



Law Society
of Scotland

Consultation Response

Renewables Obligation (Scotland)

Consultation on enabling additional capacity at large hydro generating stations

12 June 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Energy Law Subcommittee welcomes the opportunity to consider and respond to the Scottish Government Consultation on enabling additional capacity at large hydro generating stations. The sub-committee has the following comments to put forward for consideration.

General Comments

This consultation is seeking views on an amendment to the Renewables Obligation (Scotland) Order 2009 (2009 Order) which would permit additional 'excluded capacity' at certain hydro generating stations located in Scotland.

We are generally supportive of the proposals to amend the 2009 Order. The measures proposed would place large hydro generating stations (but limited to those stations who have existing accreditations) on an equal footing with other renewable technologies. It would secure as much renewable generation in Scotland as possible at no additional cost for customers. This is to be welcomed.

It also aligns the rules on extensions under the 2009 Order with the rules for extensions under the Feed-in Tariff, which is a UK Government scheme designed to encourage uptake of a range of small-scale renewable and low-carbon electricity generation technologies. This will put large hydro generating stations on an equal footing with small scale hydro generating stations.

There seem no obvious risks from making the relevant amendment. There needs to be clear rules on apportioning eligible and non-eligible output from such large hydro generating stations. That will make it straightforward for those operating hydro generating stations. That will allow them to produce evidence as to the eligible output and therefore to claim Scottish Renewables Obligations Certificates on the eligible

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portion. We also presume Ofgem will be directed to provide clear guidance to those operating hydro generating stations on the steps that will be required to ensure compliance. That will ensure that the aims of this proposal in relation encouraging additional capacity are achieved in that output can be maximised from renewable generators across Scotland.

We trust this is helpful for your purposes. Please let us know if you have any questions. We look forward to ascertaining how and when this change would be put forward for parliamentary consideration.

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