
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 101

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 9

VARIATION APPLICATIONS

Application of Regulations to variation applications

28.—(1) These Regulations apply in relation to a variation application as they apply in relation to an application for consent under section 36 of the Electricity Act 1989 with the modifications specified in paragraph (2).

(2) The modifications are—

(a) references (however worded)—

(i) to an application for a section 36 consent are to be treated as if they are references to a variation application;

(ii) to the proposed development and to the development in respect of which the application for a section 36 consent relates are to be treated as references to the proposed varied development to which the variation application relates; and

(iii) to the grant of consent are to be treated as references if they are to the variation of a section 36 consent;

(b) regulation 14 is not to be read as requiring or permitting a notice under that regulation to be published before a notice under regulation 4(2)(c) of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013⁽¹⁾ is published; and

(c) Schedule 4 is to be read as requiring the inclusion in an EIA report of—

(i) the main respects in which the developer considers that the likely significant effects on the environment of the proposed development would differ from those described in any EIA report or environmental statement, as the case may be, that was prepared in connection with the relevant section 36 consent; and

(ii) a non-technical summary of the differences referred to in sub-paragraph (i).

(3) In this regulation—

“proposed varied development” means—

(a) the generating station, or extension of a generating station, which the developer would be authorised to construct under a relevant section 36 consent if that consent were varied as requested in a variation application;

(b) the way in which a generating station so constructed or extended would be authorised to be operated under the relevant section 36 consent as so varied; and

- (c) any section 57 development in respect of which section 36 consent is not required;
- “relevant section 36 consent”, in relation to a variation application, means the section 36 consent in respect of which that variation application is made;
- “section 36 consent” means a consent under section 36 of the Electricity Act 1989 to construct, extend or operate a generating station including any variations to that consent already made under section 36C(4) of the Act;
- “section 57 development” means any development in respect of which—
- (a) a section 57 direction was given on granting the relevant section 36 consent; or
 - (b) the developer, on making a variation application, requests the Scottish Ministers to give a section 57 direction;
- “section 57 direction” means a direction under section 57(2) or (2ZA) of the 1997 Act (deemed planning permission for development with government authorisation).