

## **FEES CHARGED FOR APPLICATIONS UNDER THE ELECTRICITY ACT 1989**

### **SUPPLEMENTARY INFORMATION – ASSESSMENT OF COSTS**

#### **Introduction**

In February 2018 'The Fees Charged for Applications under the Electricity Act 1989' document was issued for consultation and is seeking views on the future of the current statutory arrangements for fees payable under Section 36, 36C and 37 of the Electricity Act 1989.

During the consultation that is currently underway the Energy Consents Unit received requests for further detail on of the cost of time analysis to inform this fee consultation.

This document has been prepared as supplementary information and should be read in conjunction with the Fee Consultation document published on 19 February at <https://consult.gov.scot/energy-and-climate-change-directorate/power-lines-and-electricity-generating-stations/>

#### **Estimated costs of processing applications**

The analysis is based on a consideration of key tasks which applications typically require and estimates of the time and other resource costs required as a whole. It is not a forensic analysis of actual hours spent on specific applications as such information is not held; timesheets or other means of strictly recording staff time against applications are not used. At any one time individuals may be working on a number of cases of their own as well as providing their time to assist colleagues on other cases.

Annex 1 of the Fee Consultation document sets out the proposed fee tariffs at Table 1. The following information provides details on the activities taken into account in the assessment of costs.

#### **Section 36 and 37 applications - electricity generating stations and overhead lines**

Costs are based on staff time plus travel costs where necessary and a share of the Scottish Government's buildings and IT running costs.

The complexities of applications under the Electricity Act can vary, however this assessment provides estimates of the overall time likely to be spent on processing an application.

Costs are occurred by the following activities.

#### **Pre-application**

Including the following:

- Contact with developer, case allocation, arrangements for pre-scoping meeting, file creation, admin time
- Chairing stakeholder meeting(s) (applies to section 37 applications)
- Scoping meeting(s) including travel time
- Site visits including travel time
- Community engagement including travel time
- Agree consultation list for scoping
- Scoping request to consultees, resolving any queries, updating case records
- Saving consultee responses to file
- Updating case records
- Draft scoping opinion
- Scoping opinion issued, website and case records updated
- Agree consultation list for application
- Gatecheck stage - allocation to case officer
- Case officer contact with developer to explain gatecheck procedure
- Review gatecheck report and issue to consultees, update case records
- Inform applicant that gatecheck consultation underway
- Store consultation responses
- Gatecheck meeting with consultees, if required (including travel costs etc)
- Review advert and confirm application submission requirements

### Application

Including the following:

- Check application and supporting documentation requirements met; facilitating publication on website
- Consultation letters to consultees and acknowledgement to applicant
- Review of published adverts
- Final application and company checks
- Updating statistics and monitoring
- Scanning and storing consultation responses
- Update case records; forwarding consultation responses to council and applicant
- Scanning third party representations
- Community engagement – including travel costs
- Prepare summary of third party representations
- Responding to correspondence during application stage
- Meeting(s) with applicant and consultees to discuss emerging issues
- Analysis of consultee responses - discussing response to objections and substantive issues arising
- Habitats Regulations appropriate assessment, if required
- Engagement with consultees and developer
- Internal discussion, advice, monitoring
- Engagement with solicitors and incorporating legal advice

### Additional information

Additional information can be sent by developers after the application is made, sometimes more than once, and activities include the following:

- Check application and supporting documentation requirements met; publication on website
- Consultation letters to consultees and acknowledgement to applicant; scanning to website
- Case officer to review published adverts
- Updating statistics and monitoring
- Community engagement – including travel costs
- Scanning and storing consultation responses
- Update case records; forwarding consultation responses to council and applicant
- Statutory consultee responses to council to go on planning register
- Engagement with consultees and developer
- Internal discussion, advice, monitoring
- Engagement with solicitors and incorporating legal advice

#### Public Local Inquiry handover

Separate from the costs of a PLI itself there are actions involved in preparing for handover of a PLI to the DPEA:

- Initial details to DPEA prior to council committee stage if known that objection likely
- Review report to committee and minutes
- Prepare documents in DPEA preferred format
- Arrange for Reporter to review file
- Ministerial submission recommending appointment of Reporter inc SGLD review, open PLI file on electronic filing system
- Transferring file to DPEA
- Update case records and stats
- Finalise Ministerial appointment of Reporter

#### Submission of report to Ministers

Includes the following:

- Analysis / Drafting Submission
- Review of DPEA Report (if applicable)
- Engagement with consultees and developer if clarification required
- Formulation of conditions between planning authority, consultees and applicant
- Submission to Minister; meeting and responding to Ministerial queries
- Engagement with solicitors and incorporation of legal advice
- Engagement with Minister

#### Post Decision

Includes the following:

- Updating files and statistics. Contacting council, applicant, preparation of decision notice, update website
- Post decision correspondence with public and media enquiries
- Preparation for judicial review in some cases
- Discharge of conditions

The following tables shows the cost estimates of applications for electricity generating stations of varying megawatts capacity and overhead lines of varying length, with the existing fee thresholds. It also shows details of the fees proposed by the consultation.

**Table 1: Section 36 application – electricity generating station**

<b>Capacity (MW)</b>	<b>50 – 100</b>		<b>100 – 200</b>		<b>200 – 500</b>		<b>500+</b>	
<b>Application type</b>	cost	hrs	cost	hrs	cost	hrs	cost	hrs
S36 EIA estimated cost	£191k	4718	£239k	5892	£356k	8944	£550k	13765
S36 EIA proposed fee	<b>£190k</b>		<b>£234k</b>		<b>£350k</b>		<b>£540k</b>	
S36 non EIA proposed fee	<b>£125k</b>	*	<b>£167k</b>	*	<b>£250k</b>	*	<b>£417k</b>	*

\* Limited number of applications for a S36 non-EIA consent. Therefore an equivalent local planning fee has been used as the basis of the proposals. An application approaching 50MW for solar farm development would require a local planning fee of £125k. The existing fee multipliers for increase in megawatts have been applied.

**Table 2: Section 37 application – overhead line**

<b>Length</b>	<b>Up to 15km</b>		<b>15-50km</b>		<b>50-100km</b>		<b>100km +</b>	
<b>Application type</b>	cost	hrs	cost	hrs	cost	hrs	cost	hrs
S37 EIA estimated cost	<b>£29k</b>	<b>651</b>	<b>£180k</b>	<b>4272</b>	<b>£332k</b>	<b>7819</b>	<b>£597k</b>	<b>14126</b>
S37 EIA proposed fee	<b>£25k</b>		<b>£175k</b>		<b>£322k</b>		<b>£585k</b>	
S37 non-EIA proposed fee	<b>£2.1k</b>	*	<b>£175k</b>	**	<b>£322k</b>	**	<b>£585k</b>	**

\* It is expected that £2.1k would cover processing costs of most non-EIA applications up to 15km determined by officials under delegated authority.

\*\* It is assumed that these applications will be of a scale/characteristic which will require a fee in line with EIA development.