

Response from Glasgow City Council, 19 May 2025

Planning and Infrastructure Bill LCM

The Net Zero, Energy and Transport Committee is considering the [Legislative Consent Memorandum \(LCM\)](#) on [the Planning and Infrastructure Bill](#).

This response relates primarily to clauses 14-20 with respect to applications for consent for development of electricity infrastructure under the Electricity Act 1989, in Scotland.

The proposed updates bring the process for electricity infrastructure consenting in line with the wider planning system in Scotland which has undergone significant reform in recent years. Therefore, generally, the proposals are welcomed.

- 1. How do you anticipate the proposed procedural changes to the consenting process for electricity infrastructure will affect the delivery, timing, and costs of projects in Scotland?**

It is anticipated that the proposed procedural changes will result in greater transparency for applicants and a more efficient delivery of infrastructure. This is likely to be a more costly process for applicants due to greater pre-application demands, but ultimately frontloading should save time in the long-run and create better quality applications from the outset. It may result in fewer but better quality proposals coming forward, therefore improving delivery. The proposed changes to the system, if resourced well, should improve the efficiency and robustness of the system, in alignment with the planning system.

- 2. What impact do you foresee from the Bill's provision to replace public inquiries with written submissions or informal hearings in cases of objection to large-scale electricity infrastructure applications?**

In theory this should speed up the process and stop projects from stalling, thus aiding the delivery of electricity infrastructure in Scotland.

This will give greater power to the Scottish Government in the determining of major infrastructure projects, and less to local authorities. There is a risk that local issues and concerns will be diluted and given less consideration if public inquiry is not the default process. However, it is understood that public inquiries can be costly to local authorities. There should be more flexibility in the process so that a proportionate and tailored approach is taken based on the specific circumstances of the case. If a local planning authority objects, public inquiry should not be the default procedure, but an appropriate process should be followed to ensure that this objection is given due weight in the determination. This would increase responsibility given to the reporter to determine the most appropriate procedure and therefore ultimately it may be a more

uncertain, less transparent process. There is no guarantee that timescales for determination would be improved compared to the de facto public inquiry requirement. Publishing the decision on final procedure to be adopted alongside an explanation of the reasons and a timetable for the procedure to be adopted, including submission of the report to Scottish Ministers, would be a positive addition, aiding transparency in the process. The addition of time limits to the process is welcomed, aligning more with the planning process and providing applicants with a target timescale as an indicator of the efficiency of the process.

3. Do the revised consultation and engagement mechanisms outlined in the Bill provide sufficient opportunities for public and environmental scrutiny of electricity infrastructure proposals?

Yes, this seems fair, bringing the process more in alignment with the wider planning system and frontloading engagement. It will be important for procedure to engage in the pre-application stages with people potentially impacted by development. There needs to be a set procedure to allow enough engagement to add value to the process, without adding undue delay.

4. What are the potential environmental impacts of the UK Planning and Infrastructure Bill as it relates to environmental matters for which the Scottish Parliament and Scottish Government have devolved responsibility? We are interested in any views you may have on:

- the potential impacts of the specific provisions highlighted in the LCM as requiring legislative consent in devolved areas, and
- the potential for further impacts in devolved areas taking into account wider developments regarding EIA regimes and the Habitats Regulations in England and how they may influence or interact with environmental standards and procedures in Scotland (In this context, you may wish to specifically note the proposed powers in Part 2 of the [Natural Environment \(Scotland\) Bill](#) and existing powers in [Section 152](#) of the [Levelling-up and Regeneration Act 2023](#))

UK Government is responsible for the legislative framework for energy consenting, while in Scotland, The Scottish Government makes the decisions. Devolved areas of The Scottish Government which may be affected by UK energy legislative framework include housing, land use planning, environment, some transport, agriculture, forestry and fisheries, and local government.

UK has different legislative requirements to Scotland in terms of climate change ambitions, e.g. emissions reductions targets. There is potentially conflict with nature and biodiversity ambitions. Value of the natural environment in Scotland should not be underplayed or overruled by energy infrastructure delivery expansion. The bill's focus on accelerating infrastructure projects could lead to developments that affect Scotland's environment, such as through increased land use, habitat destruction, or

changes in water flow. There is concern for pollution incidents (land, air & water) and ground contamination (land, air & water) and there is a need to secure funds for proper decommissioning and restoration. These are some of the biggest issues around energy infrastructure which are not yet being adequately addressed. Encouraging and streamlining infrastructure delivery potentially conflicts with environmental ambition e.g. peatland restoration, rewilding efforts. Land use represents a significant difference between Scotland and the rest of the UK a large proportion of land area in Scotland being peatland, which stores a significant proportion of the UK's carbon stores. Due to environmental pressures much of this is now degraded. The UK Planning and Infrastructure Bill may indirectly impact Scotland's environment, and the Scottish Government must be cautious and manage those impacts through its devolved environmental responsibilities and by actively promoting sustainable development principles.

Part 2 of the Natural Environment (Scotland) Bill proposes the power to modify or restate EIA and Habitats legislation, for purposes outlined under section 2(1) such as the maintenance or advancement of standards in relation to the natural environment.

In alignment with the proposals in the Bill the powers would enable regulations to provide for:

- the charging of fees for EIA screening and scoping opinions
- the requirement for a screening opinion to have been given before the submission of an application without an EIA report
- copies of EIA reports for Scottish Ministers and for inspection in public places
- the publication of environmental information
- time limits for representations and for the provision of information

The charging of fees for EIA screening and scoping for electricity apps wouldn't be consistent with other EIA development in Scotland. The requirement for an EIA screening opinion to have been given before the submission of an application makes sense, but timescales need to be given so this doesn't slow the process. Introduction of time limits is welcome. Publication of EIA reports and copies of the key documents in public spaces will make the content more accessible due to their often lengthy and technical nature.