



Department for
Energy Security
& Net Zero

Electricity Infrastructure Consenting in Scotland Consultation: Government Response

Proposals for reforming the consenting
processes in Scotland under the Electricity
Act 1989



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Executive summary

The UK and Scottish governments are committed to accelerating to net zero across the economy. This will not only restore the UK's position as a global leader on climate action, but by boosting homegrown, renewable energy it will reduce our exposure to volatile fossil fuel markets, protect bill payers, and strengthen our energy independence. Scotland, with its wealth of renewable resources, will play a critical role in decarbonising the power system, and accordingly the transition to clean power is expected to bring long-term benefits to Scotland in terms of jobs and growth.

Reforming the electricity infrastructure consenting system in Scotland will be a key part of achieving these goals. It can take up to 4 years to consent large-scale onshore electricity infrastructure projects in Scotland. Delays are caused by inefficient and outdated features of the Electricity Act 1989, under which projects are consented by Scottish Ministers.

The government consulted on proposals for reforming the electricity infrastructure consenting processes in Scotland between October and November 2024. The proposals put forward included changes to pre-application requirements; application information requirements; application input from statutory consultees; processes for amendments to applications; the examination process when a relevant planning authority raises an objection to an application; processes for variations of consents; fees for pre-application activities and necessary wayleaves processing; and the process for challenging a consenting decision. The consultation also sought views on the transitional arrangements for the new consenting process; the overall package of reforms; and the evidence and analysis underpinning the reforms. The proposed delivery mechanism for the reforms was largely via amendments to the Electricity Act 1989.

Consultation responses were received from a wide range and large number of organisations and individuals, including members of the public, community councils and community groups, local authorities, statutory consultees, energy generation and storage developers and operators, transmission owners and distribution network operators, and trade, professional and representative bodies.

After carefully reviewing the evidence received, the government intends to proceed with the overall reform package, largely as proposed in the consultation document. There are, however, some notable changes in response to feedback. The pre-application requirements will be streamlined and aligned to existing systems where possible to ensure ease of compliance, while also giving a defined role to relevant planning authorities and statutory consultees, and a duty for applicants to take pre-application consultation into account, to ensure meaningful engagement at this stage. The proposal for a limitation to amendments to applications will not be taken forward. The new examination process for when a relevant planning authority raises an objection will ensure that matters to be addressed through certain procedures are set out clearly and that there is an opportunity to make representations on that proposal. A more limited version of the proposal to allow the Scottish Government to vary consents without an application will be taken forward.

The package of reforms is designed to strike the important balance between streamlining the system for electricity infrastructure consenting in Scotland and continuing to ensure that communities have a voice in the planning process, and development is carried out in an environmentally sensitive way. The changes will be delivered via measures in the Planning and

Infrastructure Bill, and through associated regulations and guidance. The UK Government will work closely with the Scottish Government to implement the reforms.

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Introduction

Background on the consultation

This document summarises responses to the consultation on electricity infrastructure consenting in Scotland which ran between 28 October and 29 November 2024. The consultation was published on Gov.uk, and publicised via routine stakeholder engagement, the media, and direct email communications to interested parties. Alongside the consultation, two stakeholder engagement events were held, one in Edinburgh and one in Aberdeen, with representatives from the energy sector, the representative body of local authorities, and planning and legal experts. As well as summarising responses to each individual consultation question, this document sets out the government position on each overarching proposal, and next steps for policy implementation.

The UK and Scottish governments believe that Scotland's growing renewable electricity sector requires a robust, timely and proportionate consenting process which meaningfully involves communities and relevant planning authorities. The UK and Scottish governments agree that modernising and removing inefficiencies within the Electricity Act 1989 is the most pragmatic route to speeding up infrastructure deployment, whilst ensuring applications are of the required standard. While Scottish Ministers are responsible for taking decisions under the Electricity Act 1989 in Scotland, the UK Parliament has responsibility for the legislative framework, as the powers to legislate for 'generation, transmission, distribution and supply of electricity' were reserved in the Scotland Act 1998.

The consultation outlined a case for change and proposed reforms to the consenting process. The reforms are intended to modernise the Electricity Act 1989 and remove inefficiencies, whilst giving communities and statutory consultees meaningful opportunities to influence applications for consents. The proposals included the introduction of: pre-application requirements to consult, notify and publicise planned applications; fees for pre-application activities; an 'acceptance stage' to ensure applications have fulfilled the pre-application requirements; specific information requirements for applications; a suite of measures to support and resource statutory consultees to provide input to scrutinise applications; a limitation to amendments to applications; a new reporter-led process to deal with objections from the relevant planning authority; a prescribed process for varying consents to networks projects; the ability for Scottish Government to revoke, suspend or vary consents under specific circumstances; fees for necessary wayleaves applications; and a unified process in Scotland for challenging the electricity infrastructure consenting decisions of Scottish Ministers using a statutory right of appeal mechanism with a 6 week timescale for initiating a challenge.

Categories of respondent

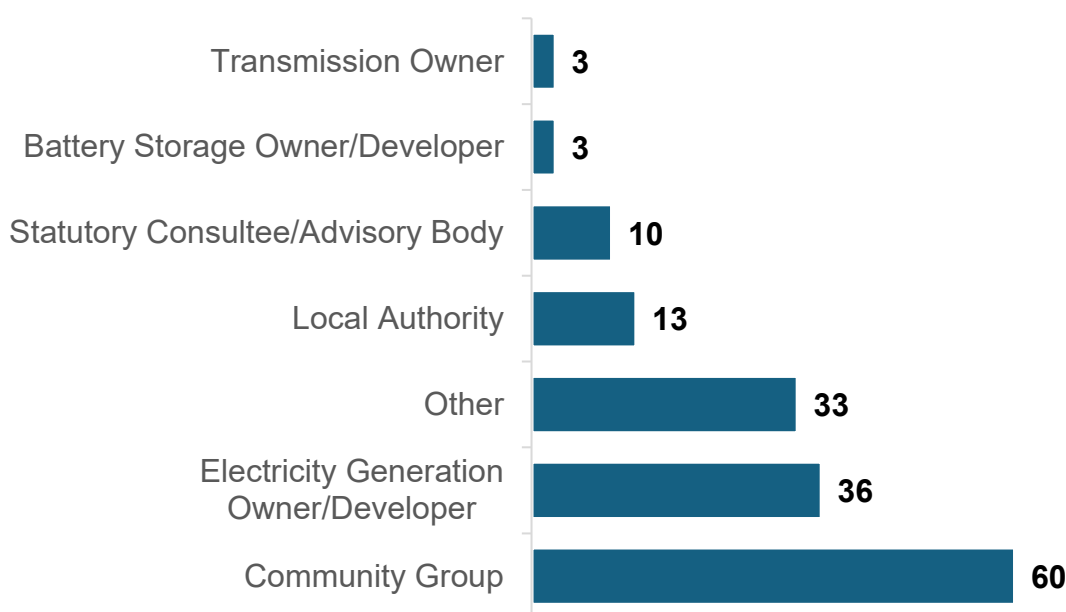
We received a total of 545 responses to the consultation via the Citizen Space platform and via email. We thank all the participants for their helpful responses, which have provided informative views and evidence to shape the policy development of the package of reforms.

A wide range of stakeholders engaged with the consultation, including individual members of the public, community councils and community groups, local authorities, statutory consultees, energy generation and storage developers and operators, transmission owners and distribution network operators, and trade, professional and representative bodies. We have categorised respondents according to the groups that were set out on the Citizen Space platform, which were:

- Individual
- Local Authority
- Statutory Consultee/Advisory Body
- Community Group
- Transmission Owner
- Electricity Generation Owner/Developer
- Battery Storage Owner/Developer
- Other

There were 387 responses from individuals, and 158 from organisations.¹

Figure 1: Number of responses by organisation type.



¹ Joint responses have been treated as one response for analysis purposes. Multiple responses from a single respondent have been collated and treated as one response for analysis purposes.

Treatment of responses

Some contextual points should be noted when reading the response summaries below. First, a small number of late responses were received after the consultation closed on 29 November 2024. All late responses received after the consultation closed but before 6 January 2025, when the dataset had to be closed to allow the final analysis to begin, have been considered and included in the final analysis.

Secondly, many of the consultation questions were split into two parts. The first asked respondents for a direct answer; in Citizen Space they could choose to select 'agree', 'disagree', 'neither agree nor disagree' or to leave the question blank. The second part invited their broader thoughts and justifications for their answer in free text. It was not a mandatory requirement (either on Citizen Space or via email) to answer any question, and emailed responses could follow any format. As such, for many questions, the quantitative analysis of the first part of the question records that a large proportion of respondents did not answer. These respondents may still have provided a general, free text answer to the second part of the question, and this has been reflected in our qualitative analysis. However, whatever the sentiment of the free text answers, we have not attributed concrete agreement or disagreement to questions unless this was provided by the respondent directly.

Finally, summary statements have been added to each of the quantitative tables to summarise the key points in the data. Given a significant proportion of respondents did not answer each question, these statements instead summarise the findings where a direct answer was given. Where 'a large majority' is referenced, this equates to over 75% of the sample. Where 'a majority' is referenced, this equates to over 55% of the sample. Where 'mixed' views are referenced, this means that no one answer made up a clear majority of responses.

The percentages in the tables relate to the total number of respondents to each question, rather than the calculation of support or lack of support for a particular proposal. Instead, support or lack of support is calculated by discounting the respondents who did not reply to the question and calculating the percentage based on those who did reply; those who agreed, disagreed or chose neither agree nor disagree. For example, in question 1 in the pre-application requirements section, 180 respondents out of the total of 545 agreed with the proposal, which is 33%. However, 232 respondents did not answer this question. Those 180 responses in agreement out of a total of 313 respondents who directly answered the question is 58%, which is described as a majority. This approach has been replicated throughout the document.

Summary of consultation responses and government response

Pre-application requirements

Consultation responses

The qualitative answers to questions 1 and 2 are treated together after both answer summary tables, as responses for both questions were very similar.

1. Do you agree with the proposal for pre-application requirements for onshore applications? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents were in favour of the proposals for pre-application requirements for onshore applications.

Response	Number of respondents	Percentage of respondents ²
Agree	180	33%
Disagree	92	17%
Neither agree nor disagree	41	8%
Did not answer	232	43%
TOTAL	545	100%

2. Do you agree with the proposal for pre-application requirements for offshore generating stations? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents were in favour of the proposals for pre-application requirements for offshore generating stations.

² Percentages in the tables may appear not to add to 100% due to rounding.

Response	Number of respondents	Percentage of respondents
Agree	176	32%
Disagree	61	11%
Neither agree nor disagree	70	13%
Did not answer	238	44%
TOTAL	545	100%

Comments from respondents in agreement

Pre-application requirements were broadly supported across all stakeholder groups as a means of improving outcomes for all parties. In particular, local authorities, members of the public and community groups welcomed them, arguing that they would lead to more meaningful and thorough consultation with local communities affected by energy projects. Statutory consultees welcomed the requirement for applicants to engage with them at an early stage of project development. Some developers and network operators welcomed the opportunity to standardise pre-application processes, whilst noting that they are already fulfilling the proposed requirements.

There was support across stakeholder groups for alignment of requirements for onshore and offshore applications. This is to avoid confusion, enable flexibility in planning permission routes for applicants, and to ensure the views of onshore communities close to offshore projects are considered.

Comments from respondents in disagreement

Almost all the organisations which responded, and many individuals, perceived the greatest barrier to efficient pre-application to be delayed or no response from statutory consultees and local planning authorities. Additionally, some individuals and community groups in areas with high levels of energy consenting applications questioned whether the proposed reforms would go far enough. They reported feeling that the planning system did not adequately take their views into account, and being overwhelmed by attempting to engage with multiple, complex applications.

Further suggestions

Many responses suggested that local authorities and statutory consultees should be given a statutory role in pre-application with deadlines for input which can only be extended in exceptional circumstances. Statutory consultees were not opposed to these requirements, stating that a statutory requirement to consult on pre-application would allow them to offer input at an early stage when it would be of greatest value, and allow better internal resource planning. This was caveated by the need to be adequately resourced to meet the new requirements, and for applicants to be required to take their advice into account. Suggestions were made to better resource local planning authorities and statutory consultees to carry out

this work, such as formal pre-application fee-sharing arrangements and a review of resourcing for statutory consultees.

Community groups, individuals, local authorities and statutory consultees made a range of recommendations to improve communities' engagement with the planning system. These included: a statutory requirement for the views of local communities and statutory consultees gathered in the pre-application consultation to be taken into account by applicants, and published alongside the pre-application consultation report; longer notice periods preceding consultation to ensure communities have time to respond; the provision of expertise to help communities understand highly technical applications; mechanisms to help communities understand the whole development picture in their area; time limits for the pre-application stage; and clear government communication to the public about plans for electricity infrastructure and how to engage with the planning system.

3. Do you agree that pre-application requirements should apply to all onshore applications for electricity generating stations, and for network projects that require an EIA? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a large majority of respondents were in favour of the proposal that pre-application requirements should apply to all onshore applications for electricity generating stations, and for network projects that require an Environmental Impact Assessment.

Response	Number of respondents	Percentage of respondents
Agree	249	46%
Disagree	32	6%
Neither agree nor disagree	39	7%
Did not answer	225	41%
TOTAL	545	100%

Comments from respondents in agreement

Respondents who supported this threshold generally did so on the basis that it was clear and linked to an existing process for network projects: the Environmental Impact Assessment (EIA). There was support for setting a threshold for pre-application requirements, to prevent a disproportionate burden for all parties involved in the process for smaller projects.

Comments from respondents in disagreement

Some local authorities highlighted the complexities of tying pre-application requirements to the EIA, related to screening timelines and delays if screening is missed, and perverse incentives to underplay or overplay environmental impacts. Some community groups and individuals felt

that the pre-application consultation requirements should apply to all projects, to ensure the local community had an opportunity to input.

Further suggestions

Multiple developers sought clarification that pre-application requirements should not apply to offshore/subsea cables, including those which contain short underground or overhead apparatus where they connect with the existing network onshore, as this would be disproportionate and add unnecessary delay. Some battery storage operators argued that battery storage facilities should be subject to a higher threshold than other section 36 applications, as they have lower impacts than other generating stations, and this would align with the approach taken in England and Wales. One respondent argued that the threshold for network projects should be applications that require an EIA and are over 132kV to exclude some wooden pole lines.

4. Do you agree that a multistage consultation process may be appropriate for some network projects? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents agreed that a multistage consultation process may be appropriate for some network projects.

Response	Number of respondents	Percentage of respondents
Agree	209	38%
Disagree	46	8%
Neither agree nor disagree	52	10%
Did not answer	238	44%
TOTAL	545	100%

Comments from respondents in agreement

Respondents who agreed with the proposal generally did so on the basis that network projects can be complex, cover large areas of land, and go through multiple development phases, so a multistage consultation process may be needed to ensure all parties can comment on the entirety of the project as it evolves. Applicants highlighted that two rounds of consultation are currently standard practice for large-scale network projects.

Comments from respondents in disagreement

Local authorities highlighted that responding to multiple consultations would put increased resourcing demands on them. Some applicants opposed making two rounds of consultation mandatory for all network projects and instead argued that this should only be larger-scale and more complex projects, which should be set out in clear criteria and agreed between the applicant and the Scottish Government's Energy Consents Unit (ECU) at project initiation.

Some members of the public argued that multistage consultation should not be necessary, and that all information on the application should be made available at the initial consultation.

5. Do you agree with the proposal for an ‘Acceptance Stage’ for applications? How long do you think an acceptance stage should be (in weeks)? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents agreed with the proposal for an Acceptance Stage.

Response	Number of respondents	Percentage of respondents
Agree	190	35%
Disagree	71	13%
Neither agree nor disagree	58	11%
Did not answer	226	41%
TOTAL	545	100%

Comments from respondents in agreement

There was broad support from across the range of stakeholders who responded for an Acceptance Stage of no more than four weeks.

Comments from respondents in disagreement

Respondents from the energy industry were generally supportive of an Acceptance Stage but emphasised that it should be a non-extendable period of no more than 4 weeks to prevent project delays.

Applicants generally opposed local planning authorities having a role in the Acceptance Stage, due to concerns about this creating delays. Local planning authorities themselves were split on whether they would like to be involved in the process or not – some welcomed the opportunity to object to inadequate consultation and others considered this an unnecessary administrative burden.

Further suggestions

There was a suggestion that a practical means of avoiding project delays, would be to have a ‘gate check’ by the ECU of the pre-application consultation report following its submission (often around a year before applications are submitted), to enable applicants to remedy any insufficiencies in consultation without delaying project delivery.

Applicants also requested that an Acceptance Stage be accompanied by clear guidance so that applicants can have certainty that they will meet expectations.

6. Do you agree that the Scottish Government should be able to charge fees for pre-application functions? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a large majority of respondents supported the proposal that the Scottish Government should be able to charge fees for pre-application functions.

Response	Number of respondents	Percentage of respondents
Agree	249	46%
Disagree	24	4%
Neither agree nor disagree	51	9%
Did not answer	221	41%
TOTAL	545	100%

Comments from respondents in agreement

The introduction of fees, and the fees being set on the basis of cost recovery, was broadly supported. Respondents in the energy industry indicated that they were supportive of pre-application fees, if they resulted in a faster, more responsive and more effective pre-application process.

Comments from respondents in disagreement

Respondents in the energy industry were strongly opposed to a flat fee for all pre-application services. Some local authorities, while not opposed to the principle, questioned the implications of Scottish Government charging for pre-application services, for income from the local authority’s own pre-existing pre-application services.

Further suggestions

Respondents in the energy industry indicated that the introduction of fees could be linked to improving pre-application services by introducing them alongside a service agreement, performance monitoring, ringfenced funding for pre-application services, and tying fee payment to on-time provision of services. Respondents also indicated their preferred alternative to a flat fee structure, instead suggesting the fee structure should be based on the services required and the project scale and complexity, that fees should not be charged for activities they currently administer themselves, and that the fee system should be set out in transparent guidance.

7. Do you agree that our proposals for pre-application requirements will increase the speed of the end-to-end project planning process overall? Why do you agree/not agree?

Summary of responses

Generally, supportive responses argued that by introducing more robust pre-application requirements, communities and consultees will be engaged earlier, allowing issues to be resolved and changes to be made at an earlier stage in the planning process. This will reduce the likelihood of projects being delayed by the necessity of providing further information, making complex changes to proposals, or facing objections and appeals.

Many respondents from the energy industry qualified their support for pre-application requirements, noting that they should be designed to ensure they do not add an unnecessary administrative burden or delay the process.

Further suggestions

Energy industry respondents recommended that the pre-application requirements were as streamlined as possible (particularly keeping the requirements of the Preliminary Information Report proportionate) and were aligned with other parts of the process (such as EIA screening and scoping, existing ECU gate check procedures, Marine Licensing requirements, and other guidance).

Government response

The proposals for pre-application requirements will be taken forward as set out in the consultation document, including the introduction of requirements for pre-application consultation, notification and publication of planned applications; the ability for Scottish Ministers to recover the costs of any pre-application responsibilities; and the introduction of an Acceptance Stage when Scottish Ministers can decline to accept applications which have not fulfilled the necessary requirements.

In response to feedback from the consultation, some further improvements will be made to reform proposals. The overall intent is to balance efficiency for the Scottish Government and applicants, with an enhanced role for communities, statutory consultees and relevant planning authorities which enables them to meaningfully influence applications at an early stage. There have also been changes to the proposed process to increase transparency and access for communities.

- Statutory consultees and relevant planning authorities will be given a defined role in the pre-application process, with the potential for deadlines to be set for their responses to consultation.
- There will be a set notification period of six weeks for onshore applications. This will apply to the majority of applications subject to pre-application requirements, with some limited exceptions which will be set out in guidance. This balances the need for efficiency with a suitable timeframe to enable communities to properly consider applications.

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- Applicants will be legally required to publish consultation responses alongside their pre-application consultation report, pay regard to responses, and demonstrate how they have done so to the Scottish Government when making their application.
- The Acceptance Stage will be set at four weeks and will be non-extendable. The relevant planning authority will be given the opportunity to object on the basis of inadequate consultation, but the four-week deadline will not be extended for them to do so. The Scottish Government will publish detailed guidance on the Acceptance Stage and what happens if the relevant planning authority objects or if an application is not accepted.
- The threshold for which applications must fulfil pre-application requirements will be set by the Scottish Government. The starting expectation is that pre-application requirements will apply to all section 36 projects, and all section 37 projects requiring an EIA.
- The ability for the Scottish Government to charge fees will be introduced to fund a new pre-application service supplied by the Scottish Government. The Scottish Government will use evidence from consultation responses on how fees should be calculated, structured and distributed to inform the design of the fee regime.
- To ensure that the pre-application requirements are simple, easy to follow and unbureaucratic, requirements will be streamlined, aligned between onshore and offshore applications (with exceptions for practical differences between regimes), and aligned with the Town and Country Planning (Scotland) Act 1997 where possible.
- Regulations and guidance for pre-application requirements will be published at the earliest opportunity. There will be specific transitional arrangements for pre-application requirements as compared to the other reforms (see further the section on transitional arrangements).
- The requirement for large-scale network projects to undertake multi-stage consultation will apply to applications where the nature, scale, and location make this appropriate. The criteria for this are set out in the Scottish Government's 'Priority Applications for Transmission Infrastructure guidance'.³
- All new regulations produced to implement the above changes will ensure alignment with existing regulations, to avoid duplication for applicants and the Scottish Government and encourage a streamlined consenting process.
- To enable some of the above pre-application reforms to be implemented, complementary reforms will be required to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
- Comments in consultation responses related to resourcing are addressed in the section on application input from statutory consultees.

³ Scottish Government, 'Priority Applications for Transmission Infrastructure guidance: Section 37 of the Electricity Act 1989', February 2025. [Priority Applications for Transmission Infrastructure guidance: Section 37 of the Electricity Act 1989 - gov.scot](#)

Application procedures

Consultation responses

- 1. Do you agree with the proposal for increased information requirements in applications? Why do you agree/not agree? How might it impact you and/or your organisation?**

Summary of responses

Excluding those who did not answer, a large majority of respondents agreed with the proposal for increased information requirements in applications.

Response	Number of respondents	Percentage of respondents
Agree	274	50%
Disagree	18	3%
Neither agree nor disagree	23	4%
Did not answer	230	42%
TOTAL	545	100%

Comments from respondents in agreement

Responses from individuals and community groups generally highlighted that increased information requirements would give them greater clarity and detail about the projects in their area. A significant number of industry responses stated that they already provide most of the information which was included in the indicative list, and therefore the increased information requirements would not cause an additional burden on their organisation.

Comments from respondents in disagreement

Where respondents expressed reservations, it was generally about the exact nature of the information requirements. A common theme amongst responses was a request for further consultation on the final list of requirements, given that the list in the consultation was only indicative. Developers were concerned that a list which was too prescriptive at too early a stage in the process could hinder the flexibility that is required for detailed design and implementation. Communities felt there was a risk information they deemed vital (such as environmental information, benefits and needs, and alternative approaches) may be missed.

Further suggestions

A significant number of responses from community groups, councils and individuals advocated for further information to be included in the information requirements. Their suggestions included: an explanation of the alternative approaches considered (including locations, and generation and transmission methods), why they were discounted, and how the final decision was made; a statement of all components requiring consent that took into account the impact

of all generation, storage and transmission together to give a whole project view; and a demonstration of need and case for change for the project.

2. Do you agree with the proposal to set out detailed information requirements in regulations? Why do you agree/not agree? How might it impact you and/or your organisation?

Summary of responses

Excluding those who did not answer, a large majority of respondents agreed with the proposal to set out detailed information requirements in regulations.

Response	Number of respondents	Percentage of respondents
Agree	268	49%
Disagree	18	3%
Neither agree nor disagree	34	6%
Did not answer	225	41%
TOTAL	545	100%

Comments from respondents in agreement

A general theme among respondents in agreement was that setting requirements in regulation would provide clarity and certainty about what was required and ensure that information must be provided by applicants.

Comments from respondents in disagreement

Some respondents opposed the requirements being set out in regulations and instead called for requirements to be set out in guidance. The main reason cited was that flexibility is important for a fast-moving industry. Guidance would be easier to amend in light of new technology or considerations and would also allow for more flexibility in setting different requirements for more or less complex projects and technologies.

Government response

The proposal to enable new statutory information requirements to be set out in regulations will be taken forward, in order to reduce delays by ensuring high-quality and complete applications are submitted the first time. Informed by the feedback from the consultation, these regulations will be supported by guidance to assist applicants in applying the requirements as factors such as the available technology develop quickly. The evidence from the consultation responses about which types of information would be particularly helpful or challenging to include will be used to inform the final development of the requirements. In order to enable some of the application information reforms to operate as intended, complementary reforms will be required to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Application input from statutory consultees

Consultation responses

- 1. What are the reforms that would be most impactful in enabling your organisation to provide timely input on section 36 and section 37 applications?**

Summary of responses

The most common theme highlighted by respondents was the need for increased resourcing and staffing for relevant planning authorities and statutory consultees in order to enable the wider reform package to be achieved, and to cope with the high volume and complexity of applications.

- 2. What are the advantages and drawbacks of the options set out under Proposed Changes? How might your organisation benefit from the proposed forum and framework?**

Summary of responses

Some respondents welcomed the proposals for a forum, as it would give an opportunity for closer engagement. Respondents from different types of organisations were keen that their sector should be represented on it. Some respondents, however, highlighted that in the short-term the forum could create additional work for statutory consultees, which could be difficult at an already pressured time.

Some respondents welcomed the creation of a framework. Some suggestions included that the framework should standardise best practice for consultees, that the framework should align with the National Planning Framework 4, and that the document should be consulted on.

- 3. What specialist or additional support could the Scottish Government's Energy Consents Unit provide to facilitate the statutory consultees' ability to respond?**

Summary of responses

The majority of the proposals recommended that a central pool of planning specialists should be provided, in order to provide specialist skilled support on more niche or complex areas. Statutory consultees identified many areas where additional expertise would be valuable, such as environment, law, archaeology, aviation and defence. Some respondents also highlighted that long-term investment in skills and training was needed to grow the specialist workforce. Finally, some respondents suggested the provision of a central bank of information and a standardised reporting format for consultees would be helpful.

4. Would new time limits help your organisation to prioritise its resources to provide the necessary input to the application process?

Summary of responses

Excluding those who did not answer, views on this question were mixed. Slightly more respondents did not agree that new time limits would help their organisation, than agreed.

Response	Number of respondents	Percentage of respondents
Agree	135	25%
Disagree	160	29%
Neither agree nor disagree	0	0%
Did not answer	250	46%
TOTAL	545	100%

Comments from respondents in agreement

Some developers were supportive of fixed statutory time periods for statutory consultees' inputs in order to prevent delays and speed up this part of the process. Some organisations particularly emphasised that more focus should be put on ensuring that the existing timelines for relevant planning authorities to respond to section 37 applications are met. Some responses highlighted that extensions to timelines may be needed to flexibly manage high volumes of applications or more complex applications, whereas others felt that extensions should be used much less often than they are currently.

Comments from respondents in disagreement

Some respondents expressed concern that where time limits already exist for some bodies in some parts of the process, these are already too short to be achievable. The reasons given for this were: the high volume and complexity of applications, the governance and decision-making timescales of statutory consultees, and resourcing issues. As such, these respondents were concerned that statutory consultees would not be able to meet any new timescales.

Further suggestions

A small number of bodies proposed that they should be added to the statutory consultees under the Electricity (Applications for Consent) Regulations 1990. Other respondents proposed that the consultees involved should be limited to only those relevant on a case-by-case basis, or proposed limiting statutory consultees' ability to comment on subjective aspects of a development, or to object. A final suggestion was for the Scottish Government to facilitate a regular forum for planning officers, committee members, developers and independent specialists, to enable non-project-specific discussion and information sharing in a neutral environment.

Government response

As specified in the consultation, reform proposals in this area are focused on onshore applications. Following the consultation, we continue to believe that it is important that statutory consultees are able to deliver their valuable input to the planning process in a timely manner.

As a devolved matter, the Scottish Government will take forward how best to resource and support the statutory consultees to ensure they can contribute to the reformed electricity consenting system.

The UK Government announced (26 January 2025) a moratorium on any new statutory consultees, while a review led by the Chancellor and the Deputy Prime Minister takes place to make sure the existing arrangements of the statutory consultee system meet this Government's ambitions for growth.⁴

The UK Government considers that it will be helpful for legislation to permit clear time limits to be set by the Scottish Government for key phases of the application process, where such powers are not already in place.

⁴ UK Government, 'Government goes further and faster on planning reform in bid for growth', January 2025. [Government goes further and faster on planning reform in bid for growth - GOV.UK](#)

Amendments to applications

Consultation responses

1. Do you agree with implementing a limit for amendments to applications? Why do you agree/not agree? How might it impact you/your organisation?

Summary of responses

Excluding those who did not answer, the majority of respondents were in favour of implementing a limit for amendments to applications.

Response	Number of respondents	Percentage of respondents
Agree	230	42%
Disagree	51	9%
Neither agree nor disagree	48	9%
Did not answer	216	40%
TOTAL	545	100%

Comments from respondents in agreement

This proposal was popular with individual members of the public and with community groups, who argued that it was often difficult and time-consuming to keep track of changes which were being made to projects submitted for consent in their local area, and a limitation to amendments would help to mitigate this and better support them to engage with projects.

Comments from respondents in disagreement

A significant number of organisations (particularly applicants and planning bodies) argued that the proposal was impractical to implement and could result in poorer quality applications. The most common theme was that limits to amendments to live applications should not be imposed until after the applicant has had the opportunity to consider, and if necessary, amend their application in response to feedback from all statutory consultees. Responses also argued that it was preferable to allow flexibility around amendments within the process, rather than require projects to start their applications again, and that it is not unusual for events and changes beyond the applicant's control to require changes to be made to the project and amendments to be made to the application. Community councils noted that amendments made near the end of the time limit could have the effect of limiting the potential for community consultation on the amendment.

2. Do you agree the limit should be determined by Scottish Ministers on a case-by-case basis? Why do you agree/not agree? How might it impact you/your organisation?

Summary of responses

Excluding those who did not answer, views were mixed on how the limit on amendments should be set, with approximately equal proportions of respondents agreeing or disagreeing with the proposal that Scottish Ministers should set the limit on a case-by-case basis.

Response	Number of respondents	Percentage of respondents
Agree	125	23%
Disagree	122	22%
Neither agree nor disagree	72	13%
Did not answer	226	41%
TOTAL	545	100%

Comments from respondents in agreement

Respondents in favour of the proposal generally argued that given projects are so varied and their circumstances so different, it makes sense for the limit on amendments to be tailored to the needs of each particular project.

Comments from respondents in disagreement

Objections to the case-by-case approach included: a lack of clarity (creating uncertainty for developers and the communities affected, greater risk for projects, and with the potential to lead to disputes), a lack of consistency between projects, and the lack of an opportunity to see and comment on detailed criteria to be used in determining the limit.

Government response

As specified in the consultation, reform proposals in this area were focused on onshore applications. Given mixed views from respondents on the desirability and practicality of limiting amendments, and about how any such limit should be set, the government intends to consider this aspect further and will not take forward the proposal as presented in the consultation at this stage.

Public inquiries

Consultation responses

1. What is you or your organisation’s experience of public inquiries? What are the advantages? What are the disadvantages?

Summary of responses

Experiences of public inquiries were very mixed, with many respondents highlighting both advantages and disadvantages. Positive views of public inquiries mainly centred around the perception that this was a robust and thorough process which guaranteed that everyone involved in the consenting process would have the opportunity to raise issues, give evidence, and have their points fully considered. This view was expressed by different stakeholder groups, including developers (who valued the opportunity for cross-examination of expert opinion and the interrogation of evidence) and community groups and individuals (who valued the opportunity to be heard).

Negative views of public inquiries included the argument that they were expensive (due to the need for legal representation), protracted and time consuming for those involved. This view was expressed across local planning authorities, individuals and communities, and those in the energy sector. Some respondents noted that public inquiries were sometimes triggered by the relevant planning authority against the advice of planning officers on grounds which had been considered. Some respondents also highlighted that public inquiries (especially cross-examinations) could create an intimidating environment which negatively impacted the wellbeing of witnesses.

2. Do you agree with the proposed ‘examination’ process suggested? Why do you agree/not agree? How might it impact you/your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree with the proposed examination process.

Response	Number of respondents	Percentage of respondents
Agree	56	10%
Disagree	189	35%
Neither agree nor disagree	75	14%
Did not answer	225	41%
TOTAL	545	100%

Comments from respondents in agreement

Some respondents felt that the proposed examination process was more proportionate than the default public inquiry, which is not mandatory for other types of application. Some respondents supported the discretion for the reporter to set the most appropriate application procedure to examine unresolved aspects of the objection, and the expected reduction in financial and staff resources required.

Comments from respondents in disagreement

Some developers responded that they would prefer to retain the current system, as the use of cross-examination in public inquiries allowed evidence to be thoroughly and robustly tested. Many community groups and individuals argued against the proposed changes, as they felt that they may reduce local communities' ability to object to proposals and to have their views heard.

Further suggestions

Some respondents felt the proposals put too much power in hands of single reporter and called for the introduction of checks and balances on the reporter's decision about which procedure to use. Respondents further raised that the scope of the examination should be solely limited to the grounds of the objection made by the party triggering the examination and should not be permitted to widen during the course of the process. Some developers were concerned that the new process could become too lengthy (also identified as a problem with the current process) and so called for time limits to be put in place for the examination process.

Government response

Although there was some concern about the examination proposal in the consultation responses, the government's view remains that a proportionate and efficient process is needed to replace the automatic triggering of a public inquiry when a relevant planning authority objects, as the burdens, time and costs of inquiry sessions should be met only where this procedure is particularly needed to clarify matters raised by the objection.

As specified in the consultation, reform proposals in this area are focused on onshore applications. The proposal to create a new reporter-led process in response to an objection from a relevant planning authority to an application will be taken forward. Where the relevant planning authority has objected, the relevant planning grounds for objection should be considered. The examination process will be undertaken by the reporter with a range of options to gather any necessary further evidence to inform a report to Scottish Ministers. The Scottish Government will also publish guidance on the reporter's choice of procedure(s). Interested parties will be notified of the reporter's proposed examination procedure(s) and, where relevant, the matters to be addressed through these procedure(s). The proposals will also be published and there will be an opportunity to make representations, for example on whether further evidence on other matters should be taken. The reporter may also hold a pre-examination meeting to hear representations about the proposals, before deciding and publishing their final decision, and commencing the examination. Once the examination is completed, the reporter will submit their report to the Scottish Ministers. After the Scottish

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Ministers have determined the application, the reporter's report will be published. To address concerns that the new process could become too lengthy, a power will be taken to enable time limits to be set for the examination procedure.

Variations of network projects

Consultation responses

- 1. Do you agree with the proposal to prescribe a clear statutory process under which variations to network projects may be granted? Why do you agree/not agree? How might it impact you/your organisation?**

Summary of responses

Responses to this question were mixed, although there were more positive responses than negative or undecided.

Response	Number of respondents	Percentage of respondents
Agree	146	27%
Disagree	92	17%
Neither agree nor disagree	77	14%
Did not answer	230	42%
TOTAL	545	100%

Comments from respondents in agreement

Responses which were in agreement generally highlighted that introducing a clear process would ensure consistency with the section 36 variation process and prevent a disproportionate and lengthy reapplication process to make changes to projects.

Many responses were provisionally supportive, provided that communities, relevant planning bodies and statutory consultees were suitably engaged in the variations process. They suggested that these groups must be informed about variations, able to submit their views on them, and/or able to object to them (depending on the role of the group in question).

Comments from respondents in disagreement

The responses which strongly disagreed with the proposal argued that it undermined the planning application process and engagement with communities and planning bodies, by allowing developers to bypass these stages to make certain changes to their projects.

Government response

The proposal to create a procedure for section 37 (electricity transmission) consent variations will be taken forward as set out in the consultation. This will create a more effective consenting system, as variations can be managed efficiently rather than requiring the whole application to be re-processed. It is anticipated that the detailed approach will be modelled on the existing procedure for section 36 variations, as set out in the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013, which includes

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requirements for the public notification of the proposed variation and opportunities for the relevant planning authority and any other party to make representations to the Scottish Government on the proposal.

Variation of consents without an application

Consultation responses

- 1. Do you agree with the proposal to give the Scottish Government the ability to vary, suspend or revoke consents, without an application having been made in the circumstances set out above? Why do you agree/not agree? How might it impact you or your organisation?**

Summary of responses

Excluding those who did not answer, views on this proposal were mixed, with approximately equal positive and negative responses.

Response	Number of respondents	Percentage of respondents
Agree	118	22%
Disagree	131	24%
Neither agree nor disagree	63	12%
Did not answer	233	43%
TOTAL	545	100%

Comments from respondents in agreement

Respondents who were supportive of the proposal said it would improve efficiency and allow for flexibility. One use case had much more widespread support than the others: many respondents supported the proposal in the context of correcting errors or making non-material updates.

Comments from respondents in disagreement

Many respondents, especially developers, raised concerns that the unilateral ability for Scottish Government to vary, suspend or revoke consents would create considerable uncertainty, and thus reduce investor confidence. Respondents were particularly concerned that the ability to suspend or revoke consents was too strong a power, with too severe consequences, to be exercised unilaterally.

Further suggestions

Some respondents who were concerned about the proposals suggested changes to limit their use. They suggested that clear safeguards, criteria, information and guidance needed to be put in place to explain in exactly which circumstances the Scottish Government would be able to use this power. They also suggested that the Scottish Government should be required to consult with, or gain the agreement of, the consent holder before they could make any changes to the consent without an application. Some also suggested that the public should be able to scrutinise the proposed changes.

2. Do you believe there should be any other reasons the Scottish Government should be able to vary, suspend or revoke consents? What reasons are these?

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree that there should be any other reasons why the Scottish Government should be able to vary, suspend or revoke consents.

Response	Number of respondents	Percentage of respondents
Agree	137	25%
Disagree	169	31%
Neither agree nor disagree	1	0%
Did not answer	238	44%
TOTAL	545	100%

A number of respondents suggested additional circumstances where it would be beneficial for Scottish Government to be able to vary, suspend, or revoke consents. The most common suggestions for additional circumstances were:

- Where there is an incomplete or imprecise application.
- Where the developers’ actions give cause for concern, for example where the limitations of the agreed consent are breached.
- When new information becomes available, including where there has been a change in good practice, legal requirements or societal expectations on developers or improved knowledge or certainty about environmental impacts.
- As a result of legal proceedings.

Government response

In light of the various challenges expressed about the proposal set out in the consultation, the proposal will be taken forward in a more limited form, while still seeking to increase efficiency in the process. The scope for the Scottish Government to vary consents without an application will be limited to variations and will not include suspension or revocation of consents.

Interested parties will be notified of the proposal and given the opportunity to make representations. Where the variation proposed by the Scottish Government is to amend the consent or its conditions or both due to a change in environmental circumstances or relevant technological changes, the agreement of the consent-holder will be required. Separately, it is intended that the Scottish Government will be enabled to correct errors or omissions made in a consent. Where the variation is to correct an error, the procedure set out in the consultation document would apply (i.e. the consent-holder would be notified of the proposed variation and given the opportunity to make representations to the Scottish Government).

Fees for necessary wayleaves

Consultation responses

- 1. Do you agree with the principle of introducing a fee for the Scottish Government to process necessary wayleaves applications? Why do you agree/not agree? How might it impact you or your organisation?**

Summary of responses

Excluding those who did not answer, a large majority of respondents were in favour of introducing a fee for necessary wayleaves applications in Scotland.

Response	Number of respondents	Percentage of respondents
Agree	252	46%
Disagree	22	4%
Neither agree nor disagree	57	10%
Did not answer	214	39%
TOTAL	545	100%

Comments from respondents in agreement

Many responses from the energy industry were supportive of the principle of introducing a fee, if it enabled improved service levels for the processing of necessary wayleaves applications, for example facilitating faster timescales by improving the resourcing of the Scottish Government's ECU and Planning and Environmental Appeals Division (DPEA). Many responses from individual members of the public and community groups were in favour, on the basis that the costs being met in the first instance by developers rather than taxpayers was fairer.

Comments from respondents in disagreement

Some responses identified risks with this proposal. Some responses emphasised that ultimately fees would be passed on to consumers via energy bills.

Further suggestions from respondents

A small number of responses (particularly from networks organisations) argued that fees reform should be accompanied by reform of the whole land rights process.

2. Do you agree that the fee amount should be based on the principle of full cost recovery, in accordance with Managing Public Money and the Scottish Public Finance Manual? Why do you agree/not agree? How might it impact you or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents were in favour of basing the fee amount on the principle of full cost recovery.

Response	Number of respondents	Percentage of respondents
Agree	205	38%
Disagree	23	4%
Neither agree nor disagree	74	14%
Did not answer	243	45%
TOTAL	545	100%

Comments from respondents in agreement

Where responses explained why they were in agreement with the proposal, it was generally argued that it was fair for the Scottish Government to recoup its costs on processing necessary wayleaves applications, without making a profit on the process.

Comments from respondents in disagreement

Some developers were concerned that, when combined with the additional fees proposed for pre-application services, fee levels in the consenting process would become disproportionate.

Further suggestions from respondents

Some respondents, particularly developers and local authorities, raised a variety of suggestions for how the fees should be calculated, structured and distributed. They also requested clarification on which projects and organisations would be liable to pay fees.

Government response

The government will proceed with the policy as proposed in the consultation, enabling Scottish Ministers to charge a fee for the processing of necessary wayleaves applications, based on the principle of full cost recovery. Recouping the cost of processing applications will help to better resource the system and maintain an efficient and high-quality service. The evidence from responses about how fees should be calculated, structured and distributed will be further considered to inform the design of the fee regime. Wider reforms of land rights processes for electricity network infrastructure are being considered separately by the UK Government following the Response to the Call for Evidence on Land Rights and Consents for Electricity

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Network Infrastructure published at the end of last year.⁵ Government will consult on proposals this year.

⁵ Department for Energy Security and Net Zero, 'Land Rights and Consents for Electricity Network Infrastructure', December 2024, pp.16-18. [Land Rights and Consents for Electricity Network Infrastructure: summary of responses](#) UK Government, 'Clean Power 2030 Action Plan', December 2024, p.68. [Clean Power 2030: Action Plan: A new era of clean electricity](#)

Statutory appeals and judicial proceedings

Consultation responses

- 1. Do you agree that a statutory appeal rather than a judicial review process should be used for challenging the onshore electricity consenting decisions of Scottish Ministers? Why do you agree/not agree? How might it impact you or your organisation?**

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree with a move to a statutory appeal process rather than judicial review process for challenging the onshore consenting decisions of Scottish Ministers.

Response	Number of respondents	Percentage of respondents
Agree	82	15%
Disagree	210	39%
Neither agree nor disagree	80	15%
Did not answer	173	32%
TOTAL	545	100%

Comments from respondents in agreement

Where the move to statutory appeal was supported, respondents stated that this was because it would streamline the process, aligning onshore and offshore and creating consistency within the Scottish electricity infrastructure consenting system, whilst reducing uncertainty and being more accessible by setting clearly defined grounds for challenging consenting decisions.

Appealing directly to the Inner House of the Court of Session was held to be likely to be overall more efficient.

Comments from respondents in disagreement

Responses which were not in favour of the proposal felt that the move to using statutory appeals would reduce the grounds available to appeal decisions, with concerns also expressed that the reform was a move away from a court process to one administered by the Scottish Government. Practical questions were also raised about whether there would be an impact on Scottish courts.

2. Do you agree there should be a time limit of 6 weeks for initiating a challenge to a consenting decision of Scottish Ministers for onshore electricity infrastructure? Why do you agree/not agree? How might it impact you or your organisation?

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree with the proposal to move to a time limit of six weeks to initiate a challenge.

Response	Number of respondents	Percentage of respondents
Agree	70	13%
Disagree	211	39%
Neither agree nor disagree	36	7%
Did not answer	228	42%
TOTAL	545	100%

Comments from respondents in agreement

Those who supported a six-week timescale stated that it was because the reform would align the timescale for challenging consenting decisions with the Development Consents Order process in England and Wales under the Planning Act 2008, thus creating consistency across Great Britain. They stated that the system in England and Wales provides evidence that six weeks is sufficient time to bring a challenge. The timescale provides certainty and avoids delays which have negative consequences.

Comments from respondents in disagreement

Those respondents who were not in favour of the change expressed concerns that this proposal could reduce access to justice by reducing the amount of time available to bring a challenge, arguing that six weeks was not long enough for them to be able to raise funds, develop their case and organise legal representation to bring a challenge.

Government response

The policy objective is to reduce the delays caused by inefficient and outdated features of the Electricity Act 1989. Reducing delays could be achieved by reducing the timescale for challenging electricity infrastructure consenting decisions in Scotland. In considering the way forward, other options were considered, such as continuing with the three-month judicial review procedure onshore and accepting the disparity between the onshore and offshore processes, reducing the judicial review timescale to six weeks for challenging onshore consents, or changing section 36D timescales to three months for bringing a challenge against offshore consenting decisions.

The consultation document stated that available data showed that where challenges were brought against section 36 consents for onshore wind in Scotland using the judicial review process, the majority were lodged after 90 days. Although it has come to light post-consultation that there were discrepancies in this data⁶, the proposed policy approach was also based on additional factors such as the existing timescale and legal mechanism in Scotland set out in the Electricity Act 1989 and alignment of the process for onshore and offshore consents. Consultation responses stated that this would deliver consistency with the offshore consent process under section 36D Electricity Act 1989 in Scotland. Extending the application of section 36D of the Electricity Act 1989 provides a mechanism for achieving this timescale, whilst also providing a unified statutory appeal process for challenging electricity infrastructure projects in Scotland.

The consultation document also stated that the current three-month time limit for initiating a challenge delays the development of infrastructure. This was unrelated to the data about the challenges brought against section 36 consents. Representations made to government stated that even though certain projects had consent to progress in certain circumstances, projects would not be taken forward and the final investment decisions were paused until after the expiration of the timeline for bringing a challenge, which has caused delays to development. Consultation feedback also indicated that the six-week timescale in England and Wales (under the Planning Act 2008) is sufficient time to bring a challenge.

Taking these considerations into account, the government will look to create a unified process in Scotland with a timescale for challenging electricity infrastructure consenting decisions which is consistent with that across the rest of Great Britain. Challenging consenting decisions under the Electricity Act 1989 would continue to be via the courts, rather than a Scottish Minister led process. Proceedings for challenging the decisions of Scottish Ministers relating to onshore electricity infrastructure consents are to be aligned with section 36D of the Electricity Act 1989. The mechanism for challenging the decisions of Scottish Ministers will be by statutory appeal which must be lodged in the Inner House of the Court of Session, rather than the Outer House of the Court of Session, within six weeks of the decision being made public. The change from the date of decision to the date of publication is a reform that applies to both onshore and offshore decisions.

Ongoing engagement with the Scottish Government and the Scottish Courts and Tribunals Service on the policy will continue.

The first ground for challenging consenting decisions under section 36D(2)(a) continues to provide a method for bringing proceedings that would typically be reviewable under judicial review proceedings, meaning that challenges may still be brought in relation to such grounds. At permission stage, it will continue to be the case that an applicant will need to demonstrate (i) sufficient interest; and (ii) that their claim has a reasonable prospect of success⁷ to bring a challenge. There will be a route to appeal to the Supreme Court of the United Kingdom.

⁶ The calculation was in some instances based on the date the notice of petition was received rather than the date the petition was lodged.

⁷ Section 36E(2) Electricity Act 1989.

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Guidance will be developed in advance of the reform coming into effect which communicates the reformed processes and procedures. The intention is for the reform to come into force and to apply to consenting decisions made two months following Royal Assent of legislation.

Transitional arrangements

Consultation responses

- 1. Do you agree with the above proposal for transitional arrangements? Why do you agree/not agree? What impact would this have on you/your organisation?**

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree with the proposed transitional arrangements.

Response	Number of respondents	Percentage of respondents
Agree	69	13%
Disagree	210	39%
Neither agree nor disagree	52	10%
Did not answer	214	39%
TOTAL	545	100%

Comments from respondents in agreement

Responses in favour of the proposals commonly highlighted that these transitional arrangements represented a pragmatic and streamlined approach, which avoided the complexities of running two different consenting systems (existing and new) in parallel.

Comments from respondents in disagreement

A key theme in responses from developers was a concern that imposing a new process on existing applications could cause them to be delayed or rejected. There was particular concern about whether applications which were just about to be submitted at the point where legislation came into force would be expected to re-complete their pre-application consultation, causing delays. There was similar concern that existing applications which were already making their way through the system may be disadvantaged if new requirements were introduced.

Communities, councils and developers all raised concerns that changing the process for existing applications was not a fair approach and could cause confusion and uncertainty. Community groups and individuals were also concerned that this would affect communities' ability to object or continue an objection which is already in progress.

Further suggestions from respondents

The most important and common additional point from respondents was to emphasise that whatever transitional arrangements were chosen, how this is communicated to all parties involved in the consenting process is essential. Respondents asked for a clear, detailed

explanation of how the new processes and transitional arrangements will work, communicated as far in advance as possible.

Many respondents suggested a variety of alternative transitional arrangements. The most popular alternative was that existing applications should be determined under the current system, with only new applications being determined under the new one.

Several developers also suggested a grace period of six to 12 months for applications which were close to submission at the time of legislation implementation to be able to use the existing consenting system, or flexible arrangements.

Government response

The government will proceed with the transition proposals set out in the consultation, namely that the new consenting process will apply to all applications, starting from whatever stage they are at within the consenting process. Where a new process is set out in primary legislation (for example for the examination process where a relevant planning authority objects and the move to statutory appeal as a challenge mechanism) the measures will come into force two months after Royal Assent. Where the new process will be set out in secondary legislation, it is intended to bring the regulations into force as soon as possible after the commencement of the primary legislation. These transition arrangements are required to realise the ambition of the reforms, and ensure the impact is realised as soon as possible. They also avoid the complication and additional resource implications of running two systems in parallel.

However, we recognise the concerns raised by respondents in the consultation, and mitigations will be put in place to make the transition as smooth and transparent as possible. The detail of the proposed changes to the consenting process will be publicised to all those involved as soon as possible. Additionally, we intend to introduce a six-month grace period for pre-application requirements and application information requirements after the new process comes into force, during which new applications will be accepted so long as the projects have followed the ECU's existing 'Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989' and forthcoming 'Guidance for Pre-Application Consultation and Engagement on Section 37 Transmission Projects'.⁸ The UK and Scottish governments also intend to publish incoming regulations and guidance at the earliest possible opportunity.

⁸ Scottish Government, 'Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989', July 2022. [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 - February 2022](#)

The package of reforms

Consultation responses

- 1. Having read the consultation, do you agree with the reforms as a package? Why do you agree/not agree? What impact would they have on you/your organisation?**

Summary of responses

Excluding those who did not answer, a majority of respondents did not agree with the reforms as a package.

Response	Number of respondents	Percentage of respondents
Agree	53	10%
Disagree	164	30%
Neither agree nor disagree	69	13%
Did not answer	259	48%
TOTAL	545	100%

Comments from respondents in agreement

Respondents who agreed with the reforms as a package often did so because they agreed that the proposals would speed up the energy consenting system and agreed that this was needed to facilitate the transition to clean power. Some respondents from the energy industry argued that the proposals would create a better business environment for renewables in Scotland, by creating greater certainty in the system. Some community groups and local authorities were positive about the aim of the proposals to introduce better community consultation and opportunities for early input.

Several respondents highlighted that while they supported the reforms in principle, much of their success would depend on careful implementation, including the timing of introduction, transitional arrangements, guidance provided and enforcement of the new rules.

Comments from respondents in disagreement

Many respondents who disagreed with this question did so because they disagreed with specific proposals in the consultation and thus felt that they were unable to agree with the reforms as a package, even if they agreed with some of the individual proposals. Responses to specific proposals are captured in the summaries above.

Some community groups raised concerns that the new process would reduce their power relative to developers and reduce the role of local democracy in planning applications. In particular, community councils were concerned that shorter timescales would reduce their ability to input. Conversely, some developers were concerned that the new proposals would

not speed up the consenting process, as they could add more bureaucracy, particularly at the pre-application stage. Many individual responses disagreed with the principle of speeding up the electricity consenting process, and did not think this should be a priority.

2. What steps could we take to ensure the project planning process (including the pre-application stage) can be completed as fast as possible?

Summary of responses

Developers, representative bodies and local authorities commonly shared multiple suggestions for further steps which could be taken to speed up the planning process, the most popular of which are set out below. The most common proposal was to ensure that all bodies in the consenting process (Scottish Government teams, local planning authorities and statutory consultees) are fully funded and resourced with a skilled workforce in order to carry out the additional responsibilities which the reforms will require. Many responses expressed concerns that without this additional support, the reforms would be undeliverable. These groups also recommended introducing statutory timescales for the consenting process in order to minimise delays and accompanying the reform package with clear and detailed guidance for all parties involved in the consenting process, communicated well in advance. Finally, many responses asked whether the threshold at which generation projects must seek a section 36 consent could be raised, to enable more smaller-scale and less complex projects to go through local planning routes instead.

For community groups and individuals, the most important point highlighted was that the opportunities for community consultation and input on planning proposals needed to be genuinely meaningful, with early and transparent engagement, and opportunities to object maintained as in the current system. Some responses also recommended that community benefits or bill discounts needed to be considered for communities living closest to the new infrastructure, and that funding should be provided to enable communities to better engage with and challenge planning proposals.

Government response

The government responses for individual policy areas are set out in the preceding sections. In particular, responses to the suggestions made in question 2 above are set out in the sections on pre-application requirements and application input from statutory consultees. The Scottish Government will consider the feedback provided on the question of the most appropriate threshold at which generation projects must seek a section 36 consent.

When taken as a whole, the intention of the refinements to individual proposals in light of the consultation feedback has been to make the process (particularly for pre-application) more streamlined and efficient, while at the same time strengthening opportunities for meaningful community engagement and input.

Evidence and analysis

Consultation responses

1. Do you agree with the rationale for intervention? Are there any points we have missed?

Summary of responses

Excluding those who did not answer, views on the rationale for intervention were mixed, with approximately equal positive and negative responses. The largest category of response was 'neither agree nor disagree'.

Response	Number of respondents	Percentage of respondents
Agree	75	14%
Disagree	69	13%
Neither agree nor disagree	103	19%
Did not answer	298	55%
TOTAL	545	100%

Comments from respondents in agreement

Respondents who agreed with the rationale for intervention generally did so because they agreed that a change to the consenting system was needed, and that legislation was necessary to achieve this. They agreed that the consenting system should be made faster and more efficient in order to meet clean power goals.

Comments from respondents in disagreement

Some respondents, particularly individuals and some community groups, disagreed with the rationale for intervention because they disagreed with the principles of the policy objectives: either questioning whether more electricity infrastructure is needed in Scotland, or arguing that we should not seek to speed up the consenting system and instead focus on taking as much time as is needed to consider a proposal. Others in this group argued that the rationale for intervention did not give sufficient weight to the rights and need of, and impacts on, communities and local democracy.

A small number of developers questioned some of the evidence provided in the consultation document. Namely, they argued that the application process has improved in recent years, with higher proportions of applicants now conducting sufficient pre-application consultation and providing good quality application information. They argued that the main delays to the process instead primarily stem from delayed relevant planning authority responses, and the triggering of public inquiries.

- 2. Familiarisation: a) How long do you think it would take your business to familiarise with the changes to the legislation and how much of an impact on your pre-development costs do you expect this to have (either a saving or an increased cost)? b) How many people in your business need to review the legislation?**

Summary of responses

No respondents specifically quantified the familiarisation costs for their organisation, but the majority thought that the familiarisation process would be easily manageable and take roughly two to three months. The number of staff who would need to familiarise themselves with the changes varied widely by organisation.

There were varied responses to the question on the impact on planning costs. Many respondents in the energy sector thought that meeting the additional pre-application requirements would add to their planning costs at the start of the process (depending on the extent to which the organisation was already following the best practice guidance).⁹ There was variation, though, between organisations which thought that efficiencies later in the process would more than make up for these costs and create planning savings overall, versus organisations which thought the new process would at best break even for them.

- 3. Impact: a) Do you agree with the impacts that have been identified? i) If not, please explain why with supporting evidence. ii) If you think there are other impacts that have not been identified, please set out the additional impacts with supporting evidence. b) Can you provide further data and evidence to: i) Support a detailed assessment of each of the impacts? ii) Establish whether this policy is likely to reduce delays to transmission network build, renewables or storage projects, and if so how long by? iii) Establish whether there are any groups you expect would be uniquely impacted by these proposals, such as small and micro businesses or people with protected characteristics? If yes, which groups do you expect would be uniquely impacted? Please provide supporting evidence.**

Summary of responses

Excluding those who did not answer, views on whether respondents agreed with the impacts that had been identified were mixed, with more negative than positive responses. The largest category of response was 'neither agree nor disagree'.

⁹ Scottish Government, 'Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989', July 2022. [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 - February 2022](#)

Response	Number of respondents	Percentage of respondents
Agree	33	6%
Disagree	59	11%
Neither agree nor disagree	91	17%
Did not answer	362	66%
TOTAL	545	100%

Many respondents to the consultation did not answer these questions, so the evidence provided was very limited.

Some comments from individuals and community groups argued that the options assessment should also consider the general impacts of new infrastructure on local communities, for example the impacts on housing and land values, the environment, health and tourism. Some also argued that it should consider the benefits for communities in more detail, such as through decreased energy bills, a shorter and less time and resource-intensive process to allow communities to input, and any local community funds. A smaller group disagreed with the impacts raised either because they disagreed with the rationale for intervention, or they felt that the proposals could have a negative impact on the ability of local communities to input into applications.

There were very few comments on the impact on small business. These highlighted that any increased costs or shorter timescales may have a disproportionate impact on smaller businesses with smaller workforces and revenues, but conversely any savings in the planning process and faster processes overall may especially help smaller businesses.

Comments on any impacts on groups with protected characteristics were also very limited. Some comments raised that impacts on rural, island and Gaelic-speaking communities should be considered.

Government response

The evidence provided in the consultation responses was carefully considered to inform further policy thinking and refinements to the analysis set out in the consultation’s options assessment. A full impact assessment (including economic, social, environmental and equalities considerations) will be published alongside the Planning and Infrastructure Bill.

In light of the evidence, the government’s overarching view of the rationale for intervention and impacts of this policy remains largely unchanged, but all contributions were taken into account. In particular, the government’s view remains that intervention is needed to make the Scottish electricity consenting process more efficient, thus contributing to clean power and net zero goals, while still balancing the important need to hear community voices in the process and ensure development is carried out in an environmentally sensitive way. The impacts of individual projects are not assessed in the impact assessment, because these are a matter to be addressed via the application in the planning system, and the proposed reforms do not

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make it more or less likely that an individual application will be approved or declined. The Scottish Government's 'National Planning Framework 4' sets out the policy principles for energy planning in Scotland and lists the impacts which must be addressed in project design and mitigation.¹⁰

¹⁰ Scottish Government, 'National Planning Framework 4', February 2023, pp.53-4. [National Planning Framework 4](#)

Next steps

This consultation response provides a firm commitment from the UK Government to proceed with reform to electricity infrastructure consenting in Scotland. The evidence from the consultation responses was used to inform and shape policy development and the approach to implementation.

The proposals will be taken forward in the form set out in the 'government response' sections. Where primary legislation is required to implement these changes, this will be enacted via measures in the Planning and Infrastructure Bill. Throughout the legislation and implementation phases, the UK Government will continue to work closely with the Scottish Government to deliver these reforms.

We would like to thank everyone who responded to the consultation.

This publication is available from: <https://www.gov.uk/government/consultations/electricity-infrastructure-consenting-in-scotland>

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