

Onshore electricity generation: increasing the threshold for applications under The Electricity Act

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Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Planning Group.

Response

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

Yes.

We support a single, high threshold for all electricity generation technologies so that the system is simpler, more transparent and easier to navigate for all parties. A unified threshold would remove unnecessary complexity between different technologies and provide greater certainty about which decision-making route applies. However, our position goes further: we believe that all onshore electricity generation decisions should be taken by local planning authorities, not by the national Energy Consents Unit under the Electricity Act regime. This would reflect contemporary technologies and deployment scales, and reinstate locally-accountable planning control.

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



LINK supports a threshold that is sufficiently high so that the vast majority of onshore electricity generation decisions are determined by local planning authorities (e.g., far above 150 MW or a threshold that effectively ensures all typical onshore developments fall within the local planning system). Decisions should be made in accordance with relevant planning policy, with meaningful public engagement, and with full consideration of environmental impacts, regardless of the consenting regime. Based on the statistics presented in the consultation, raising the threshold to over 150 MW could already capture the majority of applications within the planning system and therefore represents a significant step towards increasing local decision-making.

The present 50 MW threshold means many onshore renewable projects, especially new modern wind, solar and energy storage facilities, default to national consenting under the Electricity Act 1989, even when their impacts are primarily local. As a result, local democratic accountability is reduced and development plan primacy in decision-making does not apply under the Electricity Act consenting process, which can limit meaningful input from communities and councils on developments that physically impact their areas. Transferring decision-making to planning authorities would:

- Improve local democratic scrutiny and community engagement.
- Allow onshore energy generation to be fully integrated into Local Development Plans under a plan-led system.
- Improve transparency and result in decisions that better reflect local circumstances.
- Help ensure that the aims of NPF4 Policy 3 (Biodiversity) are implemented and that developments leave nature in a better state than before.

For battery energy storage systems (BESS), this would mirror the approach taken in England where all BESS decisions are currently taken locally.

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

Any new threshold should only apply to applications submitted after the change comes into force, and not retrospectively affect applications already in process. This avoids legal uncertainty and respects investment and consultation that applicants have already undertaken.

4. Do you have any other comments to add?

Local authority planning teams, and those that support them, must be properly resourced if more and larger applications are to be decided locally. Local Authority planning departments are currently under-resourced. Accompanying threshold changes with sufficient planning fees, resources and specialist support will be essential to ensure planning authorities can



effectively manage larger and more complex applications and support robust decision-making.

While variation in decision-making between authorities is inevitable given different local contexts and Local Development Plans, there is a risk that insufficient access to specialist expertise could affect the quality and consistency of decision-making. Strengthening capacity and providing access to technical expertise will therefore be important if additional responsibilities are transferred to planning authorities.

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

The partial Business and Regulatory Impact Assessment acknowledges that applications decided under the Electricity Act have grown significantly over the past two decades, with more projects now exceeding the historic 50 MW threshold.

However, the draft impact assessments do not sufficiently address the cumulative environmental and social impacts of national consenting, or how a shift to local authority decision-making might affect landscape quality, biodiversity outcomes or community ownership/share benefit models. These wider effects should be considered in the final assessment.

This response was compiled on behalf of LINK Planning Group and is supported by:

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