



# EIP Networks team:

An introduction to the Networks team and our work.

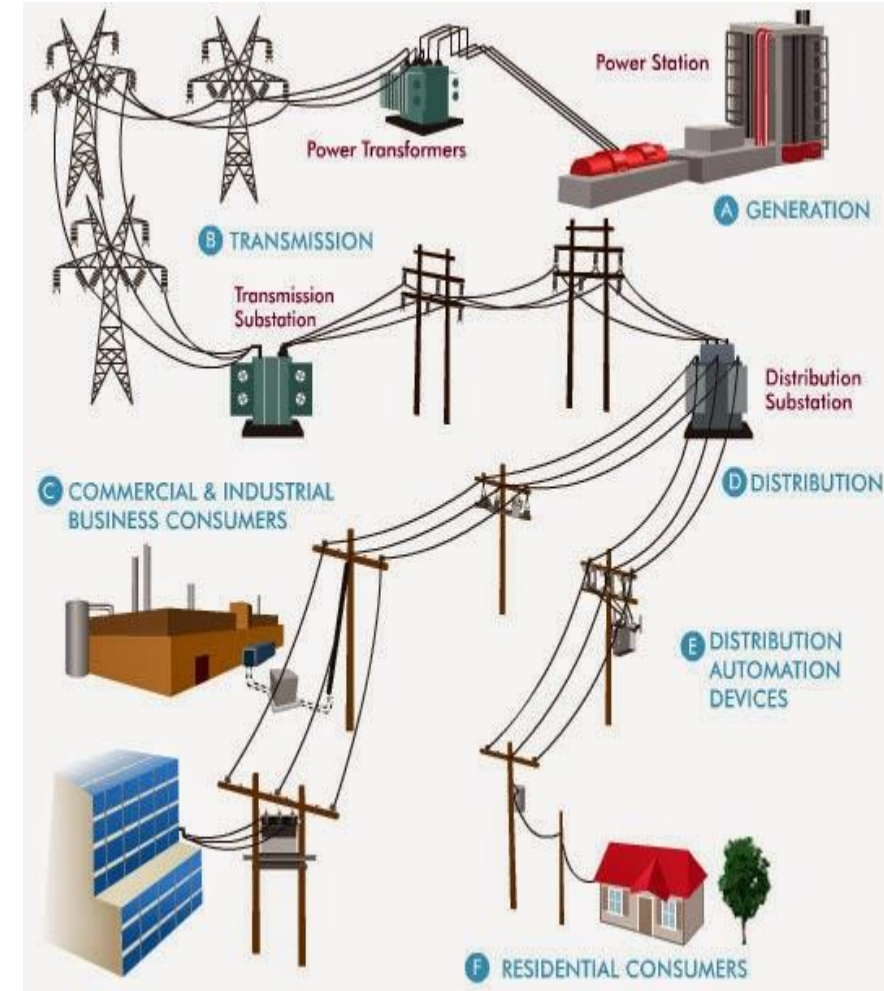
Thursday 20 April 2023.

# Who are the EIP Networks team, what do we do and why do we do it!

- Introductions and purpose of today's presentation.
- What is a Section 37 application? Different types of applications.
- The role of Local Planning Authorities.
- The application process.
- How information is gathered.
- The future: what's coming our way and are we ready?

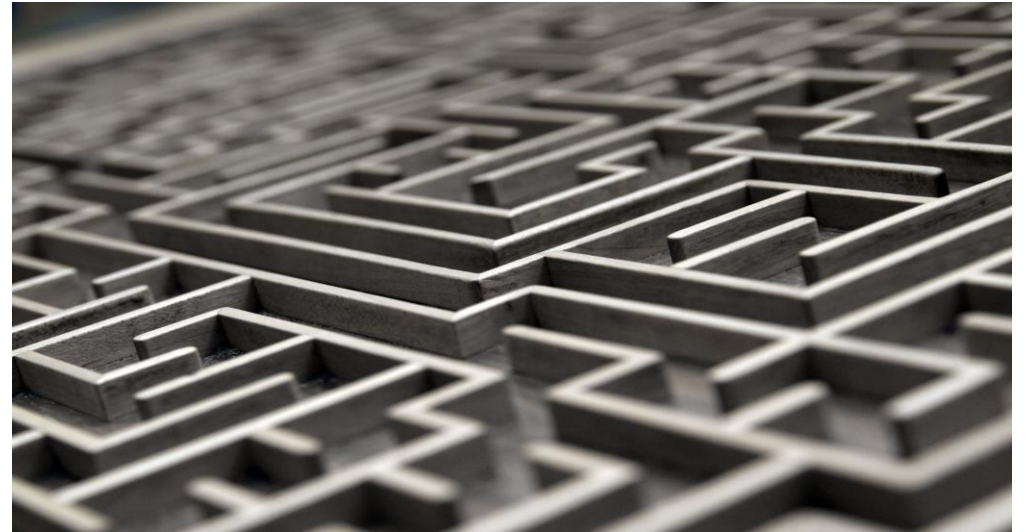
# Introductions and purpose of this presentation:

- What we do, why we do it and how we deliver. Focus today is on section 37 applications.
- Purpose of this presentation – to raise the awareness of our work (the bigger picture) and the crucial role of LPAs.
- The enhancements made to the energy portal and the requests which will come your way.



# The bigger picture: where do we fit in?

- Security of supply – this is our core objective.
- Net Zero – low carbon technologies, heat pumps, reinforce the electricity network.
- Powering Up Britain: speeding up the planning process to attract investment – Reforming the planning process to enable the building of more energy infrastructure.
- 50 GW commitment – on-land infrastructure.
- Onshore network connections – more s37 applications.
- Electricity Networks Strategic Framework – CfE.
- Electric Vehicles – land rights and necessary wayleaves.
- BESS.
- Planning reform.
- Land Rights – we need to build vs environment and landowners rights



# What is Section 37?

## The legal framework

It is **Section 37 of the Electricity Act 1989** which establishes the statutory consenting process in England and Wales to install and keep installed electric lines above ground.

**Paragraph 1 of Schedule 9 to the Electricity Act 1989** sets the foundations for the S37 process and establishes specific duties on the Applicant and on the Secretary of State.

### *Role of the Distribution Network Operator (DNO)*

#### Sub-Paragraph 1

In formulating any relevant proposals, a licence holder

- a) shall have regard to the desirability of **preserving** natural beauty, of **conserving** flora, fauna and geological or physiographical features of special interest and of **protecting** sites, buildings and objects of architectural, historic or archaeological interest; and
- b) shall do what he reasonably can to **mitigate any effect** which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

### *Role of the Secretary of State (SoS)*

#### Sub-Paragraph 2

In considering any relevant proposals... the Secretary of State shall have regard to—

- a) the desirability of the **matters mentioned in paragraph (a)** of sub-paragraph (1) above; and
- b) the extent to which the person by whom the proposals were formulated has complied with his **duty under paragraph (b)** of that sub-paragraph.

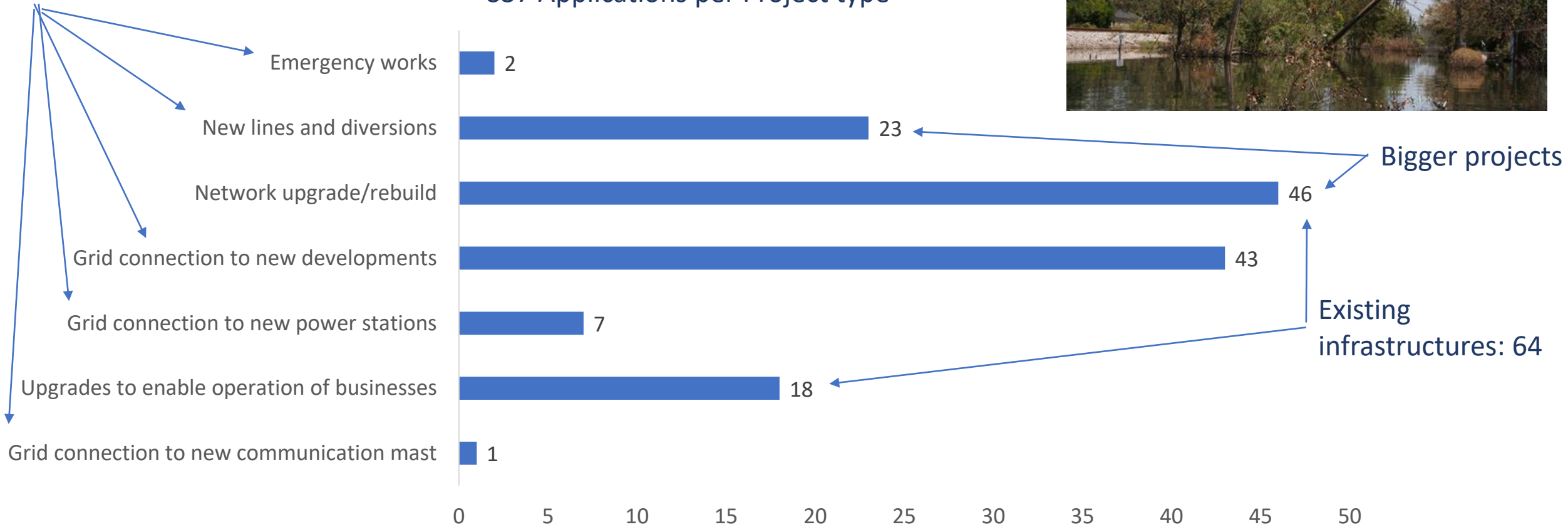


# S37 Stats 2022 – Project Type



New infrastructures: 76

S37 Applications per Project type



# The role of the LPAs

## The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

UK Statutory Instruments ▶ 2017 No. 580 ▶ SCHEDULE 1

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### SCHEDULE 1

Regulations 5, 9 and 11

Development requiring environmental impact assessment in any event

1. Development to provide any of the following—
  - (a) a nuclear generating station;
  - (b) a thermal generating station with a heat output of 300 megawatts or more;
  - (c) an electric line installed above ground with—
    - (i) a voltage of 220 kilovolts or more; and
    - (ii) a length of more than 15 kilometres.
2. Development to provide a change to or extension of a generating station, or an electric line, of a description set out in paragraph 1 where the change or extension in itself meets the thresholds, if any, or description set out in that paragraph.

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# The role of the LPAs

The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

UK Statutory Instruments ▶ 2017 No. 580 ▶ SCHEDULE 2

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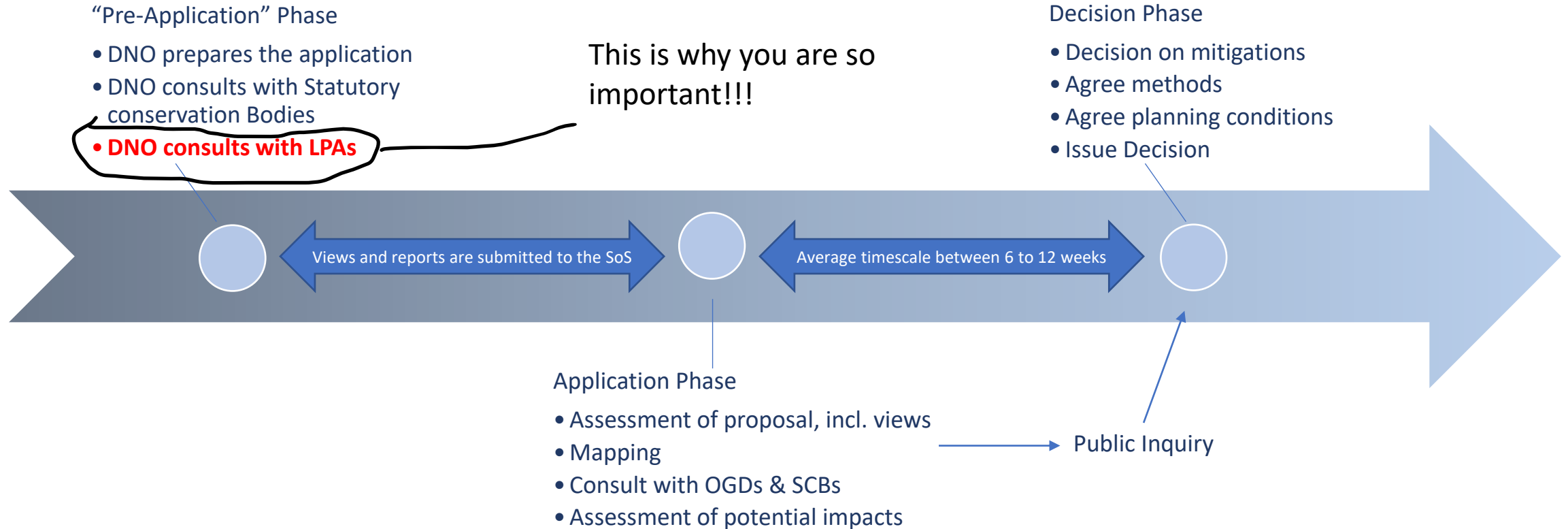
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**SCHEDULE 2** Regulations 5 and 11  
Development requiring screening if no EIA report provided

1. Development to provide a generating station (other than a generating station of a description set out in paragraph 1 of Schedule 1).
2. Development to provide either of the following electric lines (other than an electric line of a description set out in paragraph 1 of Schedule 1)—
  - (a) an electric line installed above ground with a voltage of 132 kilovolts or more;
  - (b) an electric line installed above ground in a sensitive area.
3. Development to provide a change to or extension of—
  - (a) a generating station (other than a change or extension set out in paragraph 2 of Schedule 1); or
  - (b) an electric line of a description set out—
    - (i) in paragraph 1 of Schedule 1 (other than a change or extension set out in paragraph 2 of that Schedule); or
    - (ii) in paragraph 2 of this Schedule,where the generating station or electric line is already authorised, executed or in the process of being executed and the change or extension may have significant adverse effects on the environment.
4. In this Schedule, "sensitive area" means any of the following—
  - (a) a site of special scientific interest within the meaning of Part 2 of the Wildlife and Countryside Act 1981(1);
  - (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(2);
  - (c) the Broads within the meaning of the Norfolk and Suffolk Broads Act 1988(3);
  - (d) a site or other place or other thing which is cultural heritage or natural heritage within the meaning of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16th November 1972(4) and is included in the World Heritage List mentioned in Article 11 of that Convention;
  - (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(5);
  - (f) an area of outstanding natural beauty within the meaning of Part 4 of the Countryside and Rights of Way Act 2000(6);
  - (g) a European site as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2010;
  - (h) a Ramsar site (that is to say, a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention (as defined in section 37A of the Wildlife and Countryside Act 1981(7)) for inclusion in the list of wetlands of international importance referred to in that Article).



# Application Process



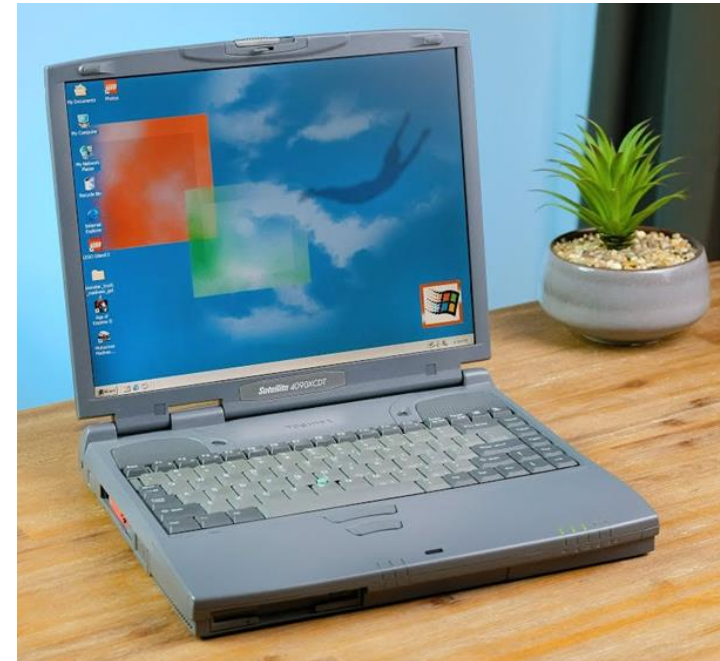
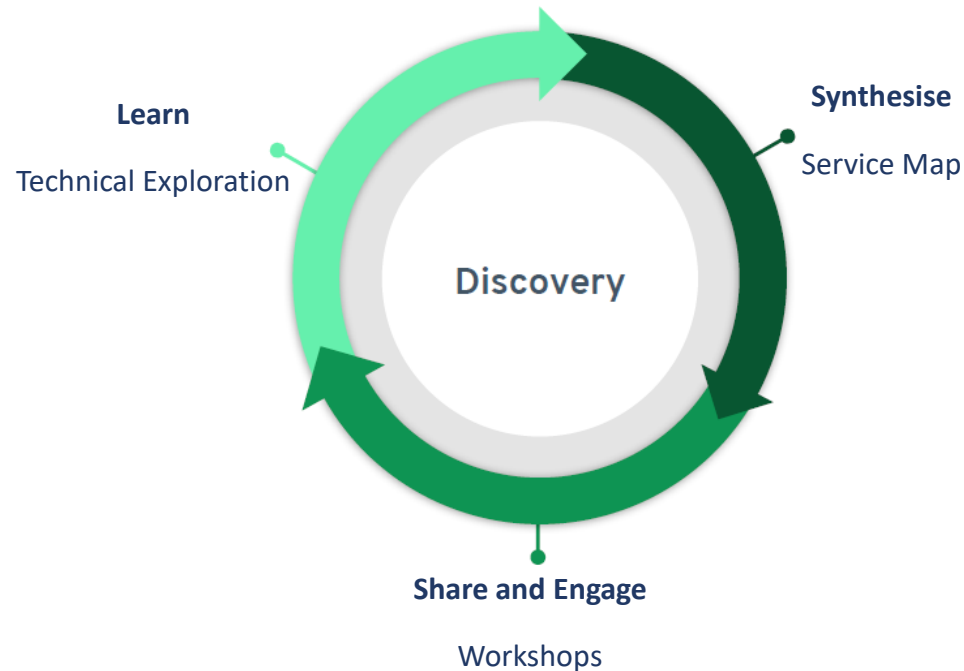
All applications for consent are considered by the Secretary of State carefully on a case-by-case basis and a decision is taken on the merits of each proposal

# Energy Portal enhancement project

In March 2022 we started a discovery project looking at redeveloping certain areas of the energy portal, specifically the pre-application stage.

The main objectives are to introduce more automation to some parts of the necessary wayleave and S37 process, to improve the application structure and user experience.

Project to be completed by 31 March 2023.



# How information is gathered

## Form B Guidance

This Form must be used in connection with an application to the Secretary of State for Business, Energy and Industrial Strategy for consent under **section 37** of the Electricity Act 1989 to install and keep installed above ground an electric line of any voltage.

This Form should be sent to each local planning authority in whose area the proposed development would be situated. The views obtained by means of this Form are then to be submitted to the Secretary of State to help inform the decision making process on the application.

The local planning authority<sup>1</sup> is required to sign and complete all sections of Part Two (Certificate) and Part Three (Consultations and Observations) and to return this form to the applicant **within two months** of its receipt. Please note that the Secretary of State would not progress a section 37 application in the absence of a completed Form B. Additional information describing this procedure and the reason for it can be found in the published [Guidance Note 14D/226](#).

## Screening Decision Process Guidance (Appendix A)

If the section 37 application is for a development as referred to under [Schedule 2 of the Electricity Works \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2017<sup>2</sup>](#) (the 2017 Regulations), the Secretary of State will be required to make a Screening Decision before the section 37 application can be decided. To inform its decision, the Secretary of State must receive the views of the Local Planning Authority. To this effect:

- The applicant should submit to the Local Planning Authority the additional information referred to under [Regulation 12](#) of the 2017 Regulations and seek their views, and
- The Local Planning Authority should submit their views completing **Appendix A<sup>3</sup>** of this Form to confirm whether or not an environmental impact assessment should be undertaken in respect of the development.

## How to complete the Form

The Form B contains three parts, Part One must be completed and signed by the Applicant, Part Two and Three must be completed and signed by the Local Planning authority. Appendix A also should be completed by the Local Planning Authority in all relevant cases as described above. Please note that all required sections of the Form (including relevant tick boxes and drop-down menus) must be completed as appropriate. BEIS will not progress section 37 applications that are accompanied by an incomplete Form B.

# How information is gathered

## Appendix A

### LOCAL PLANNING AUTHORITY'S VIEWS UNDER REGULATION 13 OF THE 2017 REGULATIONS (to be completed by the local planning authority)

Does the proposed development fall under [Schedule 2](#) of the 2017 Regulations?

- a)  yes, the proposal is for an electric line installed above ground with a voltage of 132 kilovolts or more.  
 b)  yes, the proposal is for an electric line installed above ground in a sensitive area<sup>11</sup>.  
 c)  the proposal is not a Schedule 2 development, but views have been requested by the BEIS Secretary of State.

Please consider if the Applicant has submitted sufficient information to determine whether or not the proposal is an EIA development. Please note that the Applicant must take into account the criteria set out in [Schedule 3](#) (where relevant), when compiling the required information.

Has the Applicant provided the following information?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
1.	a description of the physical characteristics of the whole development and, where relevant, of demolition works	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.	a description of the location of the development, with regard to the environmental sensitivity of geographical areas likely to be affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.	a description of the aspects of the environment likely to be significantly affected by the development	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	a description of any likely significant effects resulting from:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	a. the expected residues and emissions and the production of waste, where relevant;	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	b. the use of natural resources, in particular soil, land, water and biodiversity	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please provide your views taking account of the below factors where relevant to the proposal. Please confirm the factors that have been considered by ticking all relevant section in the table below.

Characteristics of development The characteristics of the development must be considered having regard to:		Select all relevant factors
(a)	the size and design of the whole development	<input type="checkbox"/>
(b)	cumulation with other existing and approved developments;	<input type="checkbox"/>
(c)	the use of natural resources, in particular land, soil, water and biodiversity;	<input type="checkbox"/>
(d)	the production of waste;	<input type="checkbox"/>
(e)	pollution and nuisances;	<input type="checkbox"/>
(f)	the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge;	<input type="checkbox"/>
(g)	the risks to human health (for example, due to water contamination or air pollution).	<input type="checkbox"/>
Location of development The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard to:		Select all relevant factors
(a)	the existing and approved land use;	<input type="checkbox"/>
(b)	the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;	<input type="checkbox"/>
(c)	the absorption capacity of the natural environment, paying particular attention to the following areas—	<input type="checkbox"/>
(i)	wetlands, riparian areas and river mouths;	<input type="checkbox"/>
(ii)	coastal zones and the marine environment;	<input type="checkbox"/>
(iii)	mountain and forest areas;	<input type="checkbox"/>
(iv)	nature reserves and parks;	<input type="checkbox"/>
(v)	areas classified or protected under domestic legislation or legislation of EEA states;	<input type="checkbox"/>
(vi)	European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2017);	<input type="checkbox"/>

<sup>11</sup> Please refer to the list of sensitive areas found at <https://www.legislation.gov.uk/ukxi/2017/580/schedule/2/made>

(vii)	areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure;	<input type="checkbox"/>
(viii)	densely-populated areas;	<input type="checkbox"/>
(ix)	landscapes and sites of historical, cultural or archaeological significance.	<input type="checkbox"/>
<b>Type and characteristics of potential impact</b>		<b>Select all relevant factors</b>
The likely significant effects of the development on the environment must be considered taking into account:		
(a)	the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);	<input type="checkbox"/>
(b)	the nature of the impact;	<input type="checkbox"/>
(c)	the transboundary nature of the impact;	<input type="checkbox"/>
(d)	the intensity and complexity of the impact;	<input type="checkbox"/>
(e)	the probability of the impact;	<input type="checkbox"/>
(f)	the expected onset, duration, frequency and reversibility of the impact;	<input type="checkbox"/>
(g)	the cumulation of the impact with the impact of other existing and approved developments;	<input type="checkbox"/>
(h)	the possibility of effectively reducing the impact.	<input type="checkbox"/>

Local Planning Authority's views:

Dated

Signed:

# The future: what we expect and what we are doing

- Increase in work – 50 GW commitment, onshore network connections, network connection projects, low carbon technologies, National Grid CPOs, more necessary wayleaves.
- S37 applications becoming more high profile.
- The quality of applications.
- Stakeholder engagement.
- Ways of Working – what can we do better, amend or stop?

# Thank you!



## Any questions?