is 16 weeks.
- 5.19. It is possible for developers to apply for outline planning permission that gives consent to proposed developments in principle, but requires a further application for permission in respect of “reserved matters” before construction can commence.⁵ However because the comprehensive decision comprises all the consents and permits necessary for a developer to be granted authorisation for construction of a PCI and outline planning permission is not sufficient to grant an authorisation, it will not be part of the comprehensive decision, which will need to include the permission for the reserved matters. This might give rise to timetabling conflicts for developers who might wish to obtain outline planning permission for e.g. some parts of the development whilst applying for consent for another part, e.g. outline permission for a sub-station before or at the same time as consent for an OHL, but not apply for reserved matters permission until construction of the OHL was about to commence, which could be after the 18 month timescale for a comprehensive decision.

⁵ A developer may decide this approach where, e.g. outline permission will enable it to make a final investment decision before beginning detailed design work.

- 5.20. Developers should therefore consider options for applications that would avoid this potential conflict and ensure that the schedule for the permitting process prepared by the NCA (see paragraph 4.18) provides a reasonable timetable. One option that developers might consider would be to obtain outline planning permission either before written notification to the NCA or at a very early stage in the pre-application procedures with an application in respect of reserved matters scheduled during the 18 month examination and determination period. An alternative might be for a developer to adopt a “Rochdale Envelope” approach⁶, so that only a single planning application is required, which sets out the maximum parameters of the scheme while providing sufficient flexibility for detailed designs for building the infrastructure to be developed within the authorised parameters.
- 5.21. Planning applications in Northern Ireland are determined in the first instance by the Department of the Environment. Where an application is refused then there is a right of appeal with the Planning Appeals Commission for Northern Ireland (PAC). There is also a process for Major applications (Article 31 of the Planning (Northern Ireland) Order 1991) where the Environment Minister would be the final decision maker. Timescales for determination of planning applications depend on the development. For non-Article 31 planning, DoE have 2 months to issue a decision. For an application requiring an EIA, the time period increases to 16 weeks. After this they can still issue a decision but the applicant has the right to appeal on grounds of non-determination.
- 5.22. Detailed guidance on the TCPA 1990 in England and Wales is available at: <http://planningguidance.planningportal.gov.uk/blog/guidance/>. In Scotland guidance on consultation processes within planning are set out in an explanatory Circular 3/2013, available at <http://www.scotland.gov.uk/Publications/2013/12/9882>. Guidance on Welsh planning policy is at: <http://wales.gov.uk/topics/planning/policy/>. Guidance on planning permission in Northern Ireland is available at: <http://www.planningni.gov.uk/index/advice.htm>.

Environmental Impact Assessment and Transboundary Effects

- 5.23. Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) may apply to energy infrastructure that may be given PCI status under the TEN-E Regulation. Infrastructure listed in Annex I of the Directive will require an Environmental Impact Assessment (EIA).

⁶ An application on the basis of a “Rochdale Envelope” will set out the maximum parameters for a project, enabling assessment of the likely significant effects. The detailed design of the project can then vary within this ‘envelope’. PINS has published guidance on use of the Rochdale Envelope in respect of NSIPs at <http://infrastructure.independent.gov.uk/wp-content/uploads/2011/02/Advice-note-9.-Rochdale-envelope-web.pdf>

Infrastructure listed in Annex II will require an EIA if the project is likely to have significant effects on the environment.

- 5.24. In the UK, the EIA Directive is implemented through secondary legislation that relates to the primary consenting legislation, e.g. to the Planning Act 2008, to the Marine and Coastal Access Act 2009 and to the Town and Country Planning Act 1990 and equivalent secondary legislation in Scotland that applies to the Town and Country Planning (Scotland) Act 1997. In addition, there is secondary legislation that implements the EIA directive for specific types of infrastructure. In each case, Annex I and Annex II of the EIA Directive are transposed into Schedules 1 and 2 of the relevant implementing regulations.
- 5.25. For infrastructure that falls within Schedule II of the relevant legislation, developers may apply to the relevant consenting authority for a “screening opinion” as to whether the proposed project would require an EIA.
- 5.26. Electricity interconnector submarine cables do not fall within either Annex I or Annex II of the EIA Directive and would not normally require an EIA. The MMO could consider an application that did not require an EIA without providing a screening opinion, unless one was requested by the applicant. However the MMO might require a developer to submit an environmental report to support an application. Further, it is possible that a developer may voluntarily submit an Environmental Statement with an application.
- 5.27. Member States are required by the Espoo Convention and Article 7 of the EIA Directive 2011/92/EU to notify other Member States of projects that are likely to have significant effects in their territory. Article 9(6) of the TEN-E Regulation requires that for projects that are likely to have significant adverse cross-border impacts where the Espoo Convention and Article 7 of the EIA Directive applies, the NCA shall make the relevant information available to NCAs of neighbouring Member States.
- 5.28. In the UK, the Espoo Convention and EIA Directive provisions are implemented by provisions in the applicable EIA regulations (e.g. Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009). To ensure that legislative provisions are complied with, developers should inform the NCA as early as possible where they consider a PCI may have significant cross-border impacts.

European Protected Species

- 5.29. European Protected Species (EPS) are animals and plants that receive protection under the applicable domestic habitats legislation (e.g. the Conservation of Habitats and Species Regulations 2010, the Offshore Marine Conservation (Natural Habitats etc) Regulations 2007 and the Wildlife and Countryside Act 1981). These species are listed at Annex IV of the Habitats Directive as species of European Community interest and in need of strict protection. It is an offence for anyone to

deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal. It should be noted that “deliberate” is taken to mean both intentionally and recklessly.

5.30. If there is a risk that a development or marine activity could potentially be unlawful in circumstances where best practice guidance to prevent committing an offence either cannot be followed or is not applicable, in some instances an EPS licence may be granted to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. In general licences may be granted only for the following purposes:

- preserving public health or public safety or other imperative reasons of overriding public interest;
- preventing the spread of disease;
- preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries;
- science or education, conservation, ringing or marking;
- possession of species or derivatives.

5.31. In the context of the TEN-E Regulation, developers should discuss potential licensing requirements with the NCA and consenting authorities at an early stage before written notification.

5.32. Licensing for EPS is the responsibility of Natural England in England, the MMO in the UK marine area, the Energy Consents and Deployment Unit (ECDU) for onshore projects in Scotland, Marine Scotland Licensing Operation Team (MSLOT) for offshore projects in Scotland, the Department of the Environment (DOENI) in Northern Ireland or Natural Resources Wales (NRW) in Wales.

Regimes for Specific Infrastructure

5.33. Although the above regulations are generally applicable in the UK, some types of infrastructure may be exempt from requiring development consent, or may have different processes in the devolved administrations. The specific regimes for these infrastructure types are set out below.

Electricity Act 1989

5.34. OHLs of 132kV or less, or that are less than 2km in length require development consent from the Secretary of State for Energy and Climate Change under section 37 of the Electricity Act 1989. Applications for consent are made to the Secretary of State. A consent application may take 2 to 6 months to determine. If, however, a public inquiry is necessary, the process may take longer. Some OHL development may be exempt from consenting requirements under the Overhead Lines (Exemption) (England and Wales) Regulations 2009. Exemptions may apply to works to an existing line that do not change the line or height of

supports by more than specified distances, or where OHLs are replaced without changing the physical infrastructure and without uprating the capacity of the line.

- 5.35. Detailed guidance on applications for consent under section 37 is on the Department of Energy and Climate Change website at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43574/Section_37_guidance.pdf

Overhead Lines: Scotland

- 5.36. OHLs in Scotland require development consent from Scottish Ministers under section 37 of the Electricity Act 1989. The Scottish Government's Energy Consents and Deployment Unit (ECDU) administers the process of application for all overhead transmission lines through to determination by Scottish Ministers. ECDU aims to process applications within 9 months of receipt of a completed application. However, if the application is contentious or where it is for a line with voltage 275kV and above, this process may be extended.
- 5.37. Detailed guidance on applications for consent under section 37 is on the Scottish Government's website at <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Guidance/s37pdd>. The Scottish Government have recently completed a "Good Practice Guidance" document, which details their approach to the requirements of the consenting process. This is available at: [Good Practice Guidance](#) .

Overhead Lines: Northern Ireland

- 5.38. The installation and keeping installed of any overhead electric line requires (with certain limited exceptions) the Department's consent from the Department of Enterprise, Trade and Investment (DETINI) under Article 40 of the Electricity (Northern Ireland) Order 1992. This requirement extends to both overhead lines installed by NIE as part of the public electricity network, and direct (or private) lines installed by private operators.
- 5.39. Each Article 40 application is required to be in writing and to be accompanied by a map identifying the land across which the electric line is to be installed and kept installed. The application must also state: (a) the length of the proposed line and its nominal voltage; and (b) whether all wayleaves have been agreed with the owners and occupiers of the land proposed to be crossed by the line.
- 5.40. DETINI can only grant its consent for the installation, and keeping installed, of an overhead direct electric line if the proposal satisfies certain criteria laid down by it for this purpose. These criteria can be found on DETINI's website at: <http://www.detini.gov.uk/deti-energy-index/deti-energy-electricity/deti-energy-electricity-3.htm>

Underground Electricity Cables

- 5.41. Underground cables in the UK have “Permitted Development Rights” (PDRs) under exemption regulations in each of the administrations. This means that they have “deemed” planning permission without requiring a formal application under the regimes described above. Exempt categories of infrastructure are set out in Schedule 2 of the relevant Regulations, which are the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for England and Wales, the Environmental Impact Assessment (Scotland) Regulations 2011 in Scotland and the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 in Northern Ireland.
- 5.42. If an underground cable is likely to have significant effects on the environment, a screening application should be made to the relevant Local Planning Authority, or the DOENI in Northern Ireland, for a determination of whether the proposal requires an Environmental Impact Assessment (EIA). Should an EIA be required, the proposal must also have planning permission under the relevant planning regime(s) applicable in the territory or territories where the PCI is located.

Offshore Pipelines

- 5.43. Consenting powers for offshore pipelines are reserved to the Secretary of State for Energy and Climate Change and administered by DECC’s oil and gas licensing unit. Under Part 3 of the Petroleum Act 1998 an authorisation is required for the construction and/or use of a “pipeline” in “controlled waters”. For these purposes, controlled waters means the territorial sea adjacent to the UK and the sea in any area designated under section 1(7) of the Continental Shelf Act 1964.
- 5.44. Section 26 of the Petroleum Act 1998, as amended by the Energy Act 2008, defines pipelines as a “pipe or system of pipes (excluding a drain or sewer) for the conveyance of anything, together with all apparatus, works and services associated with the operation of such a pipe or system”. This includes pipelines used for the conveyance of hydrocarbons, water, chemicals, apparatus for the supply of energy for operations, hydraulic control lines or umbilicals, as well as services (for example the provision of fuel or power).
- 5.45. Additional approvals and consents under the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999, the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 and Part 4A of the Energy Act 2008 will also be required for their construction and use. A marine licence is not required for the construction or maintenance of a pipeline where there is an authorisation within the meaning of Part 3 of the Petroleum Act 1998 in force. Further information is available on DECC’s website at <https://www.gov.uk/browse/business/licences/oil-and-gas-licensing> and <https://www.gov.uk/oil-and-gas-infrastructure#guidelines-for-the-completion-of-pipeline-works-authorisations> .

Onshore Gas Pipelines

5.46. Onshore gas pipelines in England and Wales below thresholds specified in the Planning Act 2008 have PDRs under the TCPA90. As for underground electricity cables, if a gas pipeline is likely to have significant adverse effects, an application should be made to the relevant local authority or authorities for a determination of whether the proposal requires an Environmental Impact Assessment (EIA). Should an EIA be required, the proposal must also have consent under the TCPA1990 as described in paragraph 5.16 onwards.

Onshore Gas Infrastructure Northern Ireland

5.47. Under the Gas (Northern Ireland) Order 1996, the Utility Regulator currently has three relevant permit granting consents:

- consent to construct a major pipeline;
- consent to construct a gas storage facility and;
- the grant of gas licences.

5.48. The Utility Regulator may grant three types of gas licence:

- gas conveyance licence (which covers distribution and transmission pipelines);
- gas supply licence and
- gas storage licence.

5.49. The grant of a conveyance licence (transmission) and a gas storage licence are relevant to Projects of Common Interest (PCI) as these licences apply to gas infrastructure projects. It is planned to transfer responsibility for consenting construction of gas pipelines and gas storage facilities to the Department of Enterprise, Trade and Investment (DETI) in 2015 under the vires of the proposed DETI Energy Bill.

5.50. It is an offence to execute work for the construction of a major pipeline without consent from the Utility Regulator. A major pipeline is defined as a pipeline which when constructed will exceed 7 kilometres in length and will have a design operating pressure exceeding 7 bar gauge.

5.51. An application must specify the points between which the pipeline is to run and be accompanied by a map outlining the route of the proposed pipeline. The application must also specify the length, diameter and capacity of the proposed pipeline. Further information may also be required at the discretion of the Utility Regulator. An applicant will require grant of a gas conveyance licence before consent to construct is granted.

5.52. Construction of a gas storage facility also requires consent from the Utility Regulator and a gas storage licence.

5.53. Details and guidance on the consents criteria for gas infrastructure in Northern Ireland are published at

http://www.detini.gov.uk/gas_published_criteria and
<http://www.uregni.gov.uk/gas/licences/>

Other Pipelines

- 5.54. Other pipelines in England and Wales are consented either through a DCO under the Planning Act 2008 or under the Pipelines Act 1962, as are pipelines in Scotland. Pipelines in Northern Ireland are consented under the Planning Order 1991. However there are no oil or CO₂ pipelines on the 1st Union List of PCIs in the UK and it is not currently expected that there will be any projects in the next (2016 – 2018) list. This manual does not, therefore, further explore the permitting process for this type of PCI infrastructure.

6. Information for applications

6.1. Each consenting regime will require specific information to be submitted with an application for consent of a project. There are some information requirements that are common to all applications, even where legislative descriptions may vary. The information necessary for any application to be considered is likely to include:

- A description of the project and its purpose, including plans, drawings and sections necessary to show details of its design and appearance.
- The location of the project, with a map or maps detailing the proposed site.
- a flood risk plan, where necessary
- where applicable, information (including a plan or plans) about
 - (i) any sites or features of nature conservation e.g. sites of geological/ landscape importance;
 - (ii) habitats of protected species, important habitats or other diversity features, with sufficient detail to enable the consenting authority to carry out an appropriate assessment under the Habitats Regulations; and
 - (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.
- A report on the outcome of public consultation, indicating how responses have been taken into account.

6.2. Where a PCI is EIA development under the EIA Directive and implementing regulations in the UK, the appropriate information in the form of an Environmental Statement, as prescribed in the relevant EIA regulations, must be provided.

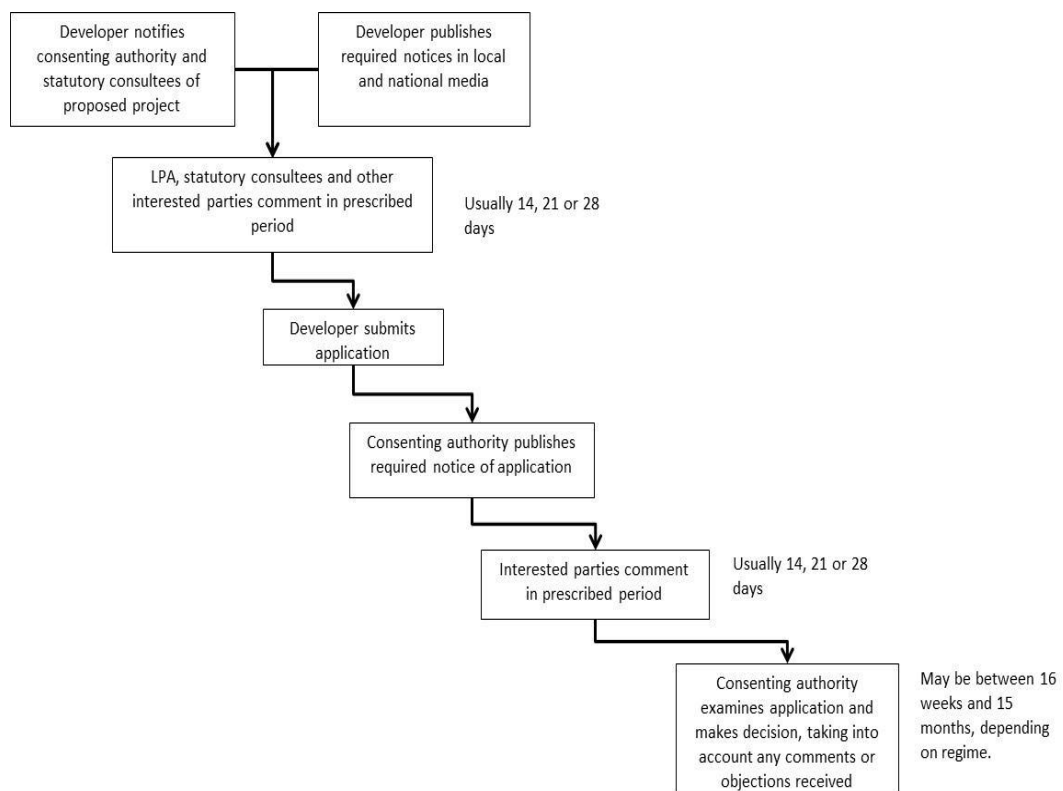
6.3. There are more specific information requirements for applications for a DCO under the Planning Act 2008, as described in paragraph 5.15 above. For other consenting regimes, the precise information requirements are dependent on the nature and scale of the project. Developers should therefore discuss the information likely to be required with the NCA to help prepare the list of information as described in paragraph above.

7. Public Participation

7.1. UK consenting regimes make provision for public participation through legislation that requires developers, or the consenting authority, to notify specified persons or bodies of proposed projects and to publish prescribed details of any proposed project. Developers may also be required to give notice of a proposed development in local and national newspapers at a specified period either before or after an application is submitted. Some consenting regimes, for example the Planning Act 2008 in relation to Development Consent Orders, or the Marine and Coastal Act 2009 in relation to marine licences, may have more detailed consultation and publication requirements that should take place before a formal application is made to the consenting authority.⁷

7.2. Developers may also undertake consultation on projects where there is no statutory obligation to do so. As set out in paragraph 4.32 above, the TEN-E Regulation requires at least one public consultation before submission of the draft application file.

7.3. The generic and indicative stages for public participation are set out in the figure below:



⁷ E.g. Sections 42, 47 and 48 of PA 2008 and section 68 of MCAA 2009

Each consenting regime may, however, specify details or statutory consultees that apply to particular consents or types of infrastructure.

7.4. In all consenting regimes, the statutory consultees are likely to include the following:

- Local Planning Authorities.
- The Marine Management Organisation where projects have an effect in waters as defined in regulations.⁸
- Environmental organisations (e.g. the Environment Agency, Natural England, the Scottish Environment Protection Agency, the Northern Ireland Environment Agency and National Resources Wales);
- The Health and Safety Executive
- English Heritage, Scottish Natural Heritage, or Cadw
- The Joint Nature Conservancy Council;
- Water Authorities;
- Landowners or occupiers identified in legislation as having an interest in the land on which the infrastructure is to be constructed.

7.5. The above list is not exhaustive; regulations may prescribe further statutory consultees depending on the type of infrastructure and the location of the proposed PCI. Developers should discuss statutory requirements for consultation and publication with the NCA at an early stage (which may be before written notification) as they are required to identify stakeholders for the PCI in the concept for public participation. (See Annex VI(4)(a) of the TEN-E Regulation).

7.6. When notices are published, the relevant consenting regime may specify which national publication, or type of publication should be used. Some consenting regimes require publication in the London Gazette or the Edinburgh Gazette and where projects have effects offshore, a requirement may be for publication in a relevant fisheries journal. The various regulations also specify what information should be given. This will be at least the location and purpose of the infrastructure, the period in which parties may make representations on the project, where documents relating to the project may be inspected and the address to which comments should be made.

7.7. Under the Planning Act 2008 a developer is required to carry out extensive consultation on the proposals before submitting an application. The overall length of time taken to prepare and consult on the project will vary depending upon its scale and complexity. Responding to the developer's pre-application consultation is the best time to influence a project.

⁸ In the devolved administrations, this may include Marine Scotland DOENI or NRW.

8. Transitional Provisions

- 8.1. Article 19 of the TEN-E Regulation sets out transitional provisions for PCIs that have begun consenting processes before the obligation for Member States to designate a National Competent Authority came into force. Any PCI for which an “application file” was submitted before 16 November 2013 is exempt from the provisions of Chapter III of the Regulation. This includes the requirements for written notification to the NCA by the developer, provision of a concept for public participation, preparation by the NCA of a schedule of permits, details of information to be provided in an application and co-ordination of the comprehensive decision by the NCA. It does not, however, exempt developers from preparation of an implementation plan under Article 5(1), which is in Chapter II.
- 8.2. In the UK, applications for planning permission, development consent or a marine licence may be submitted at different times to the relevant authorities (e.g. LPAs, PINS or MMO). The NCA will apply the provisions of Article 19 where it considers that any applications for consent submitted in respect of a PCI before 16 November 2013 constitutes an application file for the purpose of Chapter III. The Secretary of State considers that those PCIs for which a formal application for one or more of the consents required for construction of the PCI was submitted before 16 November 2013 will benefit from the transitional provisions of Article 19. Where a PCI is of an infrastructure type for which no formal application needs to be made because it benefits from “permitted development rights” and the developer has demonstrated to the NCA that it established before 16 November 2013 that no other consents are required, the PCI will also benefit from the transitional arrangements in Article 19⁹.
- 8.3. There are a number of PCIs in the UK on the first Union List for which the developers have already undertaken significant pre-application work. This may include establishment of a website for the project, screening and scoping for an EIA, consultation with statutory authorities, project-planning for the steps necessary to construct and bring into operation the project and an analysis of the necessary consents and permits required.
- 8.4. Article 9(3) of the TEN-E Regulation permits the NCA to take into consideration any public participation and consultation that took place before the start of the permit granting process (i.e. prior to acknowledgement of the developer’s written notification by the NCA or

⁹ This exemption therefore applies to the following UK PCIs on the first Union List only: PCI 1.1.1; PCI 1.1.3; PCI 1.10; PCI 1.12; PCI 21.13.1; PCI 2.13.2; PCI 5.1.3; & PCI10.1

the latest acknowledgement where more than one MS NCA is involved) when considering the developer's concept for public participation. The NCA, in considering prior activity, must assess how far it meets the public participation requirements in Article 9 and Annex VI.

- 8.5. Where a developer has begun work as described above on a PCI, it is recommended that the developer has early informal discussions with the NCA to consider whether such works may be put forward in fulfilment of TEN-E obligations. The intention is to avoid, as far as possible, developers being required to repeat any activities undertaken prior to written notification.

9. Contacts

Competent Authority

9.1. For queries on the TEN-E Regulation and the general UK policy, the point of contact will be the UK designated NCA at the address below.

Nick Cooper
Second Floor
Kings Buildings
National Infrastructure Consents Team
c/o 3 Whitehall Place
London
SW1A 2AW
Tel: 0300 068 5687

E-mail: nick.cooper@decc.gsi.gov.uk

9.2. For PCIs wholly in England and Wales where the principal consent required will be a DCO under the Planning Act 2008 the primary contact for the Planning Inspectorate is:

Kathryn Powell
Major Applications and Plans Directorate
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN
Tel: 0303 444 5000

E-mail: enquiries@infrastructure.gsi.gov.uk

9.3. For PCIs wholly in England where the principal consent required will be a marine licence under the Marine and Coastal Access Act 2009 the primary contact will be:

Marine Licensing Team
Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Tel: 0300 123 1032. Fax: 0191 376 2681

Email: marine.consent@marinemanagement.org.uk

9.4. For PCIs wholly or partly in Scotland for which Scottish Ministers have devolved consenting powers, the primary contacts are:

(Onshore)

Energy Consents and Deployment Unit (ECDU)
Scottish Government
4th Floor Atlantic Quay
150 Broomielaw
Glasgow
G28LU

Tel: 0300 244 1238

E-mail: Econsents_Admin@scotland.gsi.gov.uk

(Offshore)

Marine Scotland Licensing Operations Team (MSLOT)
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Tel: +44(0)1224 295 579

E-mail: MS.MarineLicensing@scotland.gsi.gov.uk

9.5. For PCIs wholly or partly in Northern Ireland for which Northern Ireland Ministers have devolved consenting powers, the primary contact is:

(Gas PCIs – Fred Frazer);
(Electricity PCIs – Bill Stevenson)
Energy Markets
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast
BT4 2JP

Web: www.detini.gov.uk

9.6. For PCIs wholly or partly in Wales for which Welsh Ministers have devolved consenting powers, the primary contacts are:

Andrew Nicholas
Ynni Cymru / Energy Wales
Is-adran Ynni, Dŵr a Llifogydd / Energy, Water and Flood Division

Llywodraeth Cymru / Welsh Government
Parc Cathays / Cathays Park
Caerdydd / Cardiff
CF10 3NQ

Linell Union / Direct Line: 029 2082 5357

E-bost/E-mail: andrew.nicholas@wales.gsi.gov.uk

9.7. The contact details for Statutory Consultees for consenting regimes in the UK will vary according to the type, location and consenting regime of the PCI. It is not possible, therefore, to give contact details that would apply to all PCIs. For further information, developers should contact the NCA.

Other regulatory bodies in the UK

9.8. There are a number of regulatory agencies in the UK that may also have an interest in, or need information about, PCIs. The addresses of the main bodies are given below, but developers should contact the NCA in the first instance.

Office of Gas and Electricity Markets (National Regulatory Authority)

Ofgem - London

9 Millbank
London
SW1P 3GE

Tel: 020 7901 7000

Fax: 020 7901 7066

Ofgem - Scotland

3rd Floor
Cornerstone
107 West Regent Street
Glasgow
G2 2BA

Tel: 0141 331 2678

Fax: 0141 331 2777

Ofgem - Wales

1 Caspian Point
Caspian Way
Cardiff Bay
CF10 4DQ

Natural England

Foundry House
3 Millsands
Riverside Exchange
Sheffield
S3 8NH
Tel: 0845 600 3078

The Environment Agency

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY
Email enquiries@environment-agency.gov.uk
Telephone 03708 506 506

Northern Ireland Utility Regulator

Richard Hume
Queens House
14 Queen Street
Belfast
BT1 6ED
Tel. +44 (0) 2890 316328
E-mail: richard.hume@uregni.gov.uk

Department of the Environment Northern Ireland – Marine Licensing

Marine Licensing Team
Marine Division DOE
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Telephone: +44(0)2890 823583
Email: ann.steele@doeni.gov.uk

Natural Resources Wales – Marine Licensing

Marine Licensing Team
Cardiff Permitting Centre
Natural Resources Wales
29 Newport Road
Cambria House
Cardiff
CF24 0TP.
Telephone: 0300 065 3000

Email: marinelicensing@naturalresourceswales.gov.uk

Joint Nature Conservation Committee

Monkstone House
City Road
Peterborough
PE1 1JY

Tel: 01733 562626

Email: comment@jncc.gov.uk

10. Glossary

Comprehensive Decision	The decision or set of decisions that determines whether or not a project promoter is granted authorisation to construct a PCI
Concept for Public Participation	Plan for carrying out public consultation on a PCI according to the requirements of the TEN-E Regulation.
development consent	The consents required to construct energy infrastructure. These may include, <i>but are not limited to</i> Development Consent Orders or marine licences.
DCO	Development Consent Order for “Nationally Significant Infrastructure Projects” (NSIPs) under the Planning Act 2008
LPA	Local Planning Authority, which may be a town or district council.
MMO	The Marine Management Organisation
NCA	National Competent Authority designated under Article 8(1) or delegated under Article 8(2)
PCI	Project of Common Interest (included in the Union List of PCIs).
Planning Permission	Consent to construct infrastructure under the TCPA1990 or equivalent regulation in Scotland, Northern Ireland and Wales, normally determined by a Local Planning Authority
Project Promoter	In the UK, the developer of an energy infrastructure project with the status of a PCI.
Written notification	Notification by a developer to the NCA of a PCI. Acknowledgement of the notification by the NCA is the start of the pre-application procedure.

ANNEX 1 – Consenting regimes and authorities for PCI infrastructure in the UK

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
Electricity interconnector			
England			
(i) submarine cable		Marine and Coastal Access Act 2009 (MCA09)	Marine Management Organisation (MMO)
(ii) onshore installations		Town and Country Planning Act 1990 (TCPA90) ¹⁰	Local Planning Authority (LPA)
(iii) OHL grid connection ≥ 132kv ≥2km		Planning Act 2008 (PA 2008)	Planning Inspectorate (PINS)
(iii) OHL grid connection <132kv <2km		Electricity Act 1989 (EA89)	Secretary of State DECC
Underground Cable		TCPA90 (permitted development rights (PDR) unless requiring EIA)	LPA
Electricity interconnector			
Scotland			
(i) submarine cable		Marine (Scotland) Act 2010 (M(S)A10)	Marine Scotland

¹⁰ Associated infrastructure may be considered as part of a marine licence or included in a DCO and TCPA90 consent deemed under MCAA09 or PA 2008 as appropriate

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
(ii) onshore installations		Town and Country Planning (Scotland) Act 1997 (TCP(S)97)	LPA
(iii) OHL grid connection		EA89	Scottish Minister Energy Consents and Deployment Unit (ECDU)
Underground Cable		TCP(S)97 (permitted development rights (PDR) unless requiring EIA	LPA
Electricity interconnector	Wales		
(i) submarine cable		MCA09 & Marine Licensing (Delegation of Functions) (Wales) Order 2013) (ML(W)13)	Natural Resources Wales (NRW); MMO
(ii) onshore installations		TCPA90	LPA
(iii) OHL grid connection $\geq 132\text{kV}$ $\geq 2\text{km}$		PA 2008	PINS
(iv) OHL grid connection $< 132\text{kV}$ $< 2\text{km}$		EA89	SoS DECC
Underground Cable		TCPA90 (permitted development rights (PDR) unless requiring EIA	LPA

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
Electricity interconnector	Northern Ireland		
(i) submarine cable		MCA09	MMO Department of Environment (DOENI) NI Environment Agency (NIEA)
(ii) onshore installations		Planning (NI) Order 1991 Electricity (NI) Order 1992	DOENI Department of Enterprise Trade and Investment (DETINI)
(iii) OHL grid connection $\geq 132\text{kv}$ >2km		Electricity (NI) Order 1992 Planning (NI) Order 1991	DETINI DOENI
(iv) OHL grid connection $\leq 132\text{kv}$ <2km		Planning (NI) Order 1991 Electricity (NI) Order 1992	DOE NI DETINI
(ii) underground cable		Electricity (NI) Order 1992 Planning (NI) Order 1991	DETINI DOENI
Electricity interconnector	Wales and Northern Ireland		
(i) submarine cable		ML(W)13/MCA09 Electricity (NI) Order 1992 Planning (NI) Order 1991	NRW; MMO; DETINI DOENI, NIEA
(ii) onshore installations		TCPA90 Planning (NI) Order	LPA

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
		1991	DOENI
(iii) OHL grid connection $\geq 132\text{kv}$ $\geq 2\text{km}$		PA 2008/Planning (NI) Order 1991	PINS; DOENI
		Electricity (NI) Order 1992	DETINI
(iii) OHL grid connection $< 132\text{kv}$ $< 2\text{km}$		EA89/Planning (NI) Order 1991	SoS DECC; DOENI
		Electricity (NI) Order 1992	DETINI
Electricity interconnector	Wales and Scotland		
(i) submarine cable		ML(W)13/M(S)A10	Marine Scotland; MMO; NRW
(ii) onshore installations		TCPA90/TCP(S)97	LPA
(iii) OHL grid connection $\geq 132\text{kv}$ $\geq 2\text{km}$		PA 2008/EA89	PINS; ECDU
(iii) OHL grid connection $< 132\text{kv}$ $< 2\text{km}$		EA89	SoS DECC; ECDU
Electricity interconnector	Scotland and NI		
(i) submarine cable		M(S)A10/ MCAA09	Marine Scotland; MMO;
		Planning (NI) Order 1991	DOENI /NIEA
(ii) onshore installations		TCP(S)97	LPA
		Planning (NI) Order	

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
		1991	DOENI
(iii) OHL grid connection $\geq 132\text{kv}$ $>2\text{km}$		EA89/Planning (NI) Order 1991	ECDU; DOENI
		Electricity (NI) Order 1992	DETINI
(iv) OHL grid connection $\leq 132\text{kv}$ $<2\text{km}$		EA89/Planning (NI) Order 1991	ECDU; DOENI
		Electricity (NI) Order 1992	DETINI
Onshore Electrical interconnector	England and Scotland		
(i) OHL $\geq 132\text{kv}$ $\geq 2\text{km}^2$		PA 2008/EA89	PINS; ECDU
(ii) underground cable		Town and Country Planning General Permitted Development Order 1995/(TCPA if exceptions apply)/TCP(S)97?	None
(iii) OHL grid connection $<132\text{kv}$ $<2\text{km}$		EA89	SoS DECC; ECDU
(iv) other installations		TCPA90/TCP(S)97	LPA
Onshore Electrical interconnector	England and Wales		
(i) OHL $\geq 132\text{kv}$ $\geq 2\text{km}$		PA 2008	PINS
(ii) underground cable		Town and Country Planning General Permitted Development Order 1995, Sch 2, Part	None

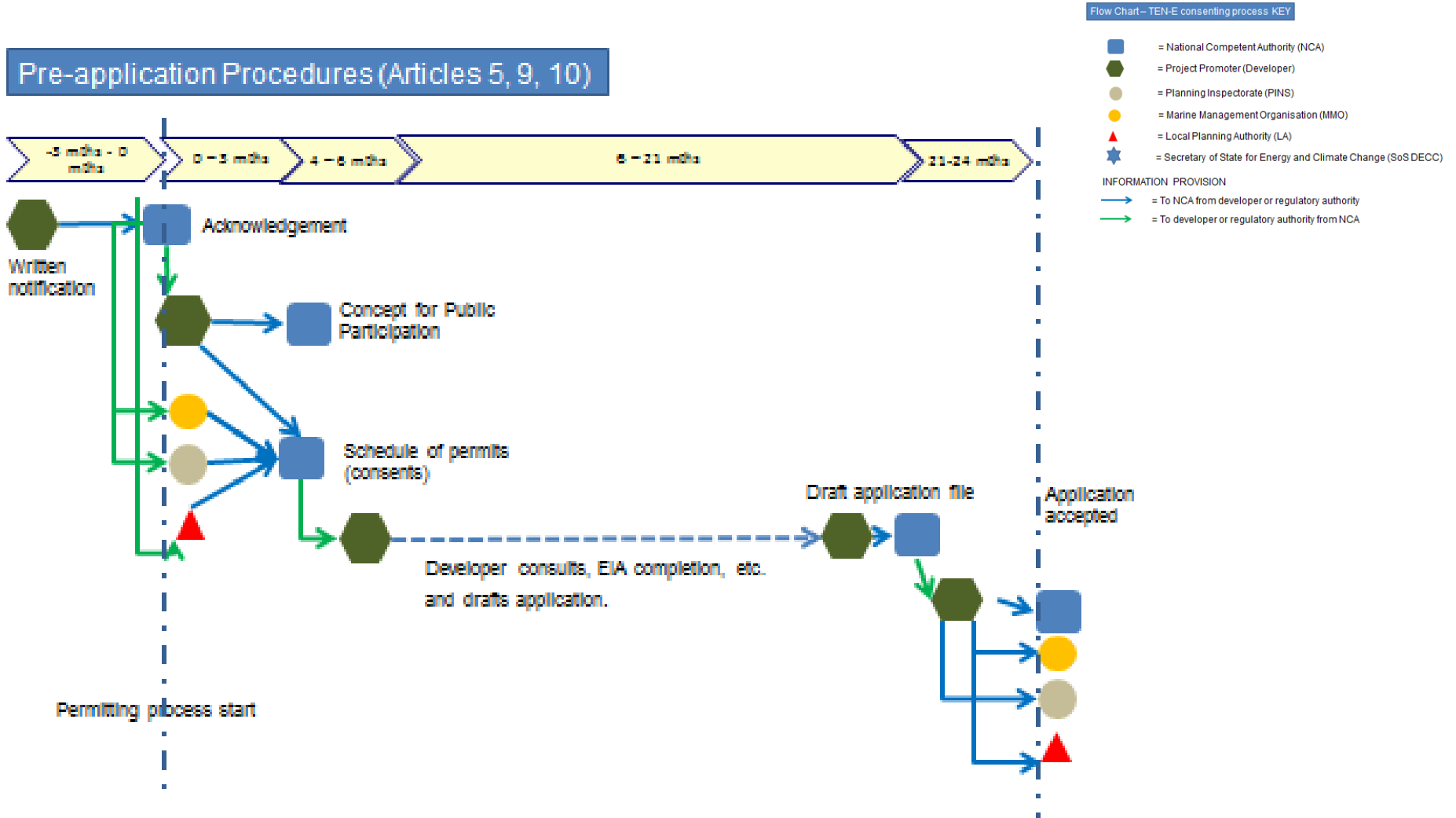
<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
		17, Class G/ (TCPA 90)	
(iii) OHL grid connection < 132kv <2km		EA89	SoS DECC
(iv) other installations		TCPA90	LPA
Offshore Gas Transporter Pipeline/offshore oil pipeline	All UK	Petroleum Act 1998 (Pet98)	SoS DECC
onshore installations		TCPA90; TCPA (S) 90; Planning (NI) Order 1991	LPA DOENI/NIEA
Onshore Gas Transporter Pipeline	England	PA 2008;	PINS
Onshore Gas Transporter Pipeline	Scotland	Gas Act 1986	ECDU
Above Ground Installations (AGIs)		TCPA90; TCP(S)97	LPA
Onshore Gas Transporter Pipeline	Wales	TCPA90 (if EIA required – otherwise GPDR in Wales)	
AGIs		TCPA90	LPA
Onshore Gas Transporter Pipeline	NI	Gas (NI) Order 1996	DETINI/ Utility Regulator
		Planning (NI) Order 1991	DOENI/NIEA
AGIs		Planning (NI) Order	DOENI

<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
		1991	
Liquefied Natural Gas/Compressed Natural gas (LNG/CNG) Terminal/installation	England	PA 2008	PINS
Liquefied Natural Gas/Compressed Natural gas (LNG/CNG) Terminal/installation	Wales	PA 2008	PINS
Liquefied Natural Gas/Compressed Natural gas (LNG/CNG) Terminal/installation	Scotland	Gas Act 1986	ECDU
Liquefied Natural Gas/Compressed Natural gas (LNG/CNG) Terminal/installation	NI	Gas (NI) Order 1996 Planning (NI) Order 1991	DETINI DOENI/NIEA
Underground gas storage facility	England	PA 2008	PINS
Underground gas storage facility	Scotland	Gas Act 1965	ECDU
Underground gas storage facility	Wales	PA 2008	PINS
Underground gas storage facility	NI	Gas (NI) Order 1996 Minerals Development Act (NI) 1969 Planning (NI) Order	DETI /Utility Regulator DETI/GSNI DOENI/NIEA

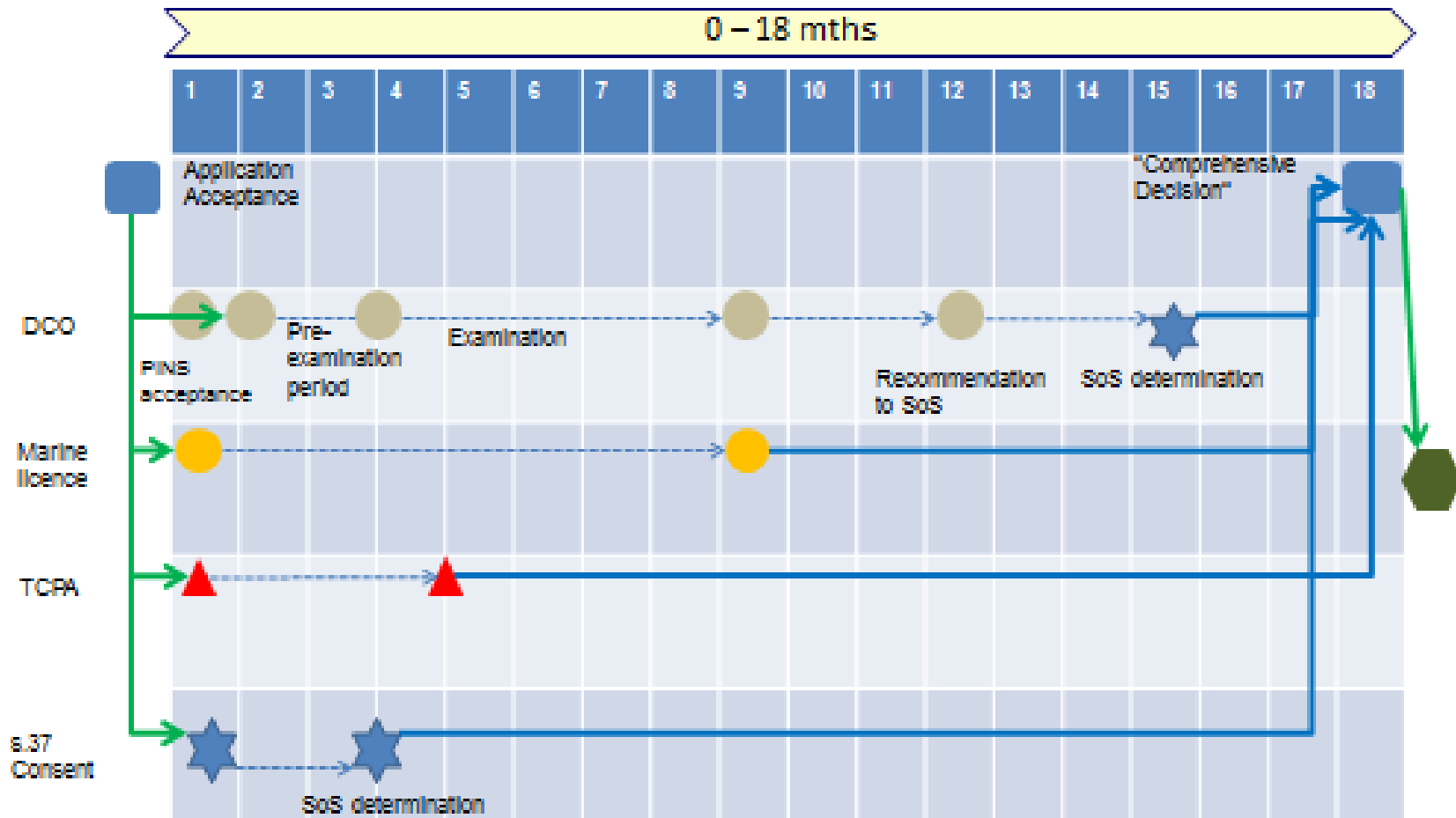
<u>PCI infrastructure type</u>	<u>Location of UK part</u>	<u>Legislation</u>	<u>Consenting or Examining Authority</u>
		1991	
Onshore Oil or CO₂ Pipelines	England, Wales, Scotland	Planning Act 2008 Pipelines Act 1962	DECC NRW ECDU
Offshore gas storage facility	NI	Energy Act 2008 / MCA09 (NI inshore region)	DOENI/ NIEA
Onshore CO₂ pipelines	NI	Planning (NI) Order 1991	DOENI/NIEA
Offshore CO₂ pipelines	NI		
“Pumped Storage”¹¹	England, Wales	Planning Act 2008	PINS
“Pumped Storage”	Scotland	Electricity Act 1989 Section 36	ECDU
“Pumped Storage”	Northern Ireland	Electricity (Northern Ireland) Order 1992, Article 39	DETINI
Underground compressed air storage		Minerals Development Act (NI) 1969 (salt caverns only)	DETINI/NIEA
“Smart Grids”		Dependent on what infrastructure may be necessary to implement (e.g. OHL, substation &c.) when the consenting regime for that infrastructure type will apply.	

¹¹ “pumped storage” is a generating station using water or compressed air to drive a turbine, the water or compressed air being pumped into a reservoir using surplus electricity. The stations are therefore consented as generating stations in the UK.

ANNEX 2 – TEN-E process for consents in the UK.

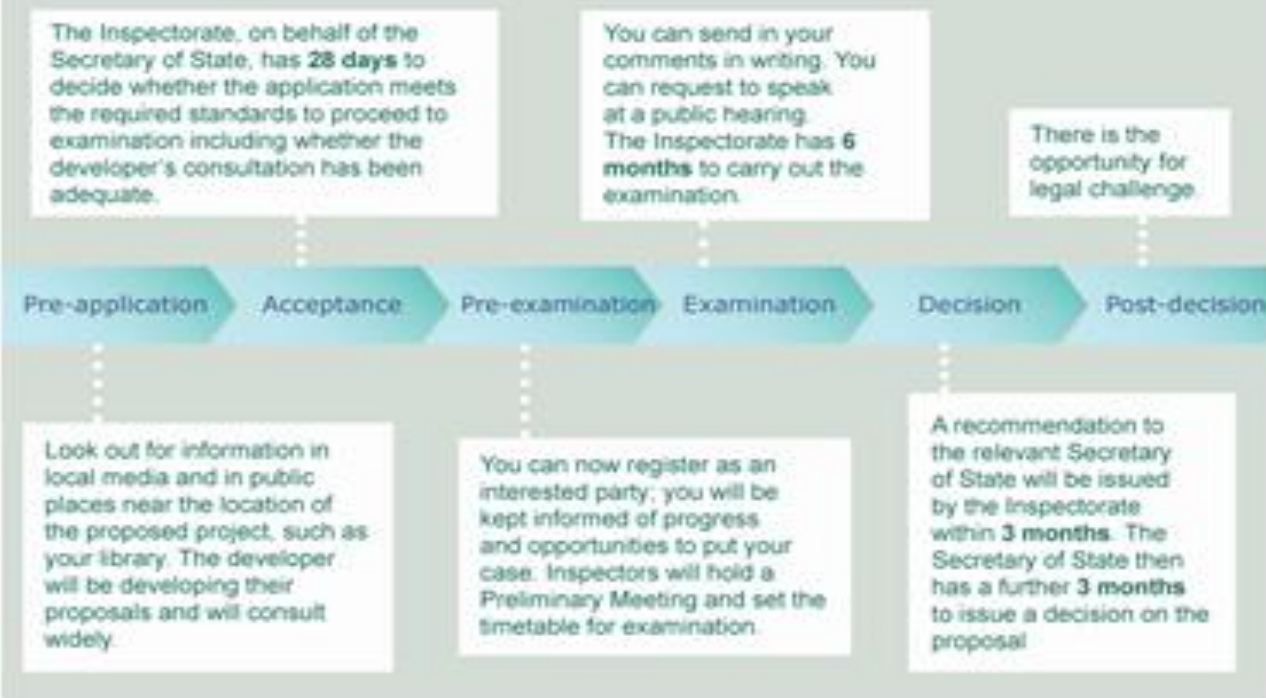


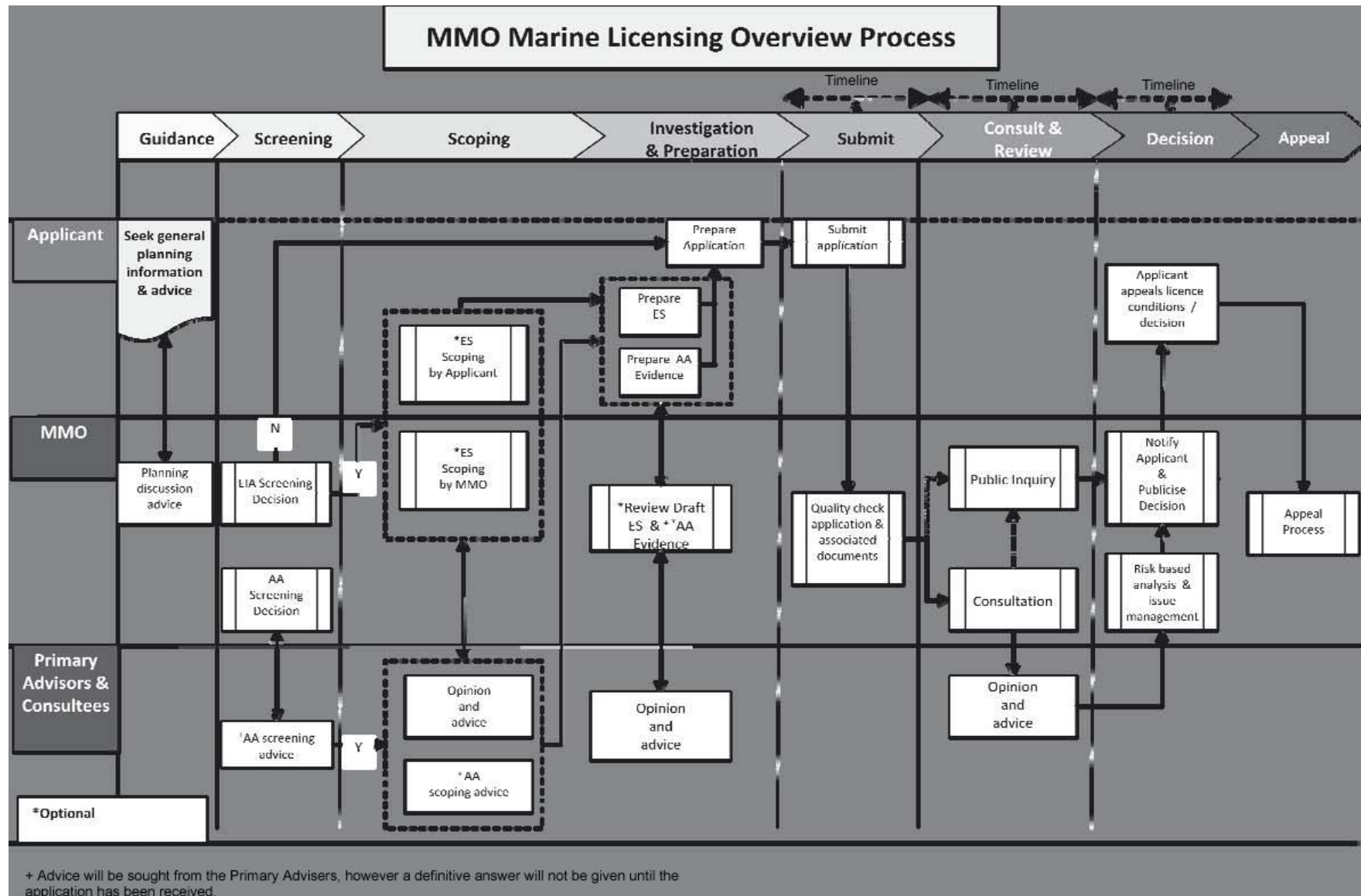
Formal Examination Procedure (Indicative)



Planning Act 2008

The application process The six steps





ANNEX 3 – Principal UK Legislation applicable to PCIs

Legislation applicable in the whole of the UK:

The Marine and Coastal Access Act 2009

The Marine Works (Environmental Impact Assessment) Regulations 2007

The Land Drainage Act 1991

The Water Resources (Industry) Act 1991

Transport and Works Act 1992

The Petroleum Act 1998

Legislation applicable in England:

The Planning Act 2008;

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

The Electricity Act 1989;

The Electricity Works (Environmental Impact Assessment) Regulations 1999

The Town and Country Planning Act 1990

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

The Public Gas Transporter Pipelines Works (Environmental Impact Assessment) Regulations 1999

The Conservation of Habitats and Species Regulations 2010

The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007

Legislation applicable in Scotland:

The Electricity Act 1989

The Town and Country Planning (Scotland) Act 1997

The Planning etc (Scotland) Act 2006

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009

The Town and Country Planning (determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010

The Town and Country Planning (Appeals) (Scotland) Regulations 2013

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

The Marine (Scotland) Act 2010

The Conservation (Natural Habitats &c. Regulations 1994

The Conservation and Habitats Regulations 2010

The Offshore Marine Regulations 2007

Wildlife and Countryside Act 1981

Wildlife and Natural Environment (Scotland) Act 2011

Legislation applicable in Northern Ireland:

The Energy (Northern Ireland) Order 2003.

The Electricity (Northern Ireland) Order 1992

The Offshore Electricity Development (Environmental Impact Assessment) Regulations (Northern Ireland) 2008

The Gas (Northern Ireland) Order 1996

Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996

The Gas (Applications for Licences & Extensions) (Amendment) Regulations (NI) 2013

The Planning (Northern Ireland) Order 1991.

The Planning (Environmental Impact Assessment) (Northern Ireland) Regulations 2012

The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995

The Offshore Marine Regulations 2007

The Minerals Development Act (Northern Ireland) 1969

Legislation applicable in Wales:

Town and Country Planning Act 1990

Marine Licensing (Delegation of Functions) (Wales) Order 2013)

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