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Dear Anthony

Consultation on proposals to modify Standard Licence Conditions 14 and 15 of the electricity generation licence

We welcome the opportunity to respond to the recent consultation on proposals to modify Standard Licence Conditions (SLC) 14 (Compulsory Acquisition of Land etc.) and 15 (Other powers etc.) of the electricity generation licence. We understand that this is borne out of the recent application by Triton Knoll Offshore Wind Farm Limited to utilise its powers under SLC 15, which we took time to respond to separately. We would like to reiterate some of the points made in our previous response as we note that these have not been addressed in this consultation.

Whilst we agree that part of Ofgem's proposed changes clarify the conditions' application in terms of preliminary work, we believe the other proposals are counter to Ofgem's policy intent to relax the restrictions in SLC 15 to better facilitate the timely and efficient development of electricity generation. Ofgem's consultation notes that there is a lack of provision in the licence for a generator to enter into land and survey its suitability for work in relation to electric lines. We do not believe this is accurate. The current drafting of SLC 15 allows generators to exercise all of the powers under Schedule 4 of the Act to carry out activities related to the installation, inspection, maintenance, adjustment, repair, alteration, replacement and removal of: electric lines, electrical plant associated with such lines, and any structures for housing or covering such lines or plant. This is clearly outlined under SLC 15(2). The drafting only prohibits a generator from exercising the powers under paragraph 10 of Schedule 4 of the Act for the purposes of establishing whether or not the land is suitable for the construction or extension of a generating station *until* the generator has obtained consent from



Ofgem. Once the generator has obtained this consent, they would be able to exercise all of the powers under Schedule 4 for this activity.

Rather than relax the restrictions in SLC 15, Ofgem's proposed amendments to 15(2) and 15(4) will mean that a generator will have to obtain consent from Ofgem to exercise *any* of its powers under Schedule 4 (rather than just paragraph 10, as reflected in the current drafting) for *any* of the activities listed under 15(2) or 15(4) (rather than just for the construction or extension of a generating station, as reflected in the current drafting). This is contrary to Ofgem's intended impact, which is to make it easier for generators to exercise their powers of land entry under Schedule 4 without undue delay.

We are of the view that it would be more appropriate to remove SLC 15(4) and that the scope of SLC15(2) is expanded to include the construction or extension of a generating station. This would make requirements under SLC 15 consistent with SLC 14, which we think is appropriate. There are already statutory processes in place for the development of generating stations that require the relevant planning permissions and consents (for example Sections 36 and 37 of the Electricity Act) to be obtained. These processes offer landowners and other interested parties the appropriate protections and legal safeguards needed to prevent against development in areas where it may be inappropriate or environmentally unsound. SLC 15(4) provides little added benefit to this process. A requirement to seek the Authority's consent to gain access to undertake all works relating to the construction, extension and everything to do with the associated electric lines is counter to the existing processes and indeed the network charging methodologies that are already in place to influence locational behaviours.

I hope this is useful input into this review. Should you wish to discuss any of the above in more detail, please do not hesitate to get in touch with myself or Lois Wares on 01738 456410.

Yours sincerely,

Gillian Hilton
Regulation