

Parliamentary Bureau - Supplementary Legislative Consent Memorandum

Planning and Infrastructure Bill (UK Legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

The Planning and Infrastructure Bill

2. An LCM was lodged by Gillian Martin MSP, the then Acting Cabinet Secretary for Net Zero and Energy, on 27 March 2025. A supplementary LCM was then lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport, on 13 August 2025, under Rule 9B.3.1(b) of the Parliament's Standing Orders.
3. This further supplementary LCM was lodged by Gillian Martin MSP, now Cabinet Secretary for Climate Action and Energy, on 24 October 2025. This further supplementary LCM has been lodged following the tabling of an amendment to the Bill on 13 October 2025 by the UK Government.
4. This amendment is to insert a new clause after clause 28 of the Bill. This new clause is titled "wind generation stations that may affect seismic array systems". Its purpose is to enable the Secretary of State to make regulations about planning permissions or consents in both England and Scotland relating to wind generation stations that may affect the functioning of a relevant seismic array system.
5. The supplementary LCM states that the amendment enables the Ministry of Defence to adopt a new policy approach to safeguarding the functioning of the Eskdalemuir Seismic Array (the Array) whilst enabling further onshore wind development in the area of the Array.
6. The supplementary LCM recommends that the Parliament consent to this new clause.

Parliamentary consideration

7. The LCM engages the remit of the Net Zero, Energy and Transport Committee, which considered and reported on the initial and supplementary LCMs. The Committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

8. The remit of the Local Government, Housing and Planning Committee includes matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government.
9. As the relevant provisions of the Bill relate to wind generation stations, they fall within the responsibilities of the Cabinet Secretary for Climate Action and Energy, who has lodged the LCM. As such, the relevant provisions in the Bill would appear to fall within the remit of the Net Zero, Energy and Transport Committee.
10. Given the impact on planning, the remit of the Local Government, Housing and Planning Committee would also appear to be engaged.
11. It is considered that the Net Zero, Energy and Transport Committee has the primary interest in this LCM.
12. The Bill is currently at Report Stage in the House of Lords (the second House). Therefore, as the Bill is at an advanced stage in its passage through the UK Parliament the lead committee would be unable to report on the supplementary LCM prior to the final amending Stage in the House of Lords.
13. The Scottish Government's business paper will include arrangements in relation to the supplementary LCM being considered in the Chamber. The Net Zero, Energy and Transport Committee is aware that the supplementary LCM has been lodged, and will reach a view at its meeting on Tuesday 28 October as to whether it is content not to consider the supplementary LCM in these circumstances. The committee convener has indicated that he is content not to consider it in these circumstances.
14. The Convener of the Local Government, Housing and Planning Committee has also been advised that the supplementary LCM has been lodged.
15. A draft motion to suspend Rule 9B.3.5 of Standing Orders, which would allow a motion on legislative consent to go directly to the Chamber without being considered or reported on by the lead committee, is below.
16. As the Bill that is the subject of the supplementary LCM does not contain provisions conferring on the Scottish Ministers powers to make subordinate legislation, Rule 9B.3.6 is not engaged, so therefore does not require to be suspended.

Recommendation

17. The Bureau is invited to consider recommending to the Parliament by motion that Rule 9B.3.5 of Standing Orders be suspended for the purposes of consideration of the second supplementary LCM on the Planning and Infrastructure Bill.
18. A draft motion is provided below:

“That the Parliament agrees that, for the purposes of consideration of the second supplementary legislative consent memorandum on the Planning and Infrastructure Bill, Rule 9B.3.5 of Standing Orders is suspended.”

Parliamentary Business Team
October 2025