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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 304**

**The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013**

**Publication and service of notice of application**

- 4.—(1) Notification of the variation application must be given in accordance with this regulation.
- (2) The applicant must—
- (a) publish on a website (“the application website”)—
    - (i) a summary of the variation application;
    - (ii) a copy of the application;
    - (iii) a link to the relevant section 36 consent, any section 57 direction given on granting it and any statement (in the form of a decision letter or otherwise) given by the appropriate authority under regulation 10(3) of the EIA Regulations when granting the relevant section 36 consent; and
    - (iv) any environmental statement prepared in relation to the proposed development;
  - (b) serve a copy of the variation application on the planning authority (if any);
  - (c) publish notice of the variation application—
    - (i) in two successive weeks in one or more local newspapers; and
    - (ii) in the Edinburgh Gazette and in one or more national newspapers; and
  - (d) other than where the variation application relates to an offshore generating station, serve notice of the variation application on the owner and occupier of the land to which the variation application relates.
- (3) If the variation application relates to an offshore generating station, the applicant must also publish notice of the application—
- (a) in Lloyd’s List; and
  - (b) if there are in circulation one or more appropriate fishing trade journals which are published at intervals not exceeding one month, in at least one such trade journal.
- (4) The notices required by paragraphs (2)(c) and (d) and (3) must—
- (a) not be published or served, as the case may be, before the applicant has complied with paragraph (2)(a) and (b);
  - (b) state—
    - (i) that an application to vary a relevant consent has been made under section 36C of the Act;
    - (ii) the address of the application website, and that further information about the application is to be found on the application website;
    - (iii) the date by which representations about the variation application may be made to the Scottish Ministers by any person other than the planning authority; and
    - (iv) the address to which any such representations are to be sent; and

- (c) identify—
  - (i) the applicant;
  - (ii) the relevant section 36 consent;
  - (iii) the generating station to which it relates; and
  - (iv) a place which is reasonably accessible to those likely to be affected by the proposed variation where copies of the variation application and any environmental statement prepared in connection with the variation application may be inspected.
- (5) The date to be stated in the notice in accordance with paragraph (4)(b)(iii) must—
  - (a) in the case of a notice to be published under paragraph (2)(c), be a date which is not less than 28 days after the date on which the last notice is published; and
  - (b) in the case of a notice to be served under paragraph (2)(d), be a date which is not less than 28 days after the date on which the notice is served.
- (6) Representations about the variation application may be made to the Scottish Ministers—
  - (a) by the planning authority, within a period of two months after the date on which the last notice is published in accordance with paragraph (2)(c); and
  - (b) by any other person, on or before the date stated in the notice in accordance with paragraph (4)(b)(iii).