

2022 No. 310

ELECTRICITY

The Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Amendment Regulations 2022

<i>Made</i>	- - - -	<i>1st November 2022</i>
<i>Laid before the Scottish Parliament</i>		<i>3rd November 2022</i>
<i>Coming into force</i>	- -	<i>13th December 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 36(8), 36C(2) and 60(3) of, and paragraph 1(3) of schedule 8 to, the Electricity Act 1989(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Amendment Regulations 2022 and come into force on 13 December 2022.

(2) In these Regulations—

“the 2019 Regulations” means the Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019(b).

Amendment of the 2019 Regulations

2.—(1) The 2019 Regulations are amended in accordance with paragraphs (2) to (4).

(2) In the schedule (fees), for Table 1 substitute—

“Table 1

<i>Subject matter of application</i>	<i>Fee payable</i>
1. Construction, or construction and operation, of a generating station which is not EIA development and has a capacity—	
(a) not exceeding 10 megawatts	£7,800
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£30,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£84,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£120,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£180,000

(a) 1989 c. 29. The functions of the Secretary of State under section 60(3) and paragraph 1(3) of schedule 8 were transferred to the Scottish Ministers by virtue of S.I. 1999/1750, article 2 and schedule 1. The functions of the Secretary of State under section 36(8) were transferred to the Scottish Ministers by virtue of S.I. 2006/1040, article 3.

(b) S.S.I. 2019/176.

(f) exceeding 500 megawatts but not exceeding 750 megawatts	£216,000
(g) exceeding 750 megawatts but not exceeding 1 gigawatt	£264,000
(h) exceeding 1 gigawatt	£264,000 + £15,000 for each additional 500 megawatts above 1 gigawatt
2. Extension, or extension and operation, of a generating station which is not EIA development, resulting in increase in capacity—	
(a) not exceeding 10 megawatts	£7,800
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£30,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£84,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£120,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£180,000
(f) exceeding 500 megawatts but not exceeding 750 megawatts	£216,000
(g) exceeding 750 megawatts but not exceeding 1 gigawatt	£264,000
(h) exceeding 1 gigawatt	£264,000 + £15,000 for each additional 500 megawatts above 1 gigawatt
3. Construction, or construction and operation, of a generating station which is EIA development and has a capacity—	
(a) not exceeding 10 megawatts	£8,400
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£42,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£150,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£216,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£336,000
(f) exceeding 500 megawatts but not exceeding 750 megawatts	£437,000
(g) exceeding 750 megawatts but not exceeding 1 gigawatt	£548,000
(h) exceeding 1 gigawatt	£548,000 + £30,000 for each additional 500 megawatts above 1 gigawatt
4. Extension, or extension and operation, of a generating station which is EIA development, resulting in an increase in capacity—	
(a) not exceeding 10 megawatts	£8,400
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£42,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£150,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£216,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£336,000
(f) exceeding 500 megawatts but not exceeding 750 megawatts	£437,000
(g) exceeding 750 megawatts but not exceeding 1 gigawatt	£548,000
(h) exceeding 1 gigawatt	£548,000 + £30,000 for each additional 500 megawatts above 1 gigawatt
5. Any other extension of a generating station which does not result in an increase in capacity, where the capacity of the generating station does—	
(a) not exceed 10 megawatts	£7,800

(b) exceed 10 megawatts	£30,000
6. Operation only or change to manner of operation of a generating station, which does not result in an increase in capacity, where the capacity of the generating station does—	
(a) not exceed 10 megawatts	£7,800
(b) exceed 10 megawatts	£30,000*

(3) In the schedule (fees), for Table 2 substitute—

“Table 2

<i>Subject matter of application</i>	<i>Fee payable</i>
1. Overhead line which is not EIA development with a total distance—	
(a) not exceeding 500 metres	£430
(b) exceeding 500 metres but not exceeding 15 kilometres	£720 per kilometre, up to a maximum of £4,800
(c) exceeding 15 kilometres	£10,800 + £720 per kilometre, up to a maximum of £180,000
2. Overhead line which is EIA development with a total distance—	
(a) not exceeding 1 kilometre	£1,800
(b) exceeding 1 kilometre	£1,800 per kilometre, up to a maximum of £360,000*

(4) In the schedule (fees), for Table 3 substitute—

“Table 3

<i>Variation application</i>	<i>Fee payable</i>
1. A variation application which is not for EIA development and which, if granted, would increase the capacity of the generating station such that the increased capacity would—	
(a) not exceed 10 megawatts	£5,850
(b) exceed 10 megawatts but not exceed 50 megawatts	£22,500
(c) exceed 50 megawatts but not exceed 100 megawatts	£63,000
(d) exceed 100 megawatts but not exceed 300 megawatts	£90,000
(e) exceed 300 megawatts but not exceed 500 megawatts	£135,000
(f) exceed 500 megawatts but not exceed 750 megawatts	£164,400
(g) exceed 750 megawatts but not exceed 1 gigawatt	£200,500
(h) exceed 1 gigawatt	£200,500 + £15,000 for each additional 500 megawatts above 1 gigawatt
2. A variation application which is for EIA development and which, if granted, would increase the capacity of the generating station such that the increased capacity would—	
(a) not exceed 10 megawatts	£6,300
(b) exceed 10 megawatts but not exceed 50 megawatts	£31,500
(c) exceed 50 megawatts but not exceed 100 megawatts	£112,500

(d) exceed 100 megawatts but not exceed 300 megawatts	£162,000
(e) exceed 300 megawatts but not exceed 500 megawatts	£252,000
(f) exceed 500 megawatts but not exceed 750 megawatts	£310,000
(g) exceed 750 megawatts but not exceed 1 gigawatt	£367,000
(h) exceed 1 gigawatt	£367,000 + £30,000 for each additional 500 megawatts above 1 gigawatt
3. A variation application which is not for EIA development and which, if granted, would not increase the capacity of the generating station, where the generating station has a capacity—	
(a) not exceeding 10 megawatts	£5,740
(b) exceeding 10 megawatts	£22,500
4. A variation application which is for EIA development and which, if granted, would not increase the capacity of the generating station, where the generating station has a capacity—	
(a) not exceeding 10 megawatts	£6,300
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£31,500
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£112,500
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£162,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£252,000
(f) exceeding 500 megawatts but not exceeding 750 megawatts	£310,000
(g) exceeding 750 megawatts but not exceeding 1 gigawatt	£367,000
(h) exceeding 1 gigawatt	£367,000 + £30,000 for each additional 500 megawatts above 1 gigawatt”

Savings

3. The 2019 Regulations continue to apply as they did immediately before 13 December 2022 in respect of any application made before that date—

- (a) for consent under section 36 of the Electricity Act 1989 (consent for construction etc. of generating stations) to construct, extend or operate a generating station,
- (b) under section 36C(1) of the Electricity Act 1989 (variation of consents under section 36) for variation of a consent granted under section 36 of that Act,
- (c) for consent under section 37 of the Electricity Act 1989 (consent required for overhead lines) to install or keep installed an electric line above ground.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st November 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019 (“the 2019 Regulations”) in order to introduce revised levels of fees in respect of applications for consents and variations to consents under the Electricity Act 1989.

Regulation 3 ensures that any application made before these Regulations come into force will be subject to the 2019 Regulations as they were immediately before that date.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Energy Consents Unit, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU.

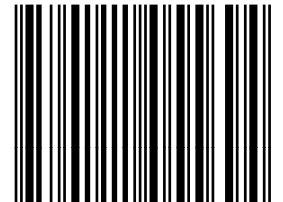
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