

Heads of Planning Scotland Response

Onshore electricity generation: increasing the threshold for applications under The Electricity Act 27th March 2026

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by the HOPS Climate Change, Energy and Resources committee. We note that there will be differences of opinion between the HOPS response and individual planning authority responses in some cases.

HOPS would be happy to discuss any planning issues further.

1. Should there be a single threshold applicable to all technologies?

No

HOPS do not believe a single threshold for all technologies would be the correct option to take forward.

There is broad agreement among planning authorities that a single megawatt-based threshold does not adequately reflect the characteristics of different technologies. Technologies vary significantly in scale, physical footprint, local impacts, and consenting complexity. Battery Energy Storage (BESS), solar, onshore wind, hydro, and pumped storage operate in different physical and environmental contexts, meaning a flat threshold would not lead to proportionate decision making.

The capacity of some technologies can also change rapidly. Setting a single threshold may not adequately future proof the consenting route.

A single MW threshold is seen as a crude measure that does not align well with modern technologies or NPF4's place-based planning approach. A single threshold may not accurately reflect the local impact of different technologies. BESS applications in urban locations, for example, generate interest by elected members and community groups, meaning local knowledge and decision making are an important part of the process.

2. What threshold should apply for applications for electricity generation to be determined by planning authorities?

- 50MW
- 100MW
- 150MW

150MW

HOPS have stated the maximum threshold here, but this does not fully reflect the feedback from planning authorities. Many but not all authorities are supportive of a substantial uplift in the threshold.

An increased threshold would mean more applications would be determined by planning authorities. This would align with the Verity House Agreement for a shift to local decision making.

As stated in question one, a single threshold approach was not seen to be the best solution for the various different technologies. HOPS note that several authorities in their responses set justification for each technology type and we would refer to their expertise in dealing with these application types. HOPS suggests further discussion is required between consenting authorities in order to appropriately set thresholds for technology types.

HOPS strongly recommends that a review process is set up to future proof the process from any technological advances. Set thresholds could be reviewed on a regular timeframe to account for this.

3. Any change to the threshold would apply only to new applications. Do you have any comments on transitional arrangements?

HOPS agree on the whole that the threshold should be applied only to new applications. This should avoid procedural disruption, unfairness, and administrative complexity. Clear communication of the go live date is essential.

HOPS note that transitional arrangement will affect authorities very differently. Authorities already dealing with high numbers of Section 36 cases and smaller authorities may be affected most. Scottish Government may wish to look at how to best deliver support. Training or capacity building may be required for all authorities. Support may also be needed to assist under-resourced authorities who experience a surge in applications. The Planning Hub may be the initial vehicle to manage this.

A review process should also be planned to monitor the impact on planning authorities.

4. Do you have any other comments to add?

Planning authorities note a strong support for local decision making. Our previous recommendation on technology-based thresholds may be a way to ensure that this is possible.

It should be recognised that planning authorities already conduct substantial assessment work as statutory consultees; therefore, increased thresholds would reduce duplication, increase efficiency, and could support resourcing by fuller retention of application fees.

There are concerns that thresholds must keep pace with rapid technological change and should therefore be regularly reviewed.

5. Do you have any comments on the partial and draft impact assessments undertaken?

HOPS note:

- Impact assessments should include full lifecycle costs, not just application processing.
- Comparative timeline analysis of Electricity Act vs. Planning Act pathways should be strengthened to evidence efficiency gains.
- Resourcing implications for statutory consultees, planning authorities, and communities should be more explicitly acknowledged.

- Benefits of retaining full fees locally should be factored into final assessments.
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6. Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?

HOPS recommend:

- Operational statistics from the Energy Consents Unit and DPEA (e.g., inquiry timelines, appeal durations).
- Scottish Government data on major electricity generation applications.
- Local authority data on monitoring and long-term environmental management costs (e.g., habitat plans, compensatory planting, biodiversity net gain).