

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in Scotland about the procedures for handling applications to vary consents for the construction, extension and operation of electricity generating stations that have been granted under section 36 of the Electricity Act 1989 (“section 36 consents”).

In Scotland and adjacent offshore areas, section 36 consents are granted by the Scottish Ministers. Under section 36C of that Act (inserted by section 20 of the Growth and Infrastructure Act 2013 (c.27)), the person for the time being entitled to the benefit of the section 36 consent (“the applicant”) may apply to the Scottish Ministers for the consent to be varied. On such an application, the Scottish Ministers may make such variations to the consent as appear to them to be appropriate, having regard to the reasons for which a variation is sought, the variations proposed, any objections to the variations and the views of consultees (as well as the outcome of any public inquiry held into the application).

Regulation 3 sets out what must be included in or accompany a variation application. Regulation 4 sets out the requirements for publication and notification of the variation application.

Regulation 5 applies the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 to variation applications with specified modifications. Regulation 6 makes provision for the holding of a public inquiry in connection with a variation application and applies certain provisions of Schedule 8 to the Electricity Act 1989 (relating to public inquiries) with modifications.

Regulation 7 makes provision about the withdrawal of variation applications. Regulation 8 allows the Scottish Ministers to extend the time allowed for a given step under the Regulations in a particular case.

Changes to legislation:

There are currently no known outstanding effects for the The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013.