



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

ECONOMY, ENERGY AND TOURISM COMMITTEE

Wednesday 27 November 2013

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ECONOMY, ENERGY AND TOURISM COMMITTEE
33rd Meeting 2013, Session 4

CONVENER

*Murdo Fraser (Mid Scotland and Fife) (Con)

DEPUTY CONVENER

*Dennis Robertson (Aberdeenshire West) (SNP)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)

*Marco Biagi (Edinburgh Central) (SNP)

*Chic Brodie (South Scotland) (SNP)

*Alison Johnstone (Lothian) (Green)

*Mike MacKenzie (Highlands and Islands) (SNP)

*Hanzala Malik (Glasgow) (Lab)

*Margaret McDougall (West Scotland) (Lab)

*attended

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

Committee Room 4

Scottish Parliament

Economy, Energy and Tourism Committee

Wednesday 27 November 2013

[The Convener *opened the meeting at 09:30*]

Interests

The Convener (Murdo Fraser): Good morning, ladies and gentlemen. I welcome all members to the Economy, Energy and Tourism Committee's 33rd meeting in 2013 and I remind everyone to turn off or at least turn to silent all mobile phones and electronic devices.

I welcome Christian Allard to his first public meeting of the committee—he has attended a meeting in private. I thank Mark McDonald for his service to the committee in the relatively brief time for which he was with us. I also welcome Esme Forrest from Dunblane high school, who joins us on work experience. Thank you for coming along; I hope that you will enjoy observing the committee's proceedings.

Chic Brodie (South Scotland) (SNP): She will speak at the end.

The Convener: I shall refrain from further comment on that.

Under agenda item 1, I invite Christian Allard to declare any relevant interests.

Christian Allard (North East Scotland) (SNP): Thank you for your welcome, convener. I refer members to the parliamentary website, where all my interests are declared.

Subordinate Legislation

Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (SSI 2013/304)

09:31

The Convener: Item 2 is consideration of a negative instrument. Members will recall that we briefly discussed the regulations at last week's meeting, when we agreed that we would ask the Scottish Government for further information about the guidance that will be issued after the regulations come into force. We have had a reply from Fergus Ewing, which has been circulated to members. The draft guidance note is attached. Do members want to make any comments or observations?

Alison Johnstone (Lothian) (Green): I am pleased that the Government was able to provide the draft guidance on the regulations, but I still have concerns. In principle, the ability to vary a consent under section 36 of the Electricity Act 1989 is fine, but the regulations in no way expressly limit the size or significance of variations. It is important to have safeguards against consents by the back door.

The draft guidance makes it clear that any variations are to be for changes that could not be considered to make a development fundamentally different, but that is just guidance. In England and Wales, the safeguard is expressly in the regulations—RSPB Scotland's briefing makes that point.

I do not want to press the matter to a vote, which I might well lose, but I ask the convener whether the committee can write again to the Government to express thanks for sharing the draft guidance and to highlight the importance of limiting any variation to minor changes, given that the Scottish regulations do not do that expressly.

Margaret McDougall (West Scotland) (Lab): Paragraph 14 of the draft guidance note that we have been given says:

"In principle, there is nothing to stop the section 36 variation process being used to facilitate changes which would involve development outside the 'red line' boundary indicated in the existing consent."

That ties in with what Alison Johnstone said. It is a bit concerning that the process would allow such an extension without requiring a further planning process.

The Convener: Yes—without a fresh application.

Mike MacKenzie (Highlands and Islands) (SNP): I want to respond to the point that Margaret

McDougall has just made. It is a good point, but the red-line boundary in a planning application is an arbitrary boundary and we could fit the map of Scotland inside it if we really wanted to. That is a technical point and I think that people are tilting at windmills and looking for problems that are not there. Planning authorities will be involved in the process and they will certainly blow the whistle if they think that the regulations require a fresh application. Alison Johnstone will know that Scotland is stuffed full of people who will point the finger and shout quite loudly if the regulations are breached.

There is a danger in tilting at windmills. We ought to consider the background to this, which is that the Office of Gas and Electricity Markets has warned that we are now down to 2 per cent reserve generation capacity, which is way below the accepted safe level of 30 per cent, and there is a very real danger of the lights going out. To place further obstacles in the way of what might be quite minor alterations to a generation scheme on the basis of tilting at windmills would therefore be unreasonable.

Alison Johnstone: I was not intending to place obstacles in the way of any minor alteration. I just want an assurance that any alterations that are going to be discussed by this method are minor, if that makes sense.

Hanzala Malik (Glasgow) (Lab): I am comfortable with writing to the Government. I know that it has been suggested that we should not make this into a big issue, but we are not. We are simply proposing to write to the Government to draw its attention to it. It is a minor issue and the letter can reflect that. People should not automatically be defensive.

The Convener: The regulations are a negative instrument and any member can, if they want to, lodge a motion to annul them. No one has done that and I do not think that anyone is suggesting that we should annul the regulations, so we are agreed about the substantive point. Alison Johnstone's suggestion is reasonable, so are we agreed that the committee should write to ministers to make the point that members have raised the issue and we hope that the Government will bear it in mind?

Members *indicated agreement.*

The Convener: We will proceed on that basis.

09:37

Meeting continued in private until 10:52.

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