

Response from Scotland Against Spin, 4 May 2025

Planning and Infrastructure Bill LCM

Scotland Against Spin has, after much thought, decided not to respond to this request for evidence, because of our deep misgivings about the exercise. Recent public consultations appear to have been box-ticking exercises where the majority views of respondents have been noted and then ignored. For example, with regard to the consultation that has led up to this moment:

<https://www.gov.uk/government/consultations/electricity-infrastructure-consenting-in-scotland/outcome/electricity-infrastructure-consenting-in-scotland-government-response-accessible-webpage>

In response to this question: *Do you agree with the proposed 'examination' process suggested? Why do you agree/not agree? How might it impact you/your organisation?* the Government response acknowledges that *Excluding those who did not answer, a majority of respondents did not agree with the proposed examination process.* In fact the number who disagreed with the proposed examination process was 3.5 times larger than the number who agreed with it. It is also the case that *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.*

And yet the official response (now embedded in the draft Planning and Infrastructure Bill) is this:

Although there was some concern [a substantial under-statement] 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.

The same point can be made with regard to this question: *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?*

Excluding those who did not answer, a majority of respondents did not agree with the proposal (in fact, it was opposed by three times as many respondents as supported it). And yet the official response is:

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.

In short, the view of the vast majority of respondents who commented on this question has been ignored.

The Bill as drafted is the result of collaboration between the Westminster and Holyrood governments. As paragraph 82 of the Legislative Consent Memorandum makes clear:

The Scottish Government considers that clauses 14–20 and 96 (as it applies to clauses 14 – 20) are essential to deliver the reforms necessary to modernise the consenting regime in Scotland for applications made under the 1989 Act.

In other words, no opposition to the proposed changes will be forthcoming from Holyrood, whatever the responses to this latest consultation. In those circumstances, we are not going to waste our time making the same arguments that have already been ignored once and which will no doubt be ignored again.

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on behalf of Scotland Against Spin

Please publish our response.