

# **Fees Charged for Applications under the Electricity Act 1989**

## **Scottish Government Response to the Consultation**

**December 2018**



**Scottish Government**  
Riaghaltas na h-Alba  
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# Executive Summary

The Scottish Government consulted on proposed revisions to fees for processing applications under the Electricity Act 1989 (“the Act”). A written consultation paper was published on 19 February 2018 and, following a two week extension to the original deadline, the period for written responses closed on 28 May 2018.

This document sets out the Scottish Government’s response to the consultation and details the conclusions Ministers have reached and the changes which will be implemented. We have carefully considered all comments received throughout the consultation process. An analysis of these comments has been carried out, which is published in a separate document entitled “Fees Charged for Applications under the Act – Analysis of Consultation Responses” (subsequently referred to as the “analysis report”). The analysis report should be read alongside this document.

While we are respecting the aims of the Scottish Public Finance Manual on charges for public services, we are purposefully supporting high priority investment in low carbon generation while making sure we are adequately resourced to deliver an appropriate level of service that contributes to the delivery of the Energy Strategy. The Scottish Government’s conclusions on changes to be implemented can be summarised as follows:

- Fees shall be revised in a manner which takes account of the comments received through the consultation. A balance must be struck between the policy objectives of the Energy Strategy and the aims of public finance management given by the Scottish Public Finance Manual.
- Upfront costs for pre-application and scoping stages shall not be implemented at this time.
- The fees to be implemented will be lower than those which were consulted on for applications to construct or extend a generating station, and we have revised the categories and thresholds. Our fees will be closely aligned with the equivalent fees paid under local planning, for example, a 51MW wind farm will require a fee no greater than a 50MW wind farm would under the Town and Country Planning (Scotland) Act 1997.
- Greater remuneration to planning authorities in relation to onshore applications than proposed in the consultation. A voluntary contribution shall continue to be made to Planning Authorities, now to be equivalent to one half of the fee received for applications for:
  1. onshore electricity generation development under section 36 and 36C of the Act for which the revised fee is paid, and
  2. EIA development applications under section 37 of the Act for which the revised fee is paid.
- Service improvements continuing – proactive project management, progress towards greater certainty around determination timescales and support discussion with a range of stakeholders.

- Revisions to the bands, thresholds and fee categories while maintaining a fixed fee structure based on installed capacity for section 36 applications and based on length of overhead lines for section 37 applications.
- The revised fees will be implemented by amendment of the Electricity (Applications for Consent) Regulations 1990. This would be subject to a negative procedure in the Scottish Parliament. Ministers aim to implement the revised fees from May 2019.
- Monitoring - following the implementation of the revised fee levels the Scottish Government shall monitor the effects of the changes.

# 1. Introduction

1.1 This document sets out the Scottish Government's response to the consultation on revising fees for processing applications under the Electricity Act 1989. It details the conclusions Ministers have reached and the changes which will be implemented. We have carefully considered all comments received throughout the consultation process. An analysis of these comments has been carried out, which is published in a separate document entitled "Fees Charged for Applications under the Act – Analysis of Consultation Responses" (subsequently referred to as the "analysis report"). The analysis report should be read alongside this document.

1.2 The Scottish Public Finance Manual sets out that the standard approach to setting out charges for public services should be full cost recovery. Our income from fees charged for applications under the Electricity Act 1989 has consistently fallen short of the costs of providing the service of determining such applications, which is incompatible with the standard approach to setting charges for public services.

1.3 While we are respecting the aims of the Scottish Public Finance Manual (SPFM), we are purposefully supporting high priority investment in low carbon generation while making sure we are adequately resourced to deliver an appropriate level of service that contributes to the delivery of the Energy Strategy.

1.4 We have reviewed the fees that we charge and the Scottish Government's conclusions and changes to be implemented are summarised below at paragraphs 1.5 to 1.12. We estimate the cost to the low carbon electricity generation business sector in Scotland would be less than 0.05% of its annual turnover<sup>1</sup>. Our fees will be closely aligned with the equivalent fees paid under local planning, for example, a 51MW wind farm will require a fee no greater than a 50MW wind farm would under the Town and Country Planning (Scotland) Act 1997.

1.5 A balance has been struck between the policy objectives of the Energy Strategy and the aims of public finance management given by the Scottish Public Finance Manual. Fees shall be revised in manner which takes account of the comments received through the consultation.

1.6 Upfront cost for the pre-application and scoping stages shall not be implemented at this time. Therefore there will be no phasing of a proportion of application fees to EIA screening and scoping stages.

1.7 We will implement a fee lower than those which were consulted on for applications to construct or extend a generating station, and revise the categories and thresholds. The thresholds for the existing 100 – 200 MW fee band will be extended to include applications up to 300 MW, and the thresholds for the existing 200 – 500 MW band will be revised such that this band applies to all applications over 300 MW. There will no longer be a higher band for applications over 500 MW. A fee shall be introduced for applications for variation under section 36C of the Act, at

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<sup>1</sup> As estimated by the Office for National Statistics

a rate lower than proposed by the consultation. Section 6 should be referred to for details of the relevant fee levels to be implemented.

1.8 Although separate from the arrangements for the charging of fees, the voluntary remuneration to planning authorities in relation to onshore applications shall be greater than proposed in the consultation to take account of comments from Planning Authorities and developers. Consultation responses acknowledged the contribution that Planning Authorities make, as a statutory consultee in the Electricity Act consenting process, in progressing those applications to determination. Following implementation of the revised fees, the Scottish Government will provide a voluntary contribution to Planning Authorities equivalent to one half of the fee received for every application for onshore electricity generation development under section 36 and 36C of the Act for which the revised fee has been paid. Ministers will also implement a voluntary contribution to Planning Authorities of one half of the revised application fee for EIA development applications under section 37 of the Act for which the revised fee has been paid.

1.9 The service improvements include responding to demands to more proactively project manage application processes to deliver greater certainty around determination timescales. We intend to continue to support discussion with a range of consultees during the assessment of the application, and at pre-application stage to limit the incidence and scope where additional information has to be sought from applicants.

1.10 A fixed fee structure for Section 37 applications based on installed capacity or length of overhead lines shall be maintained, but with revisions to the bands, thresholds and fee categories, with caps on the fees in recognition of the industry's concerns regarding disproportionate increases for small-scale or very large developments.

1.11 The revised fees will be implemented by amendment of the Electricity (Applications for Consent) Regulations 1990. This would be subject to a negative procedure in the Scottish Parliament. Ministers aim to implement the revised fees from May 2019.

1.12 Following the implementation of the revised fee levels the Energy Consents Unit shall monitor the effects of the changes.

## **Overview of consultation**

1.13 Fees charged for applications under the Electricity Act 1989 ("the Act") are currently set by the Electricity (Applications for Consent) Regulations 1990 and include the following:

Under section 36 of the Act:

- Construction or construction and operation of a generating station
- Extension or extension and operation of a generating station
  - Resulting in an increase in capacity
  - By retrofitting of emission control equipment to a nuclear generating station
  - Any other extension of a generating station

- Operation only or change to manner of operation of a generating station

Under section 37 of the Act:

- Overhead electric lines

1.14 A consultation proposing revisions to fees for the above and the introduction of fees for variation applications under section 36C of the Act opened on 19 February 2018.

1.15 The Scottish Government hosted a workshop event for developers on 25 April 2018 to encourage participation in the consultation. Details of the attendees are listed in Appendix 1.

1.16 An analysis of all the comments received throughout the consultation has been carried out, which is published in a separate document entitled “Fees Charged for Applications under the Act – Analysis of Consultation Responses” (subsequently referred to as the “analysis report”). The analysis report should be read alongside this document. Following requests for more information, supplementary information was published and the date of the consultation extended by a further two weeks beyond the intended closure date. The written consultation then closed on 28 May 2018. Details of the consultation respondents are listed in Appendix 1.

1.17 The Scottish Government has also engaged with Heads of Planning Scotland through regular attendance at Energy and Resources Sub-committee where the fee proposals have been discussed.

1.18 An analysis of the consultation responses was carried out following which the analysis report was produced. The analysis report should be read alongside this document.

1.19 On the basis of the consultation responses and feedback during the consultation process, Ministers have decided on the fee tariffs and arrangements they wish to introduce. Ministers will implement a fee structure and fee levels as described in the following sections of this document. A comparison of the existing fees, fees consulted on, and the final decision on fees to be implemented is set out in tabular form in section 6 – Schedule of Fees.

## **Background**

1.20 Scottish Ministers are responsible for determining applications for consent for onshore generating stations with installed capacity exceeding 50 MW and overhead power lines in Scotland under sections 36 and 37 of the Electricity Act 1989 (“the Act”) respectively. The Electricity (Applications for Consent) Regulations 1990 and Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 apply to such applications, which are processed on behalf of Scottish Ministers by the Scottish Government’s Energy Consents Unit. The Scottish Ministers are also responsible for determining applications for consent for generating stations with installed capacity exceeding 1 MW in Scottish Territorial waters and over 50 MW in the Scottish Renewable Energy Zone (REZ). Such applications are processed on behalf of Scottish Ministers by Marine Scotland Licensing Operations Team. We

publish details of our applications online at <http://www.energyconsents.scot> and <http://www.gov.scot/Topics/marine/Licensing/marine/scoping>.

1.21 In the marine environment in addition to the requirement to obtain a section 36 consent a marine licence with a separate fee structure is required under the Marine Scotland Act 2010 and under the Marine and Coastal Access Act 2009. Details can be found online at <http://www.gov.scot/Topics/marine/Licensing/marine/feestructure>.

1.22 Our ambition in discharging our administrative function is to deliver certainty around our application processes and timescales, to be inclusive and transparent in the work that we do and to deliver an efficient service to all of our stakeholders which focusses on high quality outcomes.

1.23 Our Energy Strategy and National Marine Plan signal the opportunities to shape our future energy system, and to help tackle the challenges of climate change, affordability of energy, and the efficiency of our energy use. The supply of safe, reliable energy underpins the continued growth of the Scottish economy and delivery of key services. Our energy industry provides high quality jobs and a vibrant climate for innovation.

1.24 We continue to receive a significant volume of applications for complex energy infrastructure proposals, and wish to ensure we are properly resourced to deliver the standard of service that our stakeholders wish to see, and to promote the development of the wide range of low carbon and onshore and offshore renewable energy technologies in Scotland as part of the increasingly diverse and dynamic energy mix that the Scottish Government wants to achieve.

1.25 The Scottish Public Finance Manual sets out that the standard approach to setting out charges for public services should be full cost recovery. Our income from fees charged for applications under the Act has consistently fallen short of the costs of providing the service of determining such applications, which is incompatible with the standard approach to setting charges for public services. We have reviewed the fees that we charge, to maintain service delivery and to support continued improvement.

## 2. Review of the fee levels and arrangements

2.1 This section sets out the Scottish Government's review for the fee levels and arrangements taking into account all feedback received through the consultation process. During the consultation process, eight questions were asked. Further details of the responses together with an analysis are provided in the analysis report. The questions asked were:

Do you agree or disagree the application fees should be revised to maintain and improve our service levels?
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Do you agree or disagree that we should continue to have a fixed fee structure as proposed?
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Do you agree or disagree with the proposal that application fees should be phased in the manner proposed, to spread the risk associated with potentially abortive or unsuccessful application costs?
Do you agree or disagree the existing arrangement should continue where the same fee is required for overhead lines exceeding 15km in length whether or not there is EIA development?
Do you agree or disagree with the introduction of a fee for processing applications for variations of consent, whether for EIA or non-EIA development?
On balance, do you agree or disagree with the fee levels proposed?
Do the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)?
Do you have any other comments?

2.2 The Scottish Government's key objective was to address the imbalance between income from energy consents fees and the costs of running its energy consents functions. The consultation asked whether application fees should be revised to maintain and improve service levels. The majority of respondents agreed that, in principle, application fees should be revised to maintain and improve our service levels. There was widespread disagreement with the level of increases proposed, however: the industry considered the increases proposed were disproportionately high, although three respondents from planning authorities and other public sector bodies, one political organisation and one individual queried whether the increases were enough and how quickly they would become out of date.

2.3 Comments were also received suggesting that the fee categories and bands should be reconsidered, service improvements should be made, greater remuneration should be given to Planning Authorities, more information on the Scottish Government's running costs associated with energy consents should be available.

2.4 Comments from those who stated they disagreed with a fixed fee structure included that there should be a sliding scale rather than discrete bands. Electricity networks companies suggested consideration be given to revised scales for overhead lines either per kilometre, by voltage or a combination of both. There was also a suggestion that a new fee category should be introduced to encourage larger, more efficient turbines with a lesser environmental footprint. While there was disagreement over the structure and levels of the particular fixed scales proposed, the principle of fixed fees in general was widely supported.

2.5 The majority of respondents agreed we should introduce phasing of application fees, however those from the electricity generation developer group of respondents who agreed were in a minority for that group, and the respondent from the professional firms and consultants sector disagreed. A number of respondents (though still a minority) indicated that the proposed scoping payments would be disproportionately high.

2.6 Planning authorities and other public sector bodies, political organisations, and individuals were all strongly in favour of retaining the existing arrangement

where the same fee is required for overhead lines exceeding 15 km in length whether or not there is EIA development. Both electricity networks companies and one of the business and developer membership organisations were opposed. The majority of electricity generation developers who gave a clear response to this question were also opposed. The electricity networks companies suggested that retrospective consents should have a reduced fee, that fees for overhead lines should avoid steep increases at the transition across fee threshold boundaries and that an alternative fee structure should avoid the disproportionate burden of increases which small scale connection projects would experience under the proposed fees.

2.7 The majority of respondents agreed with our proposal to introduce fees for variation applications under section 36C of the Act to consent granted under section 36 of the Act, but disagreed with the levels proposed and commented that variation fees should be substantially lower than applications.

2.8 Comments were received that there should be two or more tiers of variation fee depending on the complexity of the variation. It was also suggested that variations require a more in-depth review of the inter-relationships that were considered when the original scheme was considered. Planning Authorities in particular were supportive of the proposal, three out of the five Planning Authorities and public sector body group of respondents commented that the resource required in assessing variations can often be as significant as that required to assess the original application.

2.9 We recognise from the feedback that the fees levels consulted on would bring a risk that generation could be less economic to develop than currently, with potentially negative consequences for meeting our energy and climate change targets. The Scottish Government considers that a balance has been struck between the policy objectives of the Energy Strategy for the growth of low carbon energy and infrastructure in the current economic climate, while protecting consumers from excessive costs, and supporting the aims of public finance management given by the Scottish Public Finance Manual. Accordingly, Ministers have determined that a compromise has been reached between the existing fees and consulted on fees which takes account of the comments received through the consultation.

2.10 The Scottish Government has determined that a fixed fee structure should be maintained, but that the bands and fee categories within the existing structure should be revised. The highest fee band for electricity generation over 500 MW shall be removed and the thresholds of upper bands revised, as costs for determining applications are not likely to increase significantly once a threshold of 300 MW is crossed. The bands for charging for overhead lines will also be revised to achieve a spread of application costs more in proportion with the overall development costs, without affecting small-scale connections disproportionately.

2.11 We have determined that application fees should not be phased as proposed in the consultation. Applications may differ widely in the degree of engagement with the Energy Consents Unit at scoping stage and the levels of phased payments at that stage could be disproportionately high in some cases. We have concluded that further monitoring of the costs of providing pre-application engagement should be

carried out to inform an analysis before any further consideration is given to implementing a cost recovery mechanism.

2.12 The Scottish Government has determined to charge for overhead lines on a per kilometre basis to avoid the sharp transition in fees around the thresholds of the existing bands. We recognise the concerns of the electricity companies regarding small-scale connections. A revised method of charging shall be implemented on a per-km basis, with separate tariffs for EIA development and non-EIA development applications and measures to proportionately reduce the fees for small-scale connections. While we have considered proposals from the electricity networks companies for additional fee categories for retrospective applications, voltage only increases, and for separate fees for transmission or distribution overhead line applications, we consider there is insufficient evidence at this time to introduce such measures and that further analysis would be required as part of the next review of application fees.

2.13 The Scottish Government recognises that the resource required to determine applications for variation under section 36C of the Act may vary from one application to another, and has determined a fee should be introduced for applications for variation under section 36C of the Act, at a rate lower than the application fee for an equivalent development under section 36.

### 3. Decisions on the fee levels and arrangements

3.1 This section sets out details of the decisions we have reached on fee levels to be implemented. A comparison of the existing fees, fees consulted on, and the final decision on fees to be implemented is set out in tabular form in section 6 – Schedule of Fees.

#### **Application for consent under section 36 of the Act**

##### *Construction or construction and operation of a generating station*

3.2 We will implement a fee lower than the proposal consulted on, and revise the thresholds. The thresholds for the existing 100 – 200 MW fee band will be extended to include applications up to 300 MW, and the thresholds for the existing 200 – 500 MW band will be revised such that this band applies to all applications over 300 MW. There will no longer be a higher band for applications over 500 MW. Section 6, Table 2 and Table 4 should be referred to for details of the relevant fee levels to be implemented.

##### *Extension or extension and operation of a generating station*

- *Resulting in an increase in capacity*
- *By retrofitting of emission control equipment to a nuclear generating station*
- *Any other extension of a generating station*

3.3 For such extension applications resulting in an increase in capacity, the Scottish Government will implement fees at the same level as for construction or

construction and operation of a generating station of that capacity, as described in paragraph 3.2. We consider that an application for an extension will entail a suite of environmental information requiring comparable resources to determine as an application to construct a “new” development.

3.4 We did not receive any evidence or comments from respondents that the proposed fees for retrofitting of emission control equipment to a nuclear generating station or any other extension of a generating station should be revised. However we have considered the more general statements that fees should be reduced from the proposed level, and do not wish to create a disincentive to the retrofitting of emission control equipment should this be considered by a generator as a matter of environmental best practice. Accordingly, a fee of £35,000 will be implemented instead of the consulted on fee of £125,000 for retrofitting of emission control equipment to a nuclear generating station. The Scottish Government does not consider there is any evidence that the fee of £25,000 for any other extension of a generating station requires to be revised, and this shall be implemented as consulted on.

#### Operation only or change to manner of operation of a generating station

3.5 We did not receive any evidence or comments from respondents that the consulted on fees for operation only or change to manner of operation of a generating station should be revised. Fees for these applications shall be implemented as proposed in the consultation. Section 6, Table 6 should be referred to for details of the relevant fee levels to be implemented.

#### **Application for variation under section 36C of the Act to consent granted under section 36 of the Act**

3.6 The resource required to assess variation applications can be as significant as that required to assess a new proposal. The Scottish Government has determined that fee levels for applications for variation under section 36C of the Act to consent granted under section 36 of the Act should be seventy-five percent of the level of the equivalent fee for an application under section 36 of the Act. Section 6, Table 2, Table 4 and Table 6 should be referred to for details of the relevant fee levels to be implemented.

#### **Application for overhead lines under section 37 of the Act**

3.7 The Scottish Government has considered feedback from the electricity networks companies throughout the consultation process and agrees there should be a move to charging for overhead lines on a per-kilometre basis with separate rates for EIA and non-EIA development and caps for fee maxima. We also agree that the mechanism for charging fees should avoid charging small-scale, typically non-EIA connections disproportionately. Therefore, non-EIA development applications shall require a fee per kilometre around half of the fee per kilometre for an EIA application. Further exceptions will apply to small-scale connections which further reduce the fee under certain circumstances. Non-EIA applications for lines not exceeding 500m in length will require a flat fee which will be a reduction below the standard per kilometre rate. Non-EIA application fees for lines up to 15km in length

will be capped to a maximum of £4,000. From 15km and beyond, non-EIA application fees will begin at £18,000 with an increment per km over the 15km threshold and will be capped at £150,000. Section 6, Table 8 and Table 9 should be referred to for details of the relevant fee levels to be implemented for EIA and non-EIA applications.

## 4. Service improvements

4.1 The consultation document explained how a shortfall in cost recovery was inconsistent with the standard approach in the Scottish Public Finance Manual that charging for public services should aim to achieve full cost recovery. The Scottish Government's energy consents functions have been heavily subsidised to date and to achieve full cost recovery, any increase in fees would have to address this imbalance before any new resources could become available. Taking steps to address the shortfall would however help secure the service levels we currently provide, and enable us to continue the service improvements we have piloted successfully regarding pre-application engagement.

4.2 The service improvements we would like to deliver include responding to demands to more proactively project manage application processes to deliver greater certainty around determination timescales.

4.3 We intend to continue to support discussion with a range of consultees during the assessment of the application, and at pre-application stage to limit the incidence and scope where additional information has to be sought from applicants.

4.4 Several respondents commented that timely decision making by Scottish Ministers depends on timely responses from the Planning Authorities, and also noted the importance of sufficient resourcing in the Planning Authorities. The consultation proposed capping the voluntary contribution to Planning Authorities at current monetary values. We have decided that the remuneration to Planning Authorities for onshore applications should be greater than proposed by the consultation. Following implementation of the revised fees, the Scottish Government will provide a voluntary contribution to Planning Authorities equivalent to one half of the fee received for every onshore electricity generation application under section 36 and 36C of the Act for which the revised fee has been paid. Ministers will also implement a voluntary contribution to Planning Authorities of one half of the revised application fee for EIA development applications under section 37 of the Act for which the revised fee has been paid.

## 5. Implementation

5.1 It is intended that the revised fees will be implemented by amendment of the Electricity (Applications for Consent) Regulations 1990. This would be subject to a negative procedure in the Scottish Parliament. Ministers aim to implement the revised fees from May 2019.

## **Monitoring**

It is our intention that the implementation of fees will be monitored by the Energy Consents Unit and the fees will be reviewed again after 2 years. The fees to be implemented shall be monitored as a stepped approach towards full cost recovery. A 2 year period is more closely aligned to the project development cycle for such long term EIA projects and will allow a variety of applications to come forward over this time period. This will allow detailed data to be gathered to inform future analysis of the fees, before any further consideration is given to adjusting the cost recovery mechanism to meet future requirements.

## 6. Schedule of Fees

### Section 36 – Installed Capacity (Megawatt) Based Fees: EIA

Table 1: Current and consulted on proposed fees for applications under section 36 or 36C of the Act – electricity generating stations (EIA)

Threshold (MW)		0 - 10	10 - 50	50 - 100	100 - 200	200 - 500	500 +
S36 EIA construction	Current	£6k	£18k	£18k	£24k	£36k	£60k
	Consulted	£10.8k	£54k	£190k	£234k	£350k	£540k
S36 EIA extension	Current	£6k	£18k	£18k	£24k	£36k	£60k
	Consulted	£8.1k	£40.5k	£190k	£234k	£350k	£540k
S36C EIA variation	Current	£0	£0	£0	£0	£0	£0
	Consulted	£10.8k	£54k	£190k	£234k	£350k	£540k

Table 2: Fees to be implemented for applications under section 36 or 36C of the Act – electricity generating stations (EIA)

Threshold (MW)	0 - 10	10 - 50	50 - 100	100 - 300	300 +
<b>S36 EIA construction or extension</b>	<b>£7,000</b>	<b>£35,000</b>	<b>£125,000</b>	<b>£180,000</b>	<b>£280,000</b>
<b>S36C EIA variation</b>	<b>£5,250</b>	<b>£26,250</b>	<b>£93,750</b>	<b>£135,000</b>	<b>£210,000</b>

### Sections 36 and 36C – Installed Capacity (Megawatt) Based Fees: Non-EIA

Table 3: Current and consulted on fees for applications under section 36 or 36C of the Act – electricity generating stations (non EIA)

Threshold (MW)		0 - 10	10 - 50	50 - 100	100 - 200	200 - 500	500 +
S36 non EIA construction	Current	£6k	£18k	£18k	£24k	£36k	£60k
	Consulted	£7.6k	£37.8k	£125k	£167k	£250k	£417k
S36 non EIA extension	Current	£6k	£18k	£18k	£24k	£36k	£60k
	Consulted	£7.6k	£37.8k	£125k	£167k	£250k	£417k
S36C non EIA variation	Current	£0	£0	£0	£0	£0	£0
	Consulted	£7.6k	£37.8k	£125k	£167k	£250k	£417k

Table 4: Fees to be implemented for applications under section 36 or 36C of the Act – electricity generating stations (non EIA)

Threshold (MW)	0 - 10	10 - 50	50 - 100	100 - 300	300 +
<b>S36 non EIA construction or extension</b>	<b>£6,500</b>	<b>£25,000</b>	<b>£70,000</b>	<b>£100,000</b>	<b>£150,000</b>
<b>S36C non EIA variation</b>	<b>£4,875</b>	<b>£18,750</b>	<b>£52,500</b>	<b>£75,000</b>	<b>£112,500</b>

**Sections 36 and 36C – Fees Where Application Does Not Relate To Installed Capacity**

Table 5: Current and consulted on proposed fees for applications under section 36 or 36C of the Act other than for construction or extension of generating capacity

Application type	Fee	Section 36 application	Section 36C variation
Extension of nuclear generating station by retrofitting of emission control equipment	Current	£6k	£0
	Consulted	£125k	£125k
Any other extension of a generating station	Current	£1.2k	£0
	Consulted	£25k	£25k
Operation only or change to manner of operation of a generating station	Current	£1.2k	£0
	Consulted	£25k	£25k

**Table 6: Fees to be implemented for applications under section 36 or 36C of the Act other than for construction or extension of generating capacity**

Application type	Section 36 application	Section 36C variation
<b>Extension of nuclear generating station by retrofitting of emission control equipment</b>	<b>£35,000</b>	<b>£26,250</b>
<b>Any other extension of a generating station</b>	<b>£25,000</b>	<b>£18,750</b>
<b>Operation only or change to manner of operation of a generating station</b>	<b>£25,000</b>	<b>£18,750</b>

## **Section 37 – Overhead Electric Lines**

Table 7: Current and consulted on proposed fees for Section 37 applications

Application type	Fee	Length of overhead line (km)			
		Up to 15	15 – 50	50 - 100	100 +
S37 EIA	Current	£2.4k	£18k	£30k	£60k
	Consulted	£25.5k	£175k	£322k	£585k
S37 non-EIA	Current	£180	£18k	£30k	£60k
	Consulted	£2.1k	£175k	£322k	£585k

Table 8: Fees to be implemented for Section 37 EIA applications

Application type	Length of overhead line	
	Less than 1km	1km or greater
S37 EIA	£1500	£1500 per km* (capped at £300,000)

\*Lengths over 1km will be rounded to the nearest whole kilometre.

Table 9: Fees to be implemented for Section 37 non-EIA applications

Application type	Length of overhead line		
	Not exceeding 500m	Exceeding 500m but less than 15km	15km or greater
S37 non EIA	£360	£600 per km* (capped at £4,000)	£9,000 plus £600 per km* (capped at £150,000)

\*Lengths over 500m will be rounded to the nearest whole kilometre.

# Appendix 1: Workshop Attendees and Consultation Respondents

Table 1: Workshop Attendees

Name of organisation
ABO Wind UK Ltd
ANSA Energy
Arcus Consulting Services
Banks Renewables
Community Windpower
EDF Energy
EnergieKontor UK Ltd
ERG UK Holdings Ltd
Force 9 Energy
Invenergy /North British Windpower
Invicta Public Affairs
JLL
Land Use Consultants
Muirden Energy LLP
Natural Power
RES Ltd
Scottish Power
Scottish Renewables
SSE
Wood plc
Wright, Johnston & Mackenzie

Table 2: Consultation Respondents

Organisation or Individual	Organisation group	Name of organisation or individual
Organisation	Electricity generation developers	ABO Wind UK Ltd
Organisation	Electricity generation developers	Ansa Energy
Organisation	Electricity generation developers	Banks Renewables
Organisation	Electricity generation developers	Burcote Wind
Organisation	Electricity generation developers	Community Windpower
Organisation	Electricity generation developers	Coriolis Energy Limited
Organisation	Electricity generation developers	DP Energy
Organisation	Electricity generation developers	EDF Energy
Organisation	Electricity generation developers	ERG
Organisation	Electricity generation developers	ESB
Organisation	Electricity generation developers	Force 9 Energy Partners LLP
Organisation	Electricity generation developers	Forsa Energy
Organisation	Electricity generation developers	GreenPower (International) Ltd
Organisation	Electricity generation developers	Infinergy
Organisation	Electricity generation developers	Innogy Renewables UK Ltd

Organisation	Electricity generation developers	Muirden Energy LLP
Organisation	Electricity generation developers	Muirhall Energy Limited
Organisation	Electricity generation developers	Natural Power
Organisation	Electricity generation developers	RES Ltd
Organisation	Electricity generation developers	Scottish Power Limited
Organisation	Electricity generation developers	SIMEC (GFG Alliance)
Organisation	Electricity generation developers	SSE Generation
Organisation	Electricity generation developers	Vattenfall Wind Power Ltd
Organisation	Electricity networks companies	SP Energy Networks
Organisation	Electricity networks companies	Scottish and Southern Electricity Networks (SSEN)
Organisation	Business/developer membership organisations	Energy UK
Organisation	Business/developer membership organisations	Scottish Renewables
Organisation	Planning authorities/other public sector bodies	Argyll and Bute Council
Organisation	Planning authorities/other public sector bodies	Dumfries and Galloway Council
Organisation	Planning authorities/other public sector bodies	Heads of Planning Scotland
Organisation	Planning authorities/other public sector bodies	Scottish Borders Council
Organisation	Planning authorities/other public sector bodies	The Highland Council
Organisation	Professional firms & consultants	JLL
Organisation	Political organisations	Conservative group on Scottish Borders Council
Individual		Kevin Treadwell
Individual		(withheld)
Individual		Iain Loudon
Individual		(withheld)



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Any enquiries regarding this publication should be sent to us at  
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St Andrew's House  
Edinburgh  
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