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By email only

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Dear Stakeholder,

COVID-19 – SCOTTISH GOVERNMENT ENERGY CONSENTS UNIT

The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020

On 24th April 2020 I wrote to you to inform you that The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 came into effect on 24 April 2020. The regulations make temporary modifications to the usual requirements placed on developer companies to make physically available application and EIA documentation for public inspection in named places within the locality of proposed developments, with respect to applications made under section 36 or section 37 of the Electricity Act 1989 until 30 September 2020.

I can inform you that The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 has come into force and amends the expiry date from 30 September 2020 to 31 March 2021. Subsequently The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 are in force until 31 March 2021.

On this basis applicants will not require to ensure the Scottish Ministers have hard copies of the application documents at the point of an application under The Electricity Act 1989. Hard copies will be required on the expiry of the Coronavirus (Scotland) Act 2020. The requirement for applicants to make physical copies of documentation available in public places on making relevant applications remains suspended until 31st March 2021, and instead applicants must make such documentation electronically available during this time.

The usual requirements for publication of notices in newspapers will still be in place.

We continue to ask that during this time and where some members of the public may have difficulty in accessing documentation, that developers assist in any way it is possible for them to do so to facilitate public participation in the decision making process. Developers should consider making CD or USB copies of EIA reports easily available, particularly to members of the public having limited access to the internet. Physical copies of non-technical summaries of EIA information should be sent free of charge to those who request them.

We expect that, in relation to pre application engagement, which is always promoted and encouraged by the Scottish Ministers in respect of Electricity Act applications, developers should follow the Scottish Government guidance on pre-application consultation which was published on 23rd April - <https://www.gov.scot/publications/coronavirus-covid-19-planning-guidance-on-preapplication-consultations-for-public-events/>

While public events and pre application consultation are not a statutory requirement in terms of Electricity Act applications, we consider such engagement to be important where large scale projects are proposed, and we would ask that the reasonable alternatives and suggestions for additional consultation set out in the document be adopted for projects requiring Electricity Act consent, such as would be required for major planning developments.

If you have any queries regarding the above please do not hesitate to contact Energy Consents Unit at Econsents_Admin@gov.scot

Yours faithfully,

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Alan Brogan
A member of staff of Scottish Government