Department for Energy Security & Net Zero

Electricity Network Infrastructure: Consents, Land Access and Rights

Consultation on proposed reforms to processes associated with Electricity Network Infrastructure Build and Maintenance

Closing date: 2 September 2025

July 2025

Any enquiries regarding this publication should be sent to us at:
electricitynetworkconsents@energysecurity.gov.uk

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General Information

Why We Are Consulting

The Department for Energy Security and Net Zero is consulting on changes to land access, rights and consents processes for electricity network infrastructure to support the transition to Net Zero and secure Clean Power by 2030. This follows an August-September 2022 Call for Evidence, which sought views and suggestions for improving current land access, rights and consents processes.

Consultation Details

Issued: 8 July 2025

Respond by: 2 September 2025

Enquiries to:

Electricity Networks Planning, Consenting and Communities
Department for Energy Security and Net Zero
7th Floor
3 Whitehall Place
London
SW1A 2EG

Email: electricitynetworkconsents@energysecurity.gov.uk

Consultation reference: Consultation on proposed reforms to consents, land access and rights processes for building and maintaining electricity network infrastructure.

Audiences: We are keen to hear from all stakeholders with an interest in electricity networks and connections, especially network companies, landowners, land agents, local planning authorities and connection customers (such as housing developers, renewable energy developers and electric vehicle charge point installers).

Territorial extent: Great Britain

How to Respond

Responses should be provided in Citizen Space to support accessibility, though we have provided other options to support all respondents. If you intend to respond via email, please use the template provided on the relevant gov.uk consultation page.

Respond online at: https://energygovuk.citizenspace.com/energy-security/electricity-network-consents-land-access-rights

Email to: electricitynetworkconsents@energysecurity.gov.uk

Write to:

Electricity Networks Planning, Consenting and Communities
Department for Energy Security and Net Zero
7th Floor
3 Whitehall Place
London
SW1A 2EG

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

You do not have to answer all the questions in the consultation. If you do not have an opinion or evidence to provide on a question, you can leave it blank.

Confidentiality and Data Protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. The Department for Energy Security and Net Zero (DESNZ) may share consultation responses with the Department for Science Innovation and Technology who are carrying out analysis of consultation responses using an Artificial Intelligence (AI) tool. The AI tool processes data securely and does not copy or share data. There will also be a third-party analysing the responses. The data will only be accessed and used by those authorised to do so. See our privacy policy.

We will summarise all responses and publish this summary on GOV.UK. The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details. You can leave out personal information from your response entirely if you would prefer to do so.

Quality Assurance

This consultation has been carried out in accordance with the government's consultation principles.

If you have any complaints about the way this consultation has been conducted, please email: bru@energysecurity.gov.uk.

Introduction

After decades of reliance on imported fossil fuels to power the grid, the UK is accelerating its transition to cheaper, cleaner, home-grown energy. Over the past 20 years, we have delivered more than 1,200 TWh of renewable energy, transforming our energy portfolio.[1]

We must focus on generating cheaper, cleaner power in Great Britain. Rapid deployment of low carbon electricity is essential to drive a systematic transformation across the economy to deliver renewable energy and ensure long-term energy security. Our mission is for clean power by 2030, because getting clean, homegrown energy is the way to lower bills and boost Britain's energy independence.

The electricity network is a critical enabler of this transition. It transports clean power from where it is generated to the consumers and businesses who need it. Building the network of the future requires infrastructure to be delivered efficiently – in a timely, cost effective and fair manner.

As we electrify heat, transport, and industry in our transition to Net Zero, electricity demand is expected to double by 2050.[2] Meeting this increase in demand will require a step change in infrastructure delivery. Around twice as much new transmission network infrastructure will be needed by 2030 as has been delivered in the past decade.[3] In addition, between 210,000 and 460,000km of additional distribution network cabling may be required by 2050.[4]

Land Access, Rights and Consents

Fair and proportionate land access, rights and consents processes are crucial to delivering the country's network infrastructure needs. Land rights involve securing the permission of landowners and/or occupiers to access, use or acquire land for the construction and/or maintenance of network assets. Consenting refers to obtaining planning permission from the government to build or maintain electricity network infrastructure. It is vital that both processes protect the rights of landowners, local stakeholders and the environment, while also enabling the timely delivery of important infrastructure.

However, the government recognises that in some cases, the costs, complexities and delays associated with land access, rights and consenting processes can hinder or even prevent electricity network infrastructure projects from going ahead. Additionally, cases involving

[1] Department for Energy Security and Net Zero (2023), Energy Trends: UK Renewables, Renewable electricity capacity and generation (ET6.1 – quarterly) https://www.gov.uk/government/statistics/energy-trends-section-6-renewables and Department for Energy Security and Net Zero (2023), Regional Renewable Statistics, Regional Statistics 2003-2022: Generation, https://www.gov.uk/government/statistics/regional-renewable-statistics

[2] Department for Business, Energy and Industrial Strategy (2022), Electricity Networks Strategic Framework: Enabling a secure, net zero energy system, Figure 2, https://www.gov.uk/government/publications/electricity-networks-strategic-framework

[3] National Energy System Operator (2024), Clean Power 2030: Advice on achieving clean power for Great Britain by 2030, p.7., p.31. https://www.neso.energy/document/346651/download

[4] Department for Business, Energy and Industrial Strategy (2022), Electricity Networks Strategic Framework: Enabling a secure, net zero energy system, Annex 1, Figure 10. https://assets.publishing.service.gov.uk/media/62eb91398fa8f50335b35e09/electricity-networks-strategic-framework-appendix-1-electricity-networks-modelling.pdf

relatively minor changes to existing infrastructure can divert resource that would be better focused on more complex cases, where careful scrutiny and engagement are needed.

To ensure the system is fit for purpose, the government has reviewed existing processes to assess whether they are sufficient to support our clean power ambitions, Net Zero goals, and energy security transformation. This consultation is the result of that review and proposes a range of reforms to these processes to enable the rapid deployment of future network connections, while ensuring that the rights of landowners are respected.

In their recent report on creating capacity in the distribution network, the National Infrastructure Commission (now the National Infrastructure and Service Transformation Authority (NISTA)) also made 14 recommendations to government, Ofgem and the National Energy System Operator (NESO) on the policy decisions needed to ready the network for Net Zero 2050.[5] Some of these recommendations focussed on Land Access, Rights and Consenting and are discussed in this consultation (Proposals 7, 8, 9 and 11).

Call for Evidence on Land Rights and Consents

A Call for Evidence was held in 2022 to understand the extent to which land access, rights and consents present barriers to the building of electricity network infrastructure. The government published its response to the Call for Evidence in December 2024.[6] That document summarised stakeholders' responses to it and outlined quick win reforms.

The responses indicated widespread dissatisfaction with the current land rights and consents processes for electricity network infrastructure, with calls for reform, standardisation, and improved efficiency. Many respondents noted that planning processes are a barrier to the deployment of low carbon technologies as they cause delays and additional costs due to the processes being fragmented, slow and uncertain.

Evidence and views gathered from the Call for Evidence have been used to inform the proposals set out in this consultation.

Land Access and Consents Working Group

Following the Call for Evidence, the government established a Land Access and Consents Working Group (the 'Working Group') to act as a forum for generating and appraising ideas to improve land access and consenting processes. The Working Group met six times between April 2024 and May 2025.

The Working Group included representatives from various affected stakeholder groups, including Network Operators and organisations representing landowners. It also included the Planning Inspectorate, Scottish Government, Welsh Government and other government departments, amongst others. With such a broad membership, the Working Group was able to

[5] National Infrastructure Commission (2025), Electricity distribution networks: Creating capacity for the future, p.22. [ARCHIVED CONTENT] Electricity distribution networks: Creating capacity for the future - NIC

[6] Department for Energy Security and Net Zero (2024), Land rights and consents for electricity network infrastructure: summary of responses, https://assets.publishing.service.gov.uk/media/6749a67475bb645366b3a1ef/land-rights-and-consents-cfe-response.pdf

consider the issues and potential reforms from all angles and across the whole of Great Britain, within the realm of devolved competence.

The group considered a range of measures, many of which are set out in detail below.

Public Sector Equality Duty and Environmental Principles Assessment

All public sector organisations are mandated to consider the impact of any decisions on different protected groups and the environment. The protected group characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. When responding to this consultation, please also **consider and record any impacts the proposals could have on protected groups and the environment, whether positive or negative**.

Land Rights

Call for Evidence on Land Rights and Consents

Responses to the Call for Evidence made clear that delays in securing agreements on land rights are a significant contributing factor to lengthy project timelines. This is due to the process for obtaining land rights often being costly and lengthy. This can in some cases cause significant delays to projects, such as the deployment of renewables. Specific concerns were raised about delays at the wayleave hearing stage and the time lag between evidence being filed by the Inspector and when a determination is made. Respondents also highlighted that the process can become adversarial between the Distribution Network Operators (DNOs)/developers, and landowners or their land agents.

The government continues to strongly encourage voluntary negotiations, recognising their effectiveness when built on mutual agreement and their potential to develop more enduring relationships between parties. A well-managed voluntary negotiations process is essential, as it can help avoid the challenges that can arise from the statutory process.

Necessary Wayleaves

Current Situation

Licence Holders, meaning those authorised to generate, distribute or supply electricity in the UK, require permission to install and retain electric lines and associated equipment (such as poles, pylons, staywires and transformers) on, over or under private land. They must also secure access rights to that land for the purposes of inspecting, maintaining, repairing, adjusting, altering, replacing or removing the line or equipment.

In most cases, these permissions are secured through negotiation of a contractual arrangement with the landowner and/or the occupier of the land. However, where agreement cannot be reached, the Licence Holders, who have a public service role to undertake, have access to compulsory procedures including ‘Necessary’ (compulsory) Wayleaves under schedule 4 to the Electricity Act 1989. Such wayleaves are vital for ensuring Licence Holders can maintain an efficient and economical system of distribution and connect to the grid.

Applications for Necessary Wayleaves are determined by the Secretary of State for Energy Security and Net Zero in the case of England and Wales and by Scottish Ministers in the case of Scotland (hereafter in respect of the Necessary Wayleaves chapter of this consultation referred to collectively as ‘Ministers’).

The application process for a Necessary Wayleave has a number of distinct stages before a final decision can be reached. These stages are briefly set out below and in more detail throughout this chapter:

Voluntary negotiation: The first stage in seeking to install or maintain electric lines and associated equipment is through voluntary negotiation. This involves the negotiation of a contractual arrangement between the Licence Holder and the landowner and/or the occupier of the land. If a voluntary agreement cannot be reached, either because it is not possible or practicable, then the Licence Holder may apply for a Necessary Wayleave. For existing

infrastructure, the Licence Holder is obligated to remove existing electric lines from the land after three months of being given notice to do so by the landowner/occupier, if an application for a Necessary Wayleave is not made in this period.

Necessary Wayleave application: The Necessary Wayleave process is started in the case of new infrastructure once the Licence Holder has given notice to the owner/occupier, but the owner/occupier either refuses to give the wayleave, or the wayleave is offered on terms and conditions that the Licence Holder does not accept. For existing infrastructure, the Necessary Wayleave application is started once an owner/occupier, or their representative, serves a valid Notice to Remove – a formal request for the removal of electric lines and associated equipment from their land. Following the serving of these notices, the network operator may submit a Necessary Wayleave application to Ministers. After submission, the application may be placed into abeyance - that is, put on hold - at the request of either party to enable more time for parties to negotiate. If either party does not agree to the abeyance, the application proceeds to the next stage.

Hearing process: Applications are decided either through a written representations process or an oral hearing. An Inspector (in England and Wales) or Reporter (in Scotland) is appointed to conduct a site inspection and review the evidence submitted by both parties. The Inspector or Reporter then submits their recommendation in the form of a report to the appropriate Ministers.

Decision: As soon as possible after receipt of the Inspector's report, Ministers will issue a formal notice to each party of their decision to grant or refuse the relevant application and the reasons for that decision. Both parties must be willing to bear their own costs for the application, provision of evidence and hearings.

In England and Wales, the Secretary of State will usually grant Necessary Wayleaves for a period of 15 years. In Scotland, Scottish Ministers will normally grant Necessary Wayleaves for a period of 40 years. However, these durations can be longer or shorter on a case-by-case basis subject to representations by affected parties.

It is important to note that compensation is not decided within the hearing process. Instead, compensation must be settled by agreement between the parties or, failing agreement, by the Upper Tribunal (Lands Chamber) in England and Wales or the Lands Tribunal in Scotland.

Case for Change

The Electricity Networks Delivery team within the Department for Energy Security and Net Zero administers the Necessary Wayleaves application process in England and Wales on behalf of the Secretary of State. Applications can take up to 24 months to be approved. This is in addition to a period of voluntary negotiation between the parties in advance of a Notice to Remove being served and an application being submitted.

In 2024, the department received 412 applications for Necessary Wayleaves. Responses to the previous Call for Evidence and further engagement with industry suggest that the number of applications will continue to rise.

Currently, all cases where a voluntary wayleave cannot be agreed must proceed through the statutory Necessary Wayleaves process. This is true even in situations where the existence of the line is accepted by the landowner/occupier and the only issue in dispute is the level of

compensation. This is because the route to Tribunal for determining a compensation claim is only triggered by the statutory Necessary Wayleaves process.

Furthermore, a landowner can serve a Notice to Remove at no cost and is not required to engage further in any subsequent decision-making process for the determination of a Necessary Wayleave. In contrast, Licence Holders must expend time and money to present a case for retaining the existing equipment – a cost that is ultimately borne by electricity bill payers. Time and resource are also expended reviewing applications which, as they relate solely to compensation, are ultimately not within the gift of Ministers to determine.

Change is therefore needed to reduce application processing times and administrative burden, ensuring that electricity network infrastructure projects can proceed without delay and unnecessary cost to government and bill payers; and that resources are focussed on applications where there are genuine questions about whether the statutory tests for the installation or retention of electric lines on private land – that is whether they are both necessary or expedient – are met.

Proposed Changes

The government is proposing a series of reforms to the Necessary Wayleave process aimed at addressing the time taken for decisions to be taken and, where appropriate, Necessary Wayleaves to be granted. These are:

1. Introducing a requirement for the Notice to Remove to include a reason for removal of an existing electric line and amend application submission timeframe for a necessary wayleave from 3 to 6 months.
2. Removing the requirement to obtain consent of both parties for the written representations procedure to apply.
3. Remove the requirement to appoint an external Inspector.
4. Supporting the use of virtual hearings where an Inspector considers this to be appropriate.
5. Increasing the standard duration of a Necessary Wayleave from 15 to 40 years.

These proposals are set out in more detail through the remainder of this section of the consultation.

Proposal 1: Introduce a requirement to provide a reason when serving a Notice to Remove and extending the application submission timeframe from 3 to 6 months

Current Situation

Where a landowner and/or occupier seeks the removal of an existing electricity network line from their land, they are required to submit a Notice to Remove - formal request to remove the infrastructure - to the relevant Licence Holder. If the Licence Holder does not apply for a Necessary Wayleave (or a Compulsory Purchase Order) within three months of the date of the Notice to Remove, they must remove the line from the land in question.

There are currently two types of procedures used for Notices to Remove, depending on the circumstances:

One-step procedure

A landowner may submit a Notice to Remove an electrical line within three months of a wayleave expiring, or anytime thereafter.

A Notice to Remove can also be submitted where there is no voluntary agreement in place or following a change in occupancy and/or land ownership, which nullifies the existing voluntary wayleave.

Two-step procedure

Where a voluntary wayleave is still in effect and the landowner and/or occupier requires the electric line which is the subject of that wayleave to be removed, they must first serve a Notice to Terminate the agreement, in accordance with its terms (typically wayleaves contain a clause requiring six or twelve months' notice of termination).[7] Once the termination period has expired, the landowner and/or occupier must then serve a subsequent Notice to Remove on the Licence Holder to request the removal of the electric line.[8]

Proposed Changes

The government is proposing to update the requirements for the Notice to Remove so that there is greater clarity up front about the reason the removal of the electric line and associated equipment is being requested.

The requirements in schedule 4 to the Electricity Act 1989 will be updated in order to confirm that to be valid a Notice to Remove must be in writing and indicate whether:

1. There is agreement to the continued installation of the relevant electric line and associated equipment but a failure to agree compensation.

OR

2. There is no agreement as to continued installation of the relevant electric line and associated equipment. In that circumstance the landowner/occupier will be required to set out in the Notice to Remove one or more of the following grounds for requiring the removal of the line:

    - Impact on use and enjoyment of the land.
    - Intention to demolish and reconstruct the property or carry out substantial works of reconstruction (commonly referred to as 'redevelopment').
    - Breaches of any existing wayleave agreement.
    - Impact on commercial use of the land.
    - Risks to health and safety of owners/occupiers/users of the land.

Alongside this the government is proposing to amend the timeframe in which a Licence Holder is obliged to submit an application for a Necessary Wayleave or otherwise to comply with the

[7] Paragraph 8(1)(b) of schedule 4 to the Electricity Act 1989
[8] Paragraph 8(2)(b) of schedule 4 to the Electricity Act 1989

Notice to Remove under paragraph 8(3) of schedule 4 to the Electricity Act 1989 from the current 3 months to 6 months.

These changes are intended to facilitate more informed negotiations between the Licence Holder and landowner/occupier; encourage voluntary agreement without the need for a Necessary Wayleave application and enable applications to be dealt with more efficiently.

Nation(s) proposal applies to: England, Wales and Scotland

Q1. Do you agree with the proposed changes to the Notice to Remove? Agree/Disagree/Unsure

Q2. Please explain the reasons for your answer.

Q3. Do you agree with the proposed grounds to be included in the Notice to Remove? Agree/Disagree/Unsure

• Impact on use and enjoyment of the land

• Intention to demolish and reconstruct the property or carry out substantial works of reconstruction (commonly referred to as 'redevelopment')

• Breaches of any existing wayleave agreement

• Impact on commercial use of the land

• Risks to health and safety of owners/occupiers/users of the land

Q4. Please explain the reasons for your answer.

Q5. Do you support the extension of the timeframe in which a Licence Holder is obliged to submit an application for a Necessary Wayleave or otherwise to comply with the Notice to Remove from 3 months to 6 months?

Q6. Please explain the reasons for your answer. What should the timeframe be and why?

Q7. Do you have any further comments about the proposal to amend the Notice to Remove?

Proposal 2: Removing the requirement to seek consent of the parties for the written representations procedure to apply

Proposal 3: Facilitating the use of virtual hearings where an Inspector considers this to be appropriate

Current Situation

The procedures for Necessary Wayleave, tree felling and lopping hearings are governed by the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures)

(England and Wales) Rules 2013 ('the Hearing Rules').[9] These rules provide an opportunity for representations on the impact on the use of land by, and the necessity of, an electrical line. Representations are made either in writing or via an oral hearing conducted by an Inspector appointed by the Secretary of State.

Under Rule 3(4) of the Hearing Rules, the written representations procedure may only be used if:

- The Secretary of State has received notice of consent from both parties (or no response within 30 working days of notice being given); **and**
- The Secretary of State considers there are no exceptional circumstances requiring an oral hearing.

If these conditions are not met, the application proceeds to an oral hearing. Currently, the Hearing Rules do not support the use of virtual hearings.

Proposed Changes

Anecdotal evidence provided in response to the Call for Evidence suggests that landowners do not always actively engage with the Necessary Wayleaves hearing process and that the length of the application determination period is too long. Additionally, the full cost of the hearing process is borne by the Network Operator, regardless of the level of engagement from other parties.

To address these issues, the government is proposing to amend the Hearing Rules so that the **agreement of the parties is no longer sought for the written representations procedure to apply**. Instead, the rules would be amended so that all applications would be determined by written procedure except where otherwise requested by the parties. Parties would be given the opportunity to request an oral hearing at the point of submitting their statement of evidence.

The government is also proposing to **support the use of virtual hearings** by amending the hearing rules to empower Inspectors to hold hearings by video conference where they consider this to be the most expedient way to hold a hearing, and if judged that no party will be materially disadvantaged by providing their representations in this way. This change is intended to reduce the time and expense incurred by parties in attending a hearing in person.

Nation(s) proposal applies to: England and Wales

Q8. Do you agree that written representations should apply without requiring the consent of the parties? Agree/Disagree/Unsure.

Q9. Please explain the reasons for your answer. In what circumstances, if any, should oral hearings be used?

Q10. Do you agree that a request for an oral hearing should be made at submission of evidence stage? Agree/Disagree/Unsure.

Q11. Please explain the reasons for your answer. When should such a request be made?

[9] The Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) (England and Wales) Rules 2013

Q12. Do you agree with the proposal to hold oral hearings virtually at the discretion of the Inspector? Agree/Disagree/Unsure.

Q13. Please explain the reasons for your answer.

Proposal 4: Removing the requirement to appoint an external Inspector

Current Situation

At present, Inspectors are appointed from the Planning Inspectorate (for England); Planning and Environment Decisions Wales (for Wales) and the Planning and Environmental Appeals Division (for Scotland) to oversee Necessary Wayleave and tree lopping applications. These Inspectors (or Reporters in Scotland) manage the hearing process, assess the evidence submitted by parties and provide Ministers with a report and recommendation to support the determination of the application.

Proposed Changes

Due to limited Inspector availability and the prioritisation of other planning functions, including the processing of larger scale energy infrastructure under the Planning Act 2008, there are significant delays in processing applications. While the actual time Inspectors spend on an application is typically between 2-6 days, it is taking an average of seven months for Inspectors to submit their reports.

To address these delays, the government proposes to **remove the requirement to appoint an external Inspector.**

This would mean that officials acting on behalf of Ministers would determine applications based solely on parties' statements of evidence and any further representations submitted by parties. There would be no requirement for an Inspector report or recommendation. To support this change, parties would be asked to submit and agree photographic evidence of the land and infrastructure in question as part of the exchange of evidence.

Ministers for England and Wales and Scotland would still have the discretion to appoint Inspectors/ Reporters respectively. In England and Wales, we would envisage Inspectors to be appointed in the following situations:

- New lines.
- Where site photographs are not agreed between the parties as a fair and accurate representation of the site and the issues in play.
- Where a site visit is expressly requested by one of the parties.
- Tree lopping.

A reasoned decision letter would continue to be issued in all cases, setting out the considerations taken into account in making the decision.

Nation(s) proposal applies to: England, Wales and Scotland

Q14. Do you agree with the proposal that photographs of the site should be agreed between parties as part of the written representations procedure? Agree/Disagree/Unsure.

Q15. Please explain the reasons for your answer.

Q16. Do you agree with the principle of applications being determined directly by officials acting on behalf of the Secretary of State? Agree/Disagree/Unsure.

Q17. Please explain the reasons for your answer.

Q18. Do you agree that external Inspectors should be appointed and a site visit undertaken for applications relating to new lines; where site photos cannot be agreed and/ or a site visit is requested? Agree/Disagree/Unsure.

Q19. Please explain the reasons for your answer. Are there any other circumstances in which an external Inspector should be appointed and a site visit undertaken?

Q20. Do you have any further comments in respect of the above proposals (2-4) in respect of Necessary Wayleaves?

Proposal 5: Change the standard wayleave term from 15 to 40 years

Current Situation

Under the Electricity Act 1989 the Secretary of State has the discretion to grant a wayleave of any duration and decisions are made in light of representations made by parties on a case-by-case basis. Consistent with guidance, and without a clear rationale for adopting an alternative time period, wayleaves are usually granted for 15 years.

Proposed Changes

Currently, multiple wayleave agreements may be necessary to cover the full life span of a given asset (which is usually 40 to 80 years), leading to uncertainty that the infrastructure routes will remain in place, as well as unnecessary costs and delays in the maintenance of existing infrastructure. The government is therefore proposing to increase the standard wayleave term from 15 years to 40 years by updating its guidance.

By increasing the Necessary Wayleave term to 40 years the government seeks to provide a balance between stability and certainty for the electricity transmission and distribution system and the interests of landowners and occupiers in keeping the continuing operation of the Necessary Wayleave under review in light of changing circumstances. It would also reduce the number of Necessary Wayleave applications being brought forward for the purposes of extending already existing arrangements. A 40-year wayleave period is consistent with the period already adopted in Scotland.[10]

Nation(s) proposal applies to: England and Wales

Q21. Do you agree that the standard Necessary Wayleave should be 40 years? Agree/Disagree/Unsure.

Q22. Please explain the reasons for your answer. Should another term limit be used?

[10] Scottish Government (2022), Electricity - necessary wayleaves: guidance for applicants, landowners and occupiers – 2022 update, https://www.gov.scot/publications/necessary-wayleaves-scotland-guidance-applicants-landowners-occupiers-update-2022/documents/

Tree Lopping and Felling

The trimming and felling of trees and other vegetation is critical for the safety of landowners hosting network infrastructure and for the resilience of the electricity network. The inability to manage vegetation in a timely manner increases the risk of a tree falling and damaging distribution network infrastructure. This can result in network lines being de-energised, which in turn can impact the running arrangements of the network, fault restoration and lead to outages for connection customers.

The Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR) require that a distributor shall, so far as is reasonably practical, ensure that there is no interference with or interruption of supply caused by an insufficient clearance between any of his overhead lines and a tree or other vegetation.[11] The Electricity Act 1989 puts the responsibility for tree lopping on the landowner, with a Licence Holder required to give notice to a landowner requiring them to fell or lop the tree before further action can be taken.[12]

It is currently estimated that one third of faults to the distribution network during storms are caused by falling trees.[13] This risk is likely to be exacerbated as more network infrastructure is built, but also as the frequency of storms increases as the effects of climate change are felt.

Proposal 6: Change the responsibility for tree maintenance from landowners to License Holders

Current Situation

The Electricity Act 1989, as it is currently written, contradicts the instructions in the ESQCR that a Licence Holder should ensure there is no interference or interruption in electricity supply, and puts the landowner at risk by mandating that the **landowner/occupier** should be responsible for the lopping of trees.

Case for Change

It is the Licence Holder and their agents that have the greater expertise and experience in managing electric lines – placing the responsibility on landowners for vegetation management in the vicinity of live wires increases risks to the safety of those landowners and to the security of the electricity supply.

Proposed Changes

We are therefore proposing to amend the Electricity Act 1989 so that **Licence Holders are responsible for undertaking tree maintenance, rather than landowners.**

Nation(s) proposal applies to: England, Scotland and Wales

[11] Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR)
[12] Paragraph 9 of schedule 4 to the Electricity Act 1989
[13] Analysis of network faults during Storm Arwen. Ofgem (2022), Final report on the review into the networks' response to Storm Arwen, p.18. Final report on the review into network' response to Storm Arwen

Q23. Do you agree that the Electricity Act 1989 should be altered to give Licence Holders the responsibility to undertake tree maintenance, rather than landowners? Agree/Disagree/Unsure

Q24. Please explain the reasons for your answer.

Q25. Are there any further steps that should be taken to ensure vegetation management is undertaken in a timely way whilst minimising risks to health and safety and protecting security of electricity supply and the interests of the landowner/occupier?

Permitted Development Rights for Substations

Permitted development rights (PDRs) are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application.

To support the efficient rollout of certain assets, such as substations, the Town and Country Planning (General Permitted Development) (England) Order 2015 includes a permitted development right for power related development in respect of electricity undertakings (schedule 2, part 15, class B). This provision allows for development in England by Statutory Undertakers, including Licence Holders,[14] in relation to the generation, transmission, distribution or supply of electricity without a planning application.

This right is subject to limitations and conditions, including that the installation or replacement of electrical substations cannot exceed 29 cubic metres in size. They do not remove any requirements to comply with other legislation and specific rules also apply to PDRs for development which is, or may be, Environmental Impact Assessment (EIA) development within the meaning of the EIA regulations or where a development could have a significant effect on a Habitats site or a European Offshore Marine Site.

Substations play a critical role in the electricity network by converting electricity into different voltages and regulating the flow of current. They contain electrical equipment for these purposes such as transformers and switchgear, which can be housed in chambers made of metal, brick or plastic. The size, appearance and configuration of substations can vary significantly, depending on their location and function.

[14] The Town and Country Planning (General Permitted Development) (England) Order 2015 definition of Statutory Undertaker includes any Licence Holder under section 6 of the Electricity Act 1989.

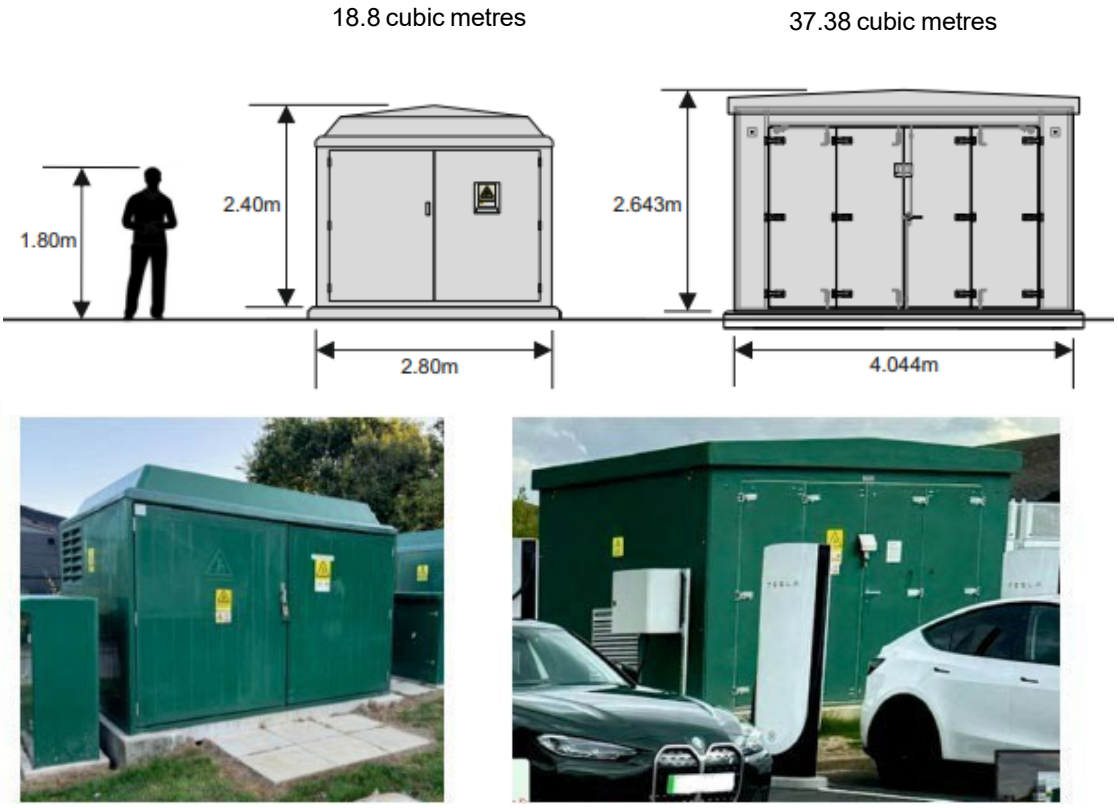

Figure 1: (Top) Schematic of substations falling within (left) and beyond (right) the current PDR threshold. (Bottom) real-world examples of substations within (left) and beyond (right) the current PDR threshold.[15]

Proposal 7: Increase the maximum size threshold for substations that can be built via permitted development from 29 to 45 cubic metres

Current Situation

At present, substations in England that are housed in a chamber of up to 29 cubic metres fall within the threshold for permitted development. Licence Holders do not need to submit a planning application for substations below this threshold, where they meet the specified conditions.

However, for substations larger than this threshold, Licence Holders must submit a planning application to the relevant local planning authority, which can add to the cost and time taken to deliver a substation, as well as the burden on the local authority.

Permitted development is a devolved matter. This consultation relates to the threshold for permitted development of substations in England only. The Scottish Government increased the threshold for the permitted development of substations in Scotland in 2024. The Welsh

[15] Images provided by UK Power Networks.

Government recently consulted on increasing the threshold for permitted development of substations in Wales in line with the threshold in Scotland.[16]

Case for Change

As electricity networks are upgraded and extended, additional substation infrastructure will be required, which in some cases will require larger apparatus to be installed, requiring a larger enclosure and footprint. The Independent Networks Association has anecdotally indicated that 76% of substations for electric vehicle charging stations are larger than 29 cubic metres and therefore require a planning application. They report that planning permission takes on average five months, but can often be longer, and has associated costs of at least £20,000.

Rather than increasing the capacity of an existing substation (which would take it above the current threshold), network operators often achieve the necessary capacity by installing a second substation next to an existing one. However, in many cases it would be more efficient, cost effective, and potentially less visually impactful, to build a single, larger substation.

Figure 2: Two substations installed next two each other to provide capacity for electric vehicle charge point supply at a motorway service station.[17]

We expect that this problem is likely to be exacerbated over the coming years, with a significant increase in demand meaning many existing substations will need to be reinforced to create additional capacity in the distribution network whilst new substations will need to be built in areas of high demand.

The majority of respondents to the Call for Evidence in 2022 agreed that the permitted development threshold for substations in England should be increased, to allow substations to be installed, maintained, and reinforced more readily to support the delivery of Net Zero and the rapid uptake in low carbon technologies. However, there was a lack of evidence and rationale provided for what the new threshold should be.

[16] Welsh Government (2025), Consultation on Changes to Permitted Development Rights, https://www.gov.wales/changes-permitted-development-rights
[17] Image provided by UK Power Networks.

In 2023, the Scottish Government consulted on, and subsequently implemented, an increased permitted development threshold for substations in Scotland of 45 cubic metres. The reasoning for the increased threshold was to accommodate for certain standard designs employed across the electricity network, to enable safer access for maintenance and to replace existing infrastructure with larger capacity to meet demand. The increased threshold only applies provided that the new/replacement substation: a) does not exceed 3 metres in height; and b) is not located within 5 metres of a dwelling or within certain areas designated for their heritage or scenic value, if it exceeds 29 cubic metres.

Increasing the size of electricity substations allowed under PDRs would support the expansion and reinforcement of the distribution network by reducing the timeframes and costs associated with planning permission and enabling substations to be installed, maintained, and reinforced more readily. This in turn would enable developers to deliver capacity upgrades and connections without delay. It would also have the added benefit of reducing administrative burdens on the local planning authorities that process the applications.

In their recent report on creating capacity in the distribution network, the National Infrastructure Commission (now the National Infrastructure and Service Transformation Authority (NISTA)) recommended that the PDR threshold in England and Wales should be increased to 45 cubic metres.[18]

Proposed Changes

We propose to increase the threshold for the permitted development of substations in England from 29 cubic metres to 45 cubic metres, aligning with the threshold in Scotland.

We recognise that new or replacement substations which are larger than 29 cubic metres could have additional impacts on the local area. Therefore, we propose that it would be appropriate to include limitations for example relating to the height, siting and appearance of substations with a capacity greater than 29 cubic metres.

We propose that the 45 cubic metres PDR threshold in England should only apply where any new/replacement substation exceeding 29 cubic metres in capacity:

a) does not exceed 3m in height, **and**

b) is not located within 5m of a dwelling.

Following engagement with stakeholders, including through the Working Group, we also propose to permit the right in National Parks, National Landscapes and the Heritage Coast and, in those areas only, require the prior approval of the local planning authority on the siting and appearance of the substation (for substations of 30-45 cubic metres).

Nation(s) proposal applies to: England **only**

Q26. Do you agree that the PDR threshold should be changed from 29 to 45 cubic metres in England? Agree/Disagree/Unsure

Q27. Please explain the reasons for your answer.

[18] National Infrastructure Commission Distribution Report (n 5)

Q28. Do you agree that where permitted development rights should apply, if a substation exceeds 29 cubic metres capacity it should not exceed 3m in height? Agree/Disagree/Unsure.

Q29. Please explain the reasons for your answer.

Q30. Do you agree that where permitted development rights should apply, if a substation exceeds 29 cubic metres capacity it should not be located within 5m of a dwelling? Agree/Disagree/Unsure

Q31. Please explain the reasons for your answer.

Q32. Do you agree that the proposed permitted development threshold of 45 cubic metres should be permitted in National Parks, National Landscapes or Heritage Coasts? Agree/Disagree/Unsure

Q33. Please explain the reasons for your answer.

Q34. Do you agree that, for substations of 30-45 cubic metres in capacity, prior approval of the local planning authority on the siting and appearance of the substation should be required where the installation of the substation takes place in National Parks, National Landscapes or Heritage Coasts? Agree/Disagree/Unsure.

Q35. Please explain the reasons for your answer.

Section 37 Consenting for Overhead Lines

The electricity network in England and Wales is undergoing a major transformation to meet rising demand and support the transition to a low-carbon energy system. A key part of this transformation involves upgrading and refurbishing large sections of the overhead line infrastructure.

Currently, many proposed works to either install or upgrade overhead lines on the distribution network require formal consent under section 37 of the Electricity Act 1989, regardless of their scale or environmental impact. This can delay essential upgrades and place unnecessary burdens on both network operators and planning authorities. To accelerate delivery and ensure resources are focused where they are most needed, the government is exploring options to streamline the consent process.

This consultation seeks views on potential reforms to the section 37 consent process and whether the current exemptions remain appropriate. The aim is to enable faster delivery of low-impact projects, while maintaining strong protections for landowners and environment.

The following sections provide an overview of the existing legal framework and current exemptions under the Electricity Act 1989 and associated regulations.

Application for a Section 37 Consent

Applications for section 37 consent under the Electricity Act 1989 for overhead line installation or certain upgrades must be submitted to the Secretary of State for Energy Security and Net Zero. These applications are governed by:

- Schedule 8 to the Electricity Act 1989[19] – sets out procedural requirements.
- Electricity (Applications for Consent) Regulations 1990[20] – outlines application format and publication rules.
- Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017[21] – applies to environmental assessments for section 37 projects.

The process includes consultation with Local Planning Authorities (LPAs) and statutory bodies such as Natural England or Natural Resources Wales. LPAs may object to applications. If objections cannot be resolved, a public inquiry must be held before a decision is made.

[19] Schedule 8 to the Electricity Act 1989
[20] The Electricity (Applications for Consent) Regulations 1990
[21] The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

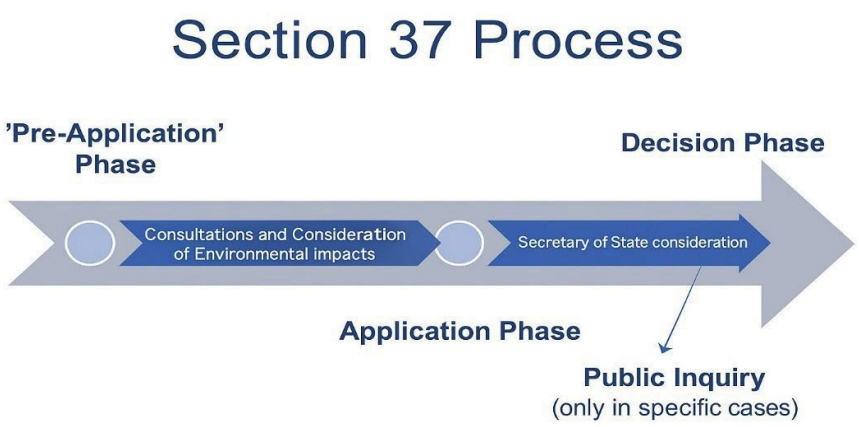

Figure 3: Section 37 process timeline

Pre-application phase: The network operator prepares the application and consults the relevant LPA and statutory bodies. The relevant LPA has two months to decide whether to object to an application. If the LPA has concerns about the proposal, it can object to the Secretary of State.

Environmental impacts: Network operators must assess the environmental impacts and propose measures to avoid or mitigate such effects. An Environmental Impact Assessment (EIA) may also be required.

Application phase: The network operator submits the application to the Secretary of State for assessment. An inquiry must be held if the relevant LPA objects and does not withdraw the objection. The Secretary of State may also call an inquiry based on other objections or material considerations.

Decision phase: The Secretary of State considers all relevant factors, including any environmental mitigations, before issuing a decision.

Current Exemptions

Proposed works on overhead lines generally require consent unless they are covered under an existing consent or qualify for an exemption. Section 37(2) of the Electricity Act 1989 provides two exemptions from consenting procedures:

- Any line up to and including 20 kV which is used or intended to be used for supplying a single customer.
- any line that is on land that is, or will be, in the occupation or control of the person responsible for its installation.

Routine refurbishment and repair of worn or damaged components can be carried out under existing consents on a ‘like-for like’ basis. This includes, in some circumstances, the use of ‘design successors’ (modern equivalents) and the installation of additional pole supports, subject to notifying the relevant LPA.

Further exemptions are set out in The Overhead Lines (Exemption) (England and Wales) Regulations 2009 (the '2009 Exemption Regulations'), and subsequent amendments.[22] These cover certain minor works to existing overhead lines such as small adjustments to line height or alignment, temporary diversions, and replacement of existing lines. However, some of these exemptions do not apply within Sites of Special Scientific Interest (SSSIs) or European Sites, where full consent is required.

In National Parks and National Landscapes (formerly called Areas of Outstanding Natural Beauty), some exemptions can apply, subject to the LPA determining whether the works would have a significant adverse effect on the environment, in which case the exemption would no longer apply. Some exemptions are also subject to technical limitations, such as the height and position of the line.

Finally, emergency works, including those required for safety or storm damage repair, are exempt from consent requirements, even in designated areas (SSSIs, European Sites, National Parks and National Landscapes), where urgent action is necessary to maintain supply and safety.

Call for Evidence on Land Rights and Consents

Some respondents to the 2022 Call for Evidence reported experiencing lengthy timescales when applying for section 37 consent. While improvements have since been made, including enhancements to internal processes and to the UK Energy Portal (the online platform for submitting and managing applications), concerns remain.[23]

The volume of applications submitted via the UK Energy Portal has grown significantly in the past year and is expected to grow further as the network is upgraded to meet the UK's clean energy targets. Without reform and/or additional resourcing, the growing demand risks compounding existing delays, leading to inefficiencies and higher costs for landowners, Distribution Network Operators (DNOs) and consumers.

To address these challenges, respondents and industry stakeholders have proposed a range of reforms, which have been considered by the Working Group. Suggestions include expanding exemptions for minor, minimal impact works, increasing resource across consenting bodies, streamlining government processes, introducing set decision-making timescales, improving the application portal functionality and updating government guidance, particularly around the roles of LPAs and EIAs.

Section 37: Case for Change

The current consenting regime requires formal approval for a wide range of overhead line works, regardless of their actual impact on landowners or the surrounding landscape. As electricity demand grows and the network evolves to support low-carbon technologies, this approach is placing increasing pressure on the consenting system.

[22] The Overhead Lines (Exemption) (England and Wales) Regulations 2009
[23] Department for Energy Security and Net Zero, UK Energy Portal, https://itportal.energysecurity.gov.uk/eng/fox/desnz/DESNZ_LOGIN/login

Between 2019 and 2023, the Department for Energy Security and Net Zero (DESNZ) received an average of 161 section 37 applications per year. This rose to 256 in 2024, and applications are expected to increase both in number and complexity in 2025 and beyond. The table below illustrates the sharp rise in applications submitted via the UK Energy Portal over the past year. Much of this growth is driven by the need to upgrade existing infrastructure to accommodate electric vehicles and heat pumps, to connect small-scale renewable developments, and to replace aging assets.

The chart below shows an increase in the number of applications received via the UK Energy Portal.

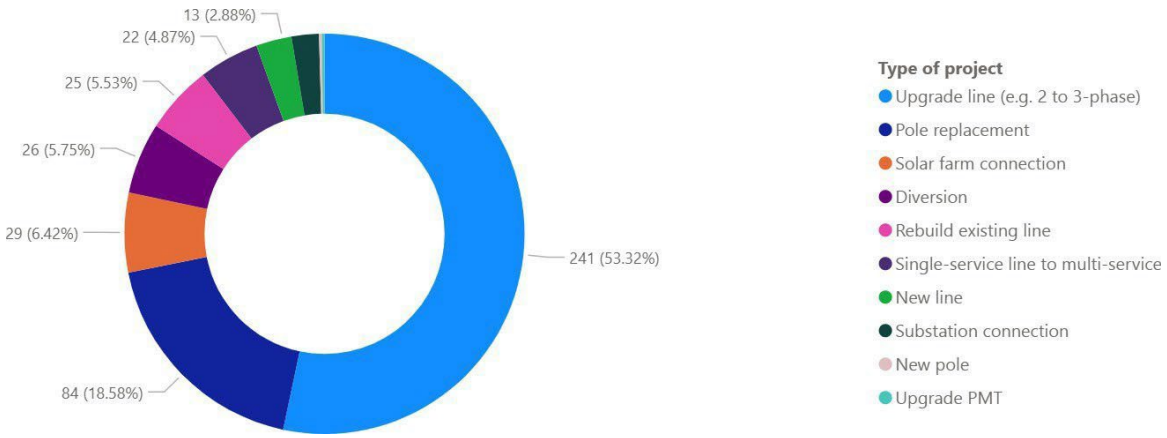

Figure 4: Chart showing a breakdown of section 37 cases by project type from 2019 to 2024

Without reform, the rising volume of applications risks creating delays that could undermine the timely delivery of clean energy infrastructure. Exempting straightforward, low-impact projects would reduce the administrative burden on consenting bodies, allowing them to focus on more complex cases or those in designated areas. This would help accelerate network upgrades while maintaining appropriate safeguards for landowners and the environment. Based on this rationale, the government is considering the following changes to the existing exemptions.

Proposal 8: Revising rules on when section 37 consent is needed

Proposal 8(a): Upgrading single-phase to three-phase overhead lines (voltage unchanged)

Current Situation

Currently, where a replacement line follows the same route, voltage, and height as an existing line, and no part of the line is within a SSSI or European Site, that line is exempt from requiring a section 37 consent.[24] In National Parks and National Landscapes, the LPA can determine whether there would be a significant adverse effect on the environment, if so, the exemption does not apply. The 2009 Exemption Regulations do not refer to the configuration of the overhead lines but require compliance with any conditions set out in the original consent, which may include specifications such as the number of conductors or phase configuration.[25]

As a result, this exemption has been applied in some cases to permit the upgrade of an overhead line from a two-wire (single-phase) to a three-wire (three-phase) configuration.

Case for Change

A significant proportion of network operators' reinforcement programmes includes upgrading from single phase to three phase overhead lines, which significantly increases the load carrying capacity of these existing lines. In recent years, over half of all applications submitted via the UK Energy Portal have related to such overhead line upgrades.[26]

Two to three phase upgrades typically result in minimal visual or environmental impact as the infrastructure remains in the same location, with the only visible change being the addition of a third wire between poles (see images below). They also avoid the need for new line construction, reducing disruption and cost.

Proposed Changes

The government proposes to amend the 2009 Exemption Regulations to explicitly exempt upgrades from single-phase to three-phase overhead lines from requiring section 37 consent, provided that:

- The replacement line follows the same route, voltage, and height as the existing line, **and**
- No new line routes are introduced, **and**
- No part of the line is within a SSSIs or European Site

[24] Overhead Lines Exemption (England and Wales) Regulations 2009, Regulation 3(1)(e)
[25] Regulation 4(1)(b) requires "that any conditions contained in a consent granted under section 37(1) of the Electricity Act 1989 or, as the case may be, under section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899 applicable to the existing line are complied with".
[26] In 2023 and 2024, 56% of applications received by the UK Energy Portal were for line upgrades which include single-phase to three-phase overhead lines upgrades.

This change would formalise a practice already applied in some cases and streamline the process for routine network upgrades, while maintaining existing safeguards for ecologically sensitive areas.

The government is also seeking views on whether this exemption should also apply in National Parks and National Landscapes. Currently, even exempt works in these areas must be notified to the LPA, which has six weeks to assess whether the works would have a significant adverse effect. Extending the exemption to these areas would remove the need for LPA notification for low-impact upgrades, helping to reduce delays and simplify delivery.

No changes are proposed for SSSIs or European Sites, where full section 37 consent would continue to be required.

Nation(s) proposal applies to: England and Wales

Figure 5**:** (Left) A single phase circuit (Right) A three-phase single circuit line

Q36. Do you agree that upgrades from single-phase to three-phase overhead lines should be exempt from requiring section 37 consent, provided that the voltage remains the same, the line follows the existing route and is outside a SSSI or European site? Agree/Disagree/Unsure

Q37. Please explain the reason for your answer.

Q38. Do you agree that this exemption should also apply in National Parks and National Landscapes, so that LPA notification would no longer be required? Agree/Disagree/Unsure

Q39. Please explain the reasons for your answer.

Proposal 8(b): Increasing the height of existing pole supports (at the same voltage)

Current Situation

To meet growing electricity demand, overhead lines increasingly require larger conductors capable of carrying greater loads. These conductors operate at higher temperatures, and are heavier, resulting in greater sag between supports. This sag can reduce conductors' ground clearance, potentially breaching the minimum safety standards set out in the Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR).

To comply with the ESQCR, which mandate minimum ground clearances for overhead lines, and to ensure the safety of landowners and the public, pole supports often need to be increased in height when electrical loads increase.

Currently works on overhead lines are exempt from requiring consent if the height of existing supports—including both towers and poles—is not increased by more than 10%. The 10% threshold applies to all supports, including small supports, which are defined as those not exceeding 10m in height. Supports refer to the structural elements (such as poles or towers) that carry overhead electricity lines.

Case for Change

The current height limits do not always provide sufficient flexibility to meet ESQCR requirements, particularly when upgrading existing lines to carry higher-capacity conductors. When a support needs to be increased in height beyond these limits, DNOs must either seek a new section 37 consent or install additional poles at closer intervals to support the line.

Although applications to increase the pole height beyond the permitted limits are currently infrequent, their volume is expected to increase as network reinforcement accelerates.

Proposed Changes

The government proposes increasing the maximum allowable height for small supports from 10m to 12m. In effect, this would permit small supports to be increased by up to 20% from their existing height, where necessary. This would provide DNOs with greater flexibility to manage increased conductor loads and sag. Such a change will provide more room for adjustments without requiring new section 37 consent in every case, making the regulations easier to interpret and apply in practice.

By limiting the change to small supports, the proposal seeks to strikes a balance between regulatory flexibility (removing the need to apply for fresh section 37 consent for more minor changes) and landscape protection.

It is important to note that this is not a proposed change to an exemption, but rather a revision to the limitations that certain exemptions are subject to. Therefore, this proposed change would not affect the application of the exemptions in designated areas.

Nation(s) proposal applies to: England and Wales

Q40. Do you agree with the proposal to increase the maximum allowable height for small overhead line supports from 10m to 12m, where there is no change in voltage? Agree/Disagree/Unsure

Q41. Please explain the reasons for your answer.

Q42. Do you agree with the proposal to limit the increase in maximum allowable height to small supports only and not extend this increase to larger supports? Agree/Disagree/Unsure

Q43. Please explain the reasons for your answer.

Proposal 8(c): Increasing the nominal voltage of existing lines from 6.6 kV to 11 kV

Current Situation

Some network operators continue to operate overhead lines at 6.6 kV, a legacy voltage with lower capacity that is no longer widely used. While the proportion of the network still operating at 6.6 kV is small, these lines remain in service in certain areas, particularly where infrastructure upgrades have not yet needed to be prioritised.

To support the growing demand for low carbon technologies (LCT), such as electric vehicles and heat pumps, and to improve system efficiency, these older lines are gradually being phased out and DNOs are working to standardise their distribution network at 11 kV and 33 kV to align with future demand and improving system efficiency.

Case for Change

The Energy Networks Association (ENA) has highlighted that, in many cases, upgrading an existing 6.6 kV overhead line to 11 kV can be a more efficient and cost-effective solution than constructing new lines in parallel. These upgrades usually involve minor physical changes such as replacing conductors and insulators. They have little to no visual impact and are comparable to routine reinforcement works on existing 11 kV lines, which are already exempt under the 2009 Exemption Regulations.

Despite their low impact, these upgrades currently trigger the need for a new section 37 consent leading to additional costs, delays and uncertainty for the DNOs. This transition to 11 kV is expected to result in a rise in section 37 applications, which will increase pressure on the consenting process.

Proposed Changes

The government proposes exempting increases in the minimum operating voltage from 6.6 kV to 11 kV from the need for section 37 consent, provided that:

- no new line routes are introduced, **and**
- no major structural alterations are made, **and**
- no part of the line is within a SSSI or European Site.

Given the low visual and environmental impact of these upgrades, the government is asking whether these works should also be exempt in National Parks and National Landscapes, without first needing to notify the LPA. At present, even when permission is not normally required, some exemptions require works in these areas to first be reported to the LPA, which can disapply the exemption and trigger the requirement for section 37 consent to be obtained if the LPA considers the works would result in a significant adverse effect. Removing this step for low-impact upgrades could help reduce delays and simplify the process.

Figure 6: Examples of 6.6 kV three-phase overhead lines

Figure 7: An 11 kV single-phase overhead line

Nation(s) proposal applies to: England and Wales

Q44. Do you agree that projects involving an increase in the nominal voltage of existing overhead lines from 6.6 kV to 11 kV should be exempt from requiring section 37 consent, provided that no new line routes are introduced; no major structural alterations are made; and no part of the line is within a SSSI or European Site? Agree/Disagree/Unsure

Q45. Please explain the reasons for your answer.

Q46. Do you agree that upgrades from 6.6 kV to 11 kV should also be allowed in National Parks and National Landscapes without needing to notify the LPA? Agree/Disagree/Unsure

Q47. Please explain the reasons for your answer.

Proposal 8(d): Increase nominal voltage threshold to 33 kV for up to four consumers, without section 37 consent

Current Situation

Under section 37(2)(a) of the Electricity Act 1989, consent is not required to install or maintain an overhead electric line if **the nominal voltage does not exceed 20 kV** and the line is intended to supply a **single consumer**.

This exemption was originally designed to facilitate small scale connections for individual properties or businesses. However, it does not accommodate modern infrastructure needs where:

- Higher-capacity connections are required (e.g. for Electric Vehicle (EV) charging hubs or renewable energy projects), or
- Multiple consumers need to share a single line.

In such cases, DNOs must apply for section 37 consent, even when the physical and visual impact of the line is minimal.

Case for Change

Voltage threshold

The current 20 kV threshold is no longer aligned with standard distribution voltages in England and Wales. The next standard distribution voltage is 33 kV, which is increasingly being used to connect low carbon technologies such as:

- EV charging hubs
- Battery energy storage systems
- Wind and solar farms

These projects often require higher capacity connections to accommodate multiple charging stations or to integrate with substations. Requiring section 37 consent for every 33 kV line upgrade creates unnecessary delays, even when the infrastructure has minimal impact on the landscape.

Number of consumers

The current restriction of exempting only a single consumer is increasingly impractical. It prevents the efficient connection of multiple users from a single spur, even when the original line remains unchanged, and the line serves adjacent facilities or co-located users.

Importantly, in many cases, these lines are located entirely within a single landholding, meaning the landowner is both the host and the primary beneficiary of the connection. In such cases, the consent requirement can slow down infrastructure upgrades that the landowner has actively requested.

The visual difference between a 20 kV and a 33 kV line is minimal, as illustrated in the photos below. The impact on landowners and communities is similarly limited, particularly where infrastructure is confined to private land.

Figure 8: (Left) A 33 kV two-phase overhead line (Right) A 20 kV three-phase overhead line

The illustration below depicts an existing power line that did not need consent because it served only one user but would require consent if a new line is added to serve another user.

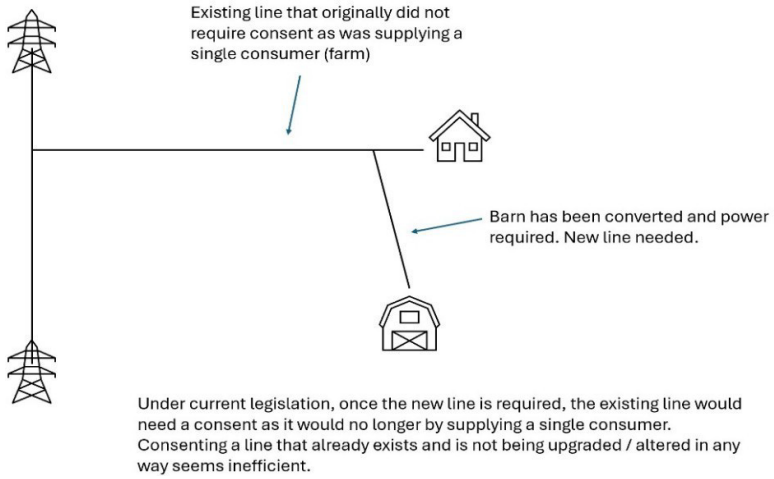

Figure 9: Illustration demonstrating a scenario in which an existing powerline would need consent where a new powerline has been added to supply a new customer

Proposed Changes

The government proposes to amend the Electricity Act 1989 to:

- raise the nominal voltage threshold at which consent is required from 20 kV to 33 kV, reflecting current standard distribution voltages; and

- Expand the exemption criteria to include overhead lines serving up to four consumers, rather than being limited to a single end user.

These changes aim to reduce administrative burden, enable quicker deployment of low carbon technologies, and improve the efficiency of electricity infrastructure development.

Nation(s) proposal applies to: England, Wales and Scotland

Q48. Do you agree that overhead lines with a nominal voltage up to 33 kV and up to four consumers should be exempt from requiring section 37 consent? Agree/Disagree/Unsure

Q49. Please explain the reasons for your answer.

Proposal 8(e): Alteration of conductor type on low voltage networks (at the same voltage)

Current Situation

Traditionally, low voltage overhead lines have used open or bare conductors consisting of two to four wires, configured horizontally or vertically. Increasingly, Aerial Bundled Cables (ABC) are being adopted as the preferred alternative. ABC consists of two or more insulated conductors, bundled together, offering improved current carrying capacity and greater resilience to weather-related damage (see Figure 10 below).

When older open/bare conductor networks reach the end of their life or are damaged, they are often replaced with ABC to facilitate network improvements and reinforcement. ABC is designed to be more resistant to weather events and enhances safety by reducing the risk of accidental contact.

Open/bare conductors with ABC can be replaced in non-designated areas without seeking section 37 consent, as doing so is considered a like-for-like replacement rather than a new installation.[27]

The process, is different in designated areas:

In National Parks and National Landscapes, DNOs must notify the LPA before replacing conductors. The LPA has six weeks to respond, either with no objections or by invoking the full section 37 process. In other words, if the LPA agrees there is no risk of significant adverse effect, no further consents are required.

[27] Regulation 3(1)(e) of the 2009 Exemption Regulations.

For SSSIs and European Nature Sites, the exemption does not apply. Any replacement of an existing line needs consultation with Natural England and the LPA and, in most cases, a full section 37 consent.

Case for Change

Replacing open/bare conductors with ABC offers clear benefits in enhanced safety and improved reliability, as well as the visual improvement from fewer visible wires.

Events such as Storm Arwen have highlighted the vulnerability of traditional open-wire networks and the need to prioritise resilient infrastructure. As the UK moves toward Net Zero, the importance of robust low voltage connections, particularly for domestic and commercial premises, will grow.

Currently section 37 applications are being submitted pre-emptively by DNOs for works in National Parks and National Landscapes, even when the visual and environmental impact is minimal. This is due to the requirement to notify the LPA, which has six weeks to respond. If the LPA objects, a full section 37 application is required. As a result, the number of requests to replace open wire with ABC are continuing to increase.

Proposed Changes

The government proposes to simplify the process for conductor replacement in National Parks and National Landscapes. Two options are being considered on how to achieve this, and we are seeking feedback about which option would be most effective.

Option 1

Amend the current process to remove the requirement for Local Planning Authority (LPA) approval when replacing open wire conductors with aerial bundled conductors (ABC), provided that:

- The voltage remains the same; **and**
- No other changes are made to accommodate the ABC (e.g. no anchor or stay adjustments).

Option 2

Amend Regulation 3(1)(e) of the 2009 Exemption Regulations to expand the scope of minor works exempt from LPA consultation in National Parks and National Landscapes.

The consequence of this amendment would be to exempt certain minor works—such as the replacement of open wire conductors with ABC and the replacement of existing poles—from the requirement to consult the LPA, provided that:

- The new poles are in the same position as the originals; **and**
- No new poles are added; **and**
- The voltage of the line remains the same.

Currently, regulation 3(1)(e) permits the replacement of existing overhead lines with the same type of line and in the same position but does not explicitly mention pole replacements. This amendment would also address this ambiguity and provide a clearer basis for routine maintenance.

While both proposals aim to simplify the process for conductor replacement in National Parks and National Landscapes, the alternative approach has additional benefits in that it would also explicitly allow for pole replacements, would provide greater legislative clarity for landowners and DNOs and would support a more consistent approach to minor works in National Parks and National Landscapes.

No changes are proposed for SSSIs and European Sites, due to the ecological sensitivity of these areas.

This amendment would not only streamline the process and reduce administrative burdens, but also result in visual improvement, enhancing the aesthetic quality of these extensive and scenic areas.

Figure 10: Photo showing bundled aerial conductor on the left of the pole and unbundled 4-wire construction to the right of the pole

Nation(s) proposal applies to: England and Wales

Q50. Do you agree that the need to seek approval from LPAs should be removed for the replacement of open wire conductors with bundled conductors in National Parks and National Landscapes? Agree/Disagree/Unsure

Q51. Please explain the reasons for your answer.

Q52. Do you agree with the alternative proposal to amend regulation 3(1)(e) so that minor works such as the alteration or conductor type or replacement of existing poles are exempt from the need to seek approval from LPAs in National Parks and National Landscapes, subject to meeting the required conditions? Agree/Disagree/Unsure

Q53. Please explain the reasons for your answer.

Proposal 8(f): Permanent diversions of a line (at the same voltage)

Current Situation

To reinforce existing overhead lines and minimise supply interruptions, DNOs often construct a new line parallel to the existing one and remove the old line once the new route is energised. This process is commonly used to increase load-carrying capacity while maintaining service continuity.

Under regulation 4(1)(d) of the 2009 Exemption Regulations, permanent diversions are permitted without section 37 consent, provided they meet specific limitations on distance and location:

- For small supports (up to 10m in height), the new line must be installed within 30m of the existing line.
- For larger supports (over 10m in height), the new line must be installed within 60m of the existing line.

In non-designated areas, if the diversion meets these criteria and there are no other changes (e.g. voltage increase), the exemption applies.

In National Parks and National Landscapes, the exemption can still apply, but the LPA must be notified. The LPA has six weeks to determine whether the proposed diversion would have a significant adverse effect. If no objection is raised, the exemption stands; otherwise, a full section 37 application is required.

In SSSIs and European Sites, the exemption does not apply. Any permanent diversion within these areas requires full section 37 consent, including consultation with Natural England and the relevant LPA.

It is important to note that this is not a proposed change to an exemption, but rather a revision to the limitations that certain exemptions are subject to. Therefore, this proposed change would not affect the application of the exemptions in designated areas, which would remain. DNOs must still negotiate with landowners to obtain the necessary rights for the new route, even when the diversion qualifies for an exemption from consent.

Case for Change

The current distance limits can restrict flexibility in route planning, particularly in areas where land use or environmental designations have changed since the original line was installed. Many existing lines predate the creation of National Parks or the designation of SSSIs, making it difficult to avoid protected areas or accommodate landowner preferences within the current limits.

Increasing the allowable distance for diversions would:

- Enable DNOs to avoid designated areas and respond to landowner requests, such as relocating lines to less productive land.
- Improve negotiation outcomes with landowners, reducing delays and disputes.
- Reduce the number of section 37 applications for minor diversions, easing pressure on both DNOs and DESNZ.

This flexibility would be especially beneficial where the diversion remains on the same landholding. In more densely developed areas, where land ownership is fragmented, securing new access rights can be more challenging, but rural areas may benefit significantly from this change.

Proposed Changes

The government proposes increasing the allowable distance for permanent diversions as follows:

- For small supports (up to 10m in height): increase the limit from 30m to 60m.
- For larger supports (over 10m in height): increase the limit from 60m to 100m.

As set out above, this is a proposed amendment to one of the limitations that some exemptions are subject to. As such, this would not affect the application of the exemption in designated areas. The proposed amendment would apply in both non-designated areas and in National Parks and National Landscapes, subject to the existing requirement that the LPA be notified and given six weeks to determine whether the works would have a significant adverse effect, in which case section 37 consent would be required.

Nation(s) proposal applies to: England and Wales

Q54. Do you agree with the proposal to increase the allowable distance for permanent diversions to 60m for small supports and 100m for larger supports? Agree/Disagree/Unsure

Q55. Please explain the reasons for your answer.

Private Streets

Proposal 9: Amending schedule 4 to the Electricity Act 1989 to facilitate the installation of cables in private streets

Current Situation

Installing electricity cables in private streets requires the explicit consent of all affected property owners or a person legally authorised to act on their behalf – referred to as the 'Street Authority'. This differs from public highways, where installation is permitted under the Town and Country Planning Act 1990 without the need for consent or compensation.

Under schedule 4 to the Electricity Act 1989, electricity Licence Holders are granted powers to carry out works in streets, including installing and maintaining electric lines.[28] However, these powers do not extend to land not dedicated to public use, such as private streets, without the consent of the relevant Street Authority. This means that for private streets, the land is treated as private property, and access must be negotiated with each affected owner.

There are three categories of ownership model for private streets:

1. **Registered owner**: Where the street has a registered legal owner, that individual or entity is the Street Authority. Consent must be obtained directly from them.
2. **Unregistered owner**: In cases where ownership is unregistered or unclear, a person or company may be delegated to act on behalf of the collective property owners. This delegated party serves as the Street Authority for the purpose of granting consent.
3. **Managed by a street manager under the Frontage Rule**: Where the street is managed under the Frontage Rule, each property owner whose land fronts onto the street is considered to have a share in ownership. In this case, consent must be obtained from all property owners, as there is no single Street Authority.

Figure 11 below gives an example of where permission needs to be sought from the Street Authority, under the Frontage Rule and if the same conditions applied as in the Gas Act 1986.

Currently, DNOs must issue notices to the street authority or property owners, who customarily are given 21 days to respond. While consent cannot be unreasonably withheld, a nil response is treated as a refusal, allowing absent or uncooperative owners to delay a project.

According to the Department for Transport, there are approximately 40,000 private streets in England and Wales. Since January 2023, UK Power Networks alone has received 1,052 new connection requests that required private street consent. Of these, 231 (22%) were redesigned or abandoned due to consent issues. This figure does not capture scenarios where a customer had to make a commercial payment to facilitate consent being granted and only captures the cases in one DNO's region.

[28] Schedule 4 to the Electricity Act 1989. Paragraph 1(2) states that, "The power of a licence holder … to place on or over a street any structure for housing any line or plant shall be exercisable only with the consent of the street authority."

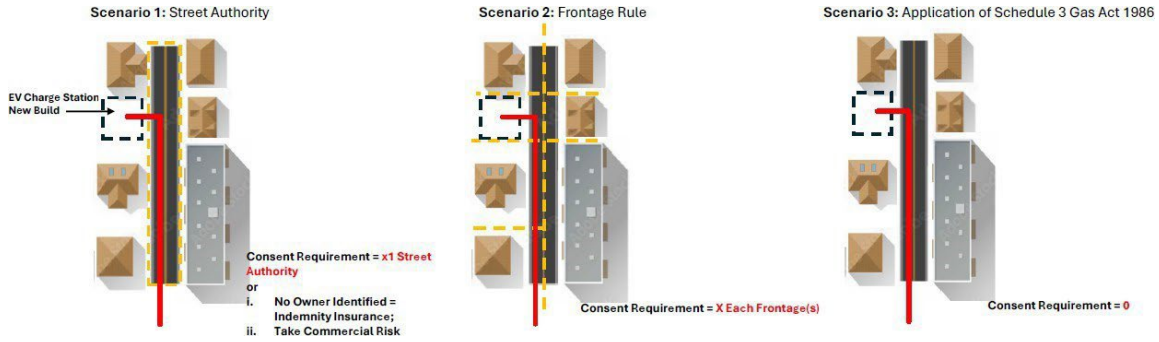

Figure 11 Diagram showing the consenting requirements with the different street ownership models

Case for Change

The current legal framework under the Electricity Act 1989 creates a significant barrier to installing electricity infrastructure in private streets, particularly when compared to the Gas Act 1986. Under the Gas Act, gas companies are permitted to install infrastructure in or under any street, including private ones, without needing consent, provided the infrastructure is underground and serves premises abutting the street.[29] The Electricity Act does not provide equivalent rights, despite similar legislative wording.

This disparity has practical consequences:

- Electricity infrastructure projects face delays and higher costs due to the need to obtain consent from all affected property owners.
- Applicants often resort to paying compensation to secure consent, adding to the financial burden of electrification projects.

Common scenarios requiring a new connection include:

- Electric vehicle (EV) charging infrastructure.
- Upgrading the electrical supply to looped properties (Older properties often share a single service cable—known as a looped supply. As energy demands grow, these homes will need separate connections, a process called ‘de-looping’.)
- Providing supply to new build properties.

Feedback from the Call for Evidence highlighted widespread concern about the challenges associated with private streets. The Energy Networks Association (ENA) also identified this as a priority issue in its publication ‘Land Rights and Planning Reform for Delivering Clean Power 2030: Nine-Point Plan’.[30] More recently, the National Infrastructure Commission’s report ‘Electricity Distribution Networks: Creating Capacity for the Future’ recommended that the

[29] Paragraph 3(2) of schedule 4 to the Gas Act 1986 states that, “A gas transporter may exercise the powers conferred by paragraph 1…in relation to any street which has been laid out but not dedicated to the public use only for the purpose of conveying gas to any premises which abut on the street...[Paragraph 1 stipulates that the general right to install is for the installation of infrastructure in or under the ground]”.
[30] Energy Networks Association (2023), Our Common Sense Plan for Planning, p.14. 231207-common-sense-plan-for-planning-9pt.pdf

government legislate to enable electricity network operators to install infrastructure in private streets where necessary.[31]

Proposed Changes

To address this barrier, the government proposes amending schedule 4 to the Electricity Act 1989 to align with paragraph 3(2) of schedule 4 to the Gas Act 1986. This would introduce a general right for DNOs to install and upgrade underground electricity cables in any street including a private street.

This change would:

- Remove the requirement for property owner consent in private streets (for underground works only).
- Reduce delays and administrative burden.
- Support the rollout of low-carbon technologies and infrastructure.

Nation(s) proposal applies to: England and Wales

Q56. Do you agree that schedule 4 to the Electricity Act 1989 should be amended to align with the Gas Act 1986 to allow DNOs to upgrade and install electricity cables underground without needing consent from property owners in private streets? Agree/Disagree/Unsure

Q57. Please explain the reasons for your answer.

[31] National Infrastructure Commission Distribution Report (n 5)

Nationally Significant Infrastructure Projects Threshold

Proposal 10: Remove 132 kV wooden pole lines from the scope of the NSIP regime and increase the distance threshold for NSIP classification from 2km to 10km.

Current Situation

The Planning Act 2008 sets the thresholds at which electricity network overhead line projects are classified as Nationally Significant Infrastructure Projects (NSIPs). Projects falling below these thresholds are typically consented under section 37 of the Electricity Act 1989. Further information on this process is outlined in the chapter on 'Section 37 consenting for overhead lines'.

When the Planning Act was introduced, it required that overhead line projects operating at 132 kV or above be determined by the Secretary of State under the NSIP regime. In June 2013, this threshold was amended to include only those lines that are both 132 kV or greater and exceed 2km in length. This change was made on the basis that the original thresholds were disproportionate for minor works that were unlikely to raise contentious issues or cause significant adverse effects. It was also noted that the time and cost associated with the NSIP process could outweigh the benefits for such projects, compared to the more streamlined section 37 route.

Case for Change

The original intent of the NSIP regime was to identify and streamline consent for the largest and most strategically important infrastructure projects. It is becoming increasingly clear that the current thresholds may be too low, inadvertently capturing smaller projects that most people would not consider to be nationally significant projects. This misalignment is creating barriers to the timely and cost-effective deployment of essential electricity infrastructure and is leading to several additional issues of increasing pertinence.

The transition to Net Zero and Clean Power 2030 is driving a significant increase in both the number and capacity of electricity generation projects. As a result, connections at 132 kV are becoming more common, particularly for high capacity uses such as HGV electric vehicle charging. Additionally, the current thresholds are also capturing projects which involve connections to new or upgraded substations, which may not warrant classification as nationally significant, given they relate to the replacement or upgrade of existing infrastructure.

The inclusion of such projects within the NSIP regime is placing unnecessary pressure on the system, slowing down the consenting process, increasing costs, and potentially deterring investment. With a large volume of infrastructure projects expected to seek consent in the next three years, reviewing the thresholds could help alleviate capacity constraints and ensure a more proportionate approach.

The current thresholds are also influencing project design and siting in unintended ways. Some developers have reported that the thresholds are contributing to the clustering of projects within a 2km radius of network connections and/or sub-optimal siting decisions aimed at avoiding NSIP classification. This has led to increased land acquisition, greater use of

underground cabling (despite it being 4.5 times more expensive), and a preference for gas-insulated substations over air-insulated substations, despite the latter offering advantages such as easier maintenance and expansion.

132 kV wooden poles

Feedback from developers indicates that 132 kV wooden pole lines have significantly less visual and environmental impact than 132 kV steel lattice pylons. While wooden poles require more frequent placement due to shorter spans, their overall height and electromagnetic field (EMF) impacts are lower. Visually, they are more comparable to lower-voltage wooden pole lines in terms of height and structure. However, the Working Group has acknowledged that communities may still have concerns about their visual impact.

Given these factors, there is a strong case for reconsidering whether 132 kV wooden pole lines should be subject to the NSIP regime.

Figure 12: Photo of a 132 kV wooden pole overhead line

Figure 13 (Left) Photo of a 66 kV wooden pole overhead line (Right) Photo of a 132 kV steel lattice pylon

2km distance threshold

Stakeholders, including developers and landowners, agree that the current 2km threshold is relatively low. The Working Group has reviewed this issue and concurs with this assessment.

A review of the Planning Inspectorate's database shows that most NSIP electric line projects (in England only) range from 2.8km to 184km, with the majority exceeding 20km.[32]

While the complexity and contentiousness of a project depend on its specific context, projects that cross fewer local authorities and land parcels tend to be less complex and contentious. Consequently, developers have suggested increasing the threshold to between 5km and 15km.

Raising the threshold to 15km would align it with the automatic requirement for an Environmental Impact Assessment (EIA) when a line is 220 kV or more.[33] However, longer distances typically involve more stakeholders and greater complexity. Comparatively, a marginal increase will have less of an impact on the issues addressed above in terms of unnecessarily limiting capacity within the NISP regime and suboptimal project design and siting. Therefore, we propose increasing the threshold to 10km, which we believe strikes a balance between ensuring appropriate scrutiny and enabling more efficient delivery of less complex projects.

[32] Planning Inspectorate, Register of Applications, https://national-infrastructure-consenting.planninginspectorate.gov.uk/register-of-applications. To note this list is for projects in England only.
[33] The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Schedule 1 automatically requires an Environmental Impact Assessment for the construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15km.

Proposed Changes

We are proposing the following amendments to the thresholds for electricity network overhead line projects under the Planning Act 2008:

- Remove 132 kV wooden pole lines from the scope of the NSIP regime.
- Increase the distance threshold for NSIP classification from 2km to 10km.

These changes aim to ensure that only genuinely nationally significant projects are subject to the NSIP process. Projects falling below the revised thresholds would instead be consented under section 37 of the Electricity Act 1989, allowing for a more proportionate, faster, and cost-effective consenting process. This will help accelerate the deployment of critical infrastructure needed to meet the UK's Net Zero and energy security goals.

Aggregate length of overhead lines

Stakeholder feedback has highlighted ambiguity in the current legal definition of the 2km distance threshold for overhead electricity lines. Specifically, there is uncertainty as to whether the threshold applies to the cumulative length of all lines within a project or to the length of each individual line.

To address this, we propose amending the relevant legislation and associated guidance to clarify that the threshold should be calculated based on the length of each individual line. This would be defined as the total length of all cables carried on a pole or pylon that form a single continuous line.

This clarification aims to ensure consistency in interpretation and application of the threshold, providing greater certainty for developers and decision-makers.

Nation(s) proposal applies to: England and Wales

Q58. Do you agree that overhead line projects using 132 kV wooden poles should no longer be classified as Nationally Significant Infrastructure Projects (NSIPs) and therefore should not be consented under the NSIP regime? Agree/Disagree/Unsure

Q59. Please explain the reasons for your answer.

Q60. Do you agree that the distance threshold for classifying overhead line projects as NSIPs should be increased from 2km to 10km, based on the length of a single continuous line? Agree/Disagree/Unsure

Q61. Please explain the reasons for your answer.

Q62. If you believe that alternative thresholds should apply to electricity network overhead line projects, please specify what these should be.

Q63. Please explain the reasons for your answer.

Access Rights

Current Situation

Using powers under paragraph 9 of schedule 6 to the Electricity Act 1989, Distribution Network Operators (DNOs) can access private land for the purpose of placing a new electric line or any new electrical plant in the place of, or in addition to, any existing line or plant which has already been lawfully placed, or to repair or alter an existing line or plant.[34]

DNOs have told us they use these powers as a last resort when a land agreement is not in place, for example when a wayleave has lapsed due to a change in land ownership, in order to carry out works such as essential alterations, maintenance and replacement works. These works enable operators to upgrade apparatus and restore power when there is a fault, supporting network resilience and providing a reliable supply to customers.

Except in the case of an emergency, the DNO must give at least five working days' notice to the landowner or occupier before entering their land. Furthermore, paragraph 10(3) of schedule 6 to the Electricity Act provides that the DNO must make good or pay the landowner compensation for any damage caused when entering or taking action on the premises.

Where agreement to access the land is not granted by the landowner, the DNO can apply to the magistrates' court for a warrant of entry to access the land.

The access rights powers do not negate the need for appropriate consent to be in place, except where exemptions, such as the 2009 Exemption Regulations, apply.[35] Where exemptions are in place, existing restrictions, such as the requirement to notify the Local Planning Authority, still apply.

Proposal 11: Clarify in legislation that access rights apply to adjacent third-party land

Case for Change

Access to infrastructure must often be gained by passing through adjacent land which is owned by another third-party and DNOs have reported that they consider there to be no clear way for this access to be permitted.

Paragraph 9 of schedule 6 to the Electricity Act 1989 grants the power for a DNO to enter *any* premises (which includes land) for the purpose of installing a new electric line or plant where there is an existing line or plant already lawfully installed. It is therefore arguable that the access rights provision already extends to adjoining land, however it is not explicit.

This ambiguity can lead to landowners refusing access, delaying essential works from being carried out and impeding operators' ability to upgrade and maintain infrastructure. This problem is exacerbated if operators need to cross the land of multiple parties.

This issue was raised by respondents to the Call for Evidence as well as being recognised in the recent National Infrastructure Commission (now the National Infrastructure and Service

[34] Schedule 6 to the Electricity Act 1989
[35] The Overhead Lines (Exemption) (England and Wales) Regulations 2009

Transformation Authority (NISTA)) report on increasing capacity in the distribution network.[36] The report recommends that government should extend the existing rights under paragraph 9 of schedule 6 to the Electricity Act 1989 to facilitate access over as much land as is necessary, regardless of the number of ownerships, when that route is the most reasonably expedient for their operational purposes.

Proposed Changes

We are proposing to amend the Electricity Act 1989 to:

- clarify that access rights include as much land as is necessary in order to access infrastructure, including adjacent third-party land.
- clarify that the provisions relating to making good or paying compensation for any damage caused while exercising access rights also apply to the access of adjacent third-party land.

Nation(s) proposal applies to: England, Wales and Scotland

Q64. Do you agree that paragraph 9 of schedule 6 to the Electricity Act 1989 should be amended to clarify that access rights facilitate access over as much land as is necessary, regardless of the number of ownerships? Agree/Disagree/Unsure

Q65. Please explain the reasons for your answer.

Q66. Do you agree that paragraph 10(3) of schedule 6 to the Electricity Act 1989 should be amended to clarify that the provisions relating to making good, or paying compensation for, any damage caused while exercising access rights also apply to the access of adjacent third-party land? Agree/Disagree/Unsure

Q67. Please explain the reasons for your answer.

Q68. Are there any other instances of land access rules and regulations which unnecessarily restrict the activities a developer can undertake?

Proposal 12: Expansion of access rights to Transmission Owners

Case for Change

While DNOs have the powers of access outlined above, Transmission Owners (TOs) do not. This means that, while access to land is typically secured through voluntary agreement, if a landowner refuses to grant access to their land, TOs do not have the same statutory routes available to them to obtain access when critical alterations, maintenance and replacement works need to be undertaken. TOs have reported that this can lead to access needing to be sought via longer alternative routes, requests for payment for access by the landowner, contractor stand down costs and missed outages, overrun projects and delayed programmes, which can result in penalties. These risks expose TOs to increased project costs, which are ultimately passed on to consumers.

[36] National Infrastructure Commission Distribution Report (n 5)

TOs have reported that, while the number of access refusals is low, each individual case can cause significant delay and financial impact for the entire project. TOs have said that, in some cases, they need to compulsorily acquire land rights to provide the certainty required to meet delivery timelines for Nationally Significant Infrastructure Projects.

Proposed Changes

The government proposes to amend paragraph 9 of schedule 6 to the Electricity Act 1989 to extend existing powers of access (currently available to DNOs) to TOs. This would also include the proposed clarification of access rights to adjacent third-party land described under proposal 11.

This would provide TOs with a statutory route for obtaining access to land in the minority of cases where voluntary agreement cannot be reached, facilitating the roll out of transmission projects.

Recognising the significant differences in the scale of the equipment and timescales for the work to be undertaken at transmission level, when compared to distribution, and following discussion with the Working Group, we are also proposing that the notice period provided to the landowner or occupier before entering their land is extended in the case of transmission to 30 working days.

Q69. Do you agree that the powers of access granted under paragraph 9 of schedule 6 to the Electricity Act 1989 (including any amendments made in relation to proposal 11) should be extend to Transmission Owners? Agree/Disagree/Unsure

Q70. Please explain the reason for your answer.

Q71. Do you agree that in the case of Transmission Owners only, the notice period prior to entry should be 30 working days? Agree/Disagree/Unsure

Q72. Please explain the reason for your answer.

Q73. Do you agree that the provisions outlined under paragraph 10(3) of schedule 6 to the Electricity Act, relating to making good, or paying compensation for, any damage caused while exercising access rights, are sufficient in relation to the changes proposed under proposals 11 and 12? Agree/Disagree/Unsure

Q74. Please explain the reason for your answer.

Q75. Are there any other safeguards, beyond extending the notice period and ensuring the provisions regarding compensation are carried over, that should be put in place in relation to the extension of access rights to include Transmission Owners?

Next Steps

Once the consultation has closed, we will carefully review the responses received. Using the feedback from the consultation, we will determine the viability of delivering the proposals as set out or make changes where necessary. We will then look to deliver these proposals over the next 18 months.

Post-consultation we will continue to engage closely with stakeholders to monitor whether the changes are supporting the government mission to deliver clean power by 2030, and to determine whether additional changes are needed.

This consultation is available from: https://www.gov.uk/government/consultations/electricity-network-infrastructure-consents-land-access-and-rights

If you need a version of this document in a more accessible format, please email alt.formats@energysecurity.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.