

**Consultation Response to Department for Energy Security and Net Zero in relation to  
Electricity Network Infrastructure: Consents, Land Access and Rights**

Introduction

The National Infrastructure Planning Association (NIPA) was established in 2010 with the aim of bringing together individuals and organisations involved in the planning and delivery of major infrastructure projects. Our principal focus is the planning regime for nationally significant infrastructure projects (NSIPs) introduced by the Planning Act 2008; however, our members work across all consenting regimes, and we act as a forum and community for anyone with an interest in the challenge of driving better national infrastructure planning outcomes.

In summary, we:

- advocate and promote an effective, accountable, efficient, fair and inclusive system for the planning and authorisation of national infrastructure projects and act as a single voice for those involved in national infrastructure planning and delivery;
- participate in debate on the practice and the future of national infrastructure planning and act as a consultee on proposed changes to national infrastructure planning and authorisation regimes, and other relevant consultations; and
- develop, share and champion best practice, and improve knowledge, skills, understanding and engagement by providing opportunities for learning and debate about national infrastructure planning.

This Consultation

On 8 July 2025, the Department for Energy Security and Net Zero (DESNZ) published a consultation entitled Electricity Network Infrastructure: Consents, Land Access and Rights. The consultation is on proposed reforms to processes associated with Electricity Network Infrastructure Build and Maintenance.

NIPA welcomes this opportunity to provide views on the proposed changes to consenting for electricity network infrastructure. The consultation was framed with 75 questions.

The NIPA response is focussed on matters relating to the NSIP threshold, specifically Proposal 10 of the consultation: *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.* NIPA has therefore provided responses to Questions 58-63 of this consultation only and they are addressed in turn overleaf.

Thank you for providing NIPA with the opportunity to provide this contribution to the consultation. NIPA remains committed to working with Government to provide the insights of our diverse practitioner membership. We look forward to continuing that work with you and please do not hesitate to contact us if you have any questions.

Response to consultation questions

**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.***

**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.

**Q59. Please explain the reasons for your answer.**

NIPA has previously expressed its views to [MHCLG](#) on welcoming opportunities to evolve the NSIP system under the Planning Act 2008 to streamline the development of critical national infrastructure. It is right to review the Act and take into account changes in technology and demands on the electricity network that were not foreseen at the time it was put in place. Considering the development of new technologies that are now placing demands on the national electricity transmission system, such as battery storage schemes and renewable energy schemes, it is essential that these developments are not unnecessarily limited by legislation that has not moved on with the times.

NIPA welcomes the principle of amending the mandatory NSIP thresholds to be more proportionate to the scale and nature of national infrastructure and its impacts.

132kV networks are typically built and operated by Distribution Network Operators (DNOs). NIPA members have suggested that a natural distinction for mandatory NSIP consenting would be the specific voltage of a transmission line rather than a pylon design for a specific voltage. There would be a greater rationale to remove all electricity transmission lines of 132kV from the NSIP regime. The benefits of reducing the impacts of transmission lines could be provided in the relevant guidance and National Policy Statements. Where it may be appropriate and necessary to bring a 132kV scheme into the NSIP regime, then DNOs would have the ability to seek an opt-in via section 35 of the Planning Act 2008, and any such application should be considered positively by the relevant Secretary of State.

**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.

**Q61. Please explain the reasons for your answer.**

To clarify our response and understanding of the proposal, NIPA understands that this proposed change is to the mandatory threshold relating to all overhead lines of a nominal voltage of 132kV and above.

NIPA supports increasing the distance threshold for classifying overhead line projects as NSIPs. However, it is not clear from the consultation documentation how the proposed 10km distance was derived. We suggest that consistency across legislation should be considered as part of the rationale for changing the distance threshold, as has been done across other NSIP thresholds in the Planning Act 2008.

Electricity generating projects and storage projects, which fall below the mandatory NSIP threshold, may be delayed or impacted by the need to apply for a DCO because of the connection to the grid that is required to operate them. As detailed in the consultation documentation, there is some evidence that such developments are being concentrated around substations, to avoid the NSIP threshold. NIPA agrees that this is not a desirable outcome and increasing the threshold could bring broader benefits for the electricity generation and storage projects and ensure a more proportionate approach given the government's ambition for the high number of infrastructure projects expected to seek consent.

Other developments below the NSIP threshold that are impacted by the 2km threshold for overhead lines relate to the extension and reinforcement of existing electricity distribution substations and linear schemes that may intersect one or more such lines or require the uprating of the existing connection that trigger the current threshold. The subsequent requirement for a mandatory DCO application may force a development option to be uneconomic due to the added time for delivery, cost and risks that come with the process. This may then have a negative effect on the growth of clean energy in a particular area, due to a lack of grid capacity.

NSIP developments can also be impacted by the current overhead line threshold, creating additional optioneering work, engagement with DNOs and risk of litigation. This is required to meet NPS EN-1 and EN-5.

NIPA members have provided examples of NSIP developments that require the diversion of 132kV and 400kV overhead lines. An increase to the overhead line threshold would reduce the consenting risk associated with these diversions by reducing their status from a mandatory NSIP, in their own right, to associated development and some greater flexibility in securing better outcomes in terms of proposed diversions rather than having an arbitrary 2km constraint. Protective provisions would still apply, and the diversion would be considered alongside the other utilities diversions.

An aspect that NIPA members would encourage clarity on relates to the measurement of overhead line length, which should be clearly defined in the relevant legislation and guidance. Currently, ambiguity can arise in projects involving either multiple unconnected cables or several cables strung between pylons. This ambiguity has caused issues for NIPA members working on projects where there is concern of falling foul of the NSIP thresholds,

which has led to seeking counsel's advice incurring additional cost and time for project developers to understand the relevant guidance and precedents.

NIPA's position is that, for assessing environmental impact and the overall scale of an overhead line scheme, the length should be calculated on a per-line basis. This means measuring the distance from the start to the end of each cable line as a single unit, regardless of how many individual cables are present, and without aggregating lengths across the entire project. In other words, only the length of each distinct cable line should be considered, not the cumulative length of all cable systems within a scheme. Additional wording could be introduced to clarify that the threshold should be determined based on all cables supported by a single pole or pylon that together constitute a "continuous line." This approach would mirror the treatment of railway lines under section 25(1)(ba)(i) of the Planning Act 2008, provide clarity for all stakeholders involved with overhead line projects and ensure a more proportionate approach.

The section 37 Electricity Act 1989 consent application process for overhead line diversion projects is likely to be faster than the DCO process by approximately one year and ensure a proportionate approach is being taken to the assessment of proposals that are nationally significant rather than minor works. By increasing the threshold from 2km, more projects would be delivered through the section 37 process (where this is most appropriate, maintaining the option for Applicants to seek a direction under section 35 of the Planning Act 2008 where this would be necessary and beneficial for delivery) to support the government's clean power mission.

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

NIPA supports increasing the distance threshold for classifying overhead line projects as NSIPs. It is not clear from the consultation documentation how the proposed 10km distance has been chosen. We suggest that consistency across legislation and ensuring a proportionate approach should form key considerations for changing the distance threshold, as has been done across other NSIP thresholds in the Planning Act 2008. Setting the distance threshold at 15km would align it with the automatic requirement for an Environmental Impact Assessment (EIA) under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 whilst alleviating resourcing constraints and ensuring a more proportionate approach as outlined within the 'Case for Change'.

**Q63. Please explain the reasons for your answer.**

NIPA supports increasing the distance threshold for classifying overhead line projects as NSIPs. We suggest that consistency across legislation and ensuring a proportionate approach should form key considerations for changing the distance threshold, as has been done across other NSIP thresholds in the Planning Act 2008. A 15km threshold would align

with the requirements of the EIA Regulations whilst alleviating resourcing constraints and ensuring a more proportionate approach as outlined within the 'Case for Change'.

Where it may be beneficial, appropriate and necessary to bring a scheme that is shorter than the distance threshold into the DCO regime, then Applicants would have the ability to seek an opt-in via section 35 of the Planning Act 2008, and any such applications should be considered positively by the relevant Secretary of State.