

Planning and Infrastructure Act 2025 – Objection to Energy Consent Applications

1.0 INTRODUCTION

1.1 The purpose of this report is to update Members on new processes around objections to applications for energy consent following the Planning and Infrastructure Act 2025 (the 2025 Act). The new arrangements apply to applications for consent under sections 36 and 37 of the Electricity Act 1989 (the 1989 Act).

2.0 DETAIL

2.1 Up until the 18th February 2026, where a planning authority objected to a s36 or s37 application before the deadline for response, a public inquiry was required to be held to consider the proposal prior to determination.

2.2 Following changes made by the 2025 Act, this procedure will no longer apply. Instead, a new Reporter led examination process will apply in circumstances where a planning authority objects to an application prior to the deadline and that objection is not withdrawn, or cannot be resolved by conditions of modifications. As noted above, these changes come into effect on 18th February 2026 and will be applicable from that date to live applications for consent under sections 36 and 37 of the 1989 Act.

2.3 A Chief Planner's letter was published on 30th January 2026 to provide clarification on these processes in advance of them coming into effect. This advises that where a planning authority has objected to an application prior to 18th February 2026, and that objection has been made within the period provided for or agreed under regulation 8 of the Electricity (Applications for Consent) Regulations 1990, the Scottish Ministers will cause a public inquiry to be held, unless the objection is withdrawn, or cannot be resolved by conditions or modifications.

2.4 Where a planning authority objected before 18 February 2026 to an application which remains undetermined as of that date but that objection has **not** been made within the period provided for or agreed under regulation 8 of the Electricity (Applications for Consent) Regulations 1990, the Scottish Ministers shall appoint a reporter to examine the application under the new provisions,

unless that objection is withdrawn or cannot be resolved by conditions or modifications.

- 2.5 Where a planning authority objects to an application on or after the 18th of February, the new process will apply and a Reporter will be appointed to carry out an examination unless that objection is withdrawn or cannot be resolved by conditions or modifications.
- 2.6 In addition, the Chief Planner's letter advises that further guidance will be provided, as necessary and in due course, on the application process changes brought about by the 2025 Act. It further advises that the Scottish Government intends to consult later this year on additional measures enabled by the Act.
- 2.7 A link to the Chief Planner's letter can be found below:
[Planning and Infrastructure Act 2025 - objections to energy consent applications: Ministerial letter - gov.scot](#)

3.0 RECOMMENDATION

- 3.1 It is recommended that Members note the content of this report.

4.0 IMPLICATIONS

4.1 Policy	None arising from the report.
4.2 Financial	Potential to reduce costs in the event that the amended legislation gives rise to less formal proceedings in the event of Local Authority objections being raised.
4.3 Legal	None arising from the report.
4.4 HR	None arising from the report.
4.5 Customer Service	None arising from the report.
4.6 Risk	The amended legislation potentially gives rise for less opportunity for local participation.
4.7 Climate Change	These changes are intended to speed up the process for energy application decided by the Electricity Act.
4.8 Fairer Scotland Duty	None arising from the report.
4.9 Equalities – Protected Characteristics	None arising from the report.
4.10 Consumer Duty	None arising from the report.
4.11 Island Communities	None arising from the report.
4.12 Children's Rights and Wellbeing	None arising from the report.

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3rd February 2026

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