

Citizen Participation and Public Petitions Committee
Wednesday 4 June 2025
10th Meeting, 2025 (Session 6)

PE2095: Improve the public consultation processes for energy infrastructure projects

Introduction

Petitioner Margaret Tracey Smith

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to:

- review and seek to update section 3.2 of the [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989](#) to address the concerns of communities about the lack of meaningful, responsible, and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects
- explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.

Webpage <https://petitions.parliament.scot/petitions/PE2095>

1. [The Committee last considered this petition at its meeting on 11 September 2024](#). At that meeting, the Committee agreed to write to the Acting Minister for Climate Action, Ofgem and the National Energy System Operator.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Acting Minister for Climate Action, Ofgem and the National Energy System Operator which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 22 May 2024](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 3585 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
May 2025

Annexe A: Summary of petition

PE2095: Improve the public consultation processes for energy infrastructure projects

Petitioner

Margaret Tracey Smith

Date Lodged

10 April 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to:

- review and seek to update section 3.2 of the [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989](#) to address the concerns of communities about the lack of meaningful, responsible, and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects
- explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.

Background information

Communities across North East Scotland have serious concerns about the quality and transparency of the public consultation accompanying SSEN Transmission's East Coast 400kV Phase 2 project.

SSEN's engagement with communities has been rushed, and insufficient effort has been made to understand and communicate the full impact of the proposals to impacted communities. There have been inconsistencies between information presented in SSEN's published material and their contact with community representatives. Many affected residents were unaware of the plans and it has fallen to local campaigners to raise awareness.

These concerns have had a detrimental impact on the wellbeing of residents, who are worried about their health, businesses, property value, cultural heritage, and the loss of prime agricultural land.

The Scottish Government must use all available levers to improve the public consultation processes for energy infrastructure projects and ensure they are carried out with the consent of the affected communities.

Annexe B: Extract from Official Report of last consideration of PE2095 on 11 September 2024

The Convener: Our next new petition, PE2095, which was lodged by Margaret Tracey Smith, calls on the Scottish Parliament to urge the Scottish Government to review and seek to update section 3.2 of the energy consents unit's "Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989"—that was a mouthful—to address the concerns of communities about the lack of meaningful, responsible and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects, and to explore all available levers to strengthen community liaison and public participation for the life cycle of energy infrastructure projects.

We are joined for our consideration of the petition by another of our colleagues, Tess White, who is a former member of the committee. Good morning, Tess.

The petition has been prompted by concerns about the quality and transparency of the public consultation accompanying SSEN Transmission's east coast 400kV upgrade project, which the petition has described as rushed and inconsistent.

The SPICe briefing highlights that there are no statutory pre-application consultation requirements for energy consent applications under sections 36 and 37 of the Electricity Act 1989. Instead, the carrying out of pre-application consultation with the public is considered good practice, with the Scottish Government's energy consents unit having published guidance on what that should include.

In responding to the petition, the then Minister for Climate Action told us that, although the Scottish Government has made repeated requests of the United Kingdom Government for additional regulatory powers to place pre-application engagement on a statutory footing, electricity transmission remains a reserved matter. The minister also stated that, although current good practice guidance is considered appropriate for most forms of electricity development, the scale and linear nature of transmission development potentially requires a more detailed approach to be set out in guidance. The response went on to say that Scottish ministers will consider how to take forward development of pre-application guidance specific to transmission line applications, with the intention of giving affected communities clear and meaningful opportunities to influence the process of developing route options.

There is some interest in progressing some of the aims of the petition, which I think is significant, but, before we proceed to comment further, I ask Tess White whether she would like to speak to the committee.

Tess White (North East Scotland) (Con): I thank the Citizen Participation and Public Petitions Committee for its consideration of PE2095. I also pay tribute to Margaret Tracey Smith, the petitioner and co-founder of the campaign group Save Our Mearns, who is here today.

As a North East Scotland MSP, I have received more correspondence on SSEN's plan for a new 400kv pylon route from Kintore to Tealing than on any other issue. SSEN's consultation has been described as pitifully wanting and engagement events as box-ticking exercises. Residents have repeatedly red-flagged incorrect

information. Entire communities feel disenfranchised and distrusting of a process that seems like a done deal. However, at issue is not just the way in which SSEN has conducted the consultation. This is also about consultation as part of the consenting process for new transmission infrastructure, which we know is set to increase dramatically in the coming years.

Affected communities do not believe that the Scottish Government is listening. Ministers have been paying lip service to the importance of communities in policy making, but my constituents have felt sidelined and ignored. As the Net Zero, Energy and Transport Committee emphasised in its report, Scotland's electricity infrastructure planning and consents law is almost entirely devolved. However, an important point is that the Scottish Government has the levers it needs to act.

Gillian Martin, in her then role as Minister for Climate Action, responded to the petition. In that, she acknowledged that there is a problem. However, the proposed solution to give communities opportunities

“to influence the process of developing route options”

falls well short of what is needed. What about influencing alternatives to overhead lines, such as underground cables? What does meaningful consultation look like? Crucially, what will be the consequences for transmission operators who fail to follow the updated guidance? We need more detail on what the Scottish Government is proposing. I urge Scottish ministers to have formal community involvement, such as through a working group, as it formulates and implements the necessary changes.

Finally, there was an important debate on SSEN's proposed pylon pathway. Sadly, that was a members' business debate; it should have been a full debate in the Scottish Parliament. Fergus Ewing MSP, who sits on the committee and is here today, suggested that the Scottish Government should dedicate time to hold a full parliamentary debate. That proposal needs to be revisited and parliamentary time should be allocated to doing so as soon as possible.

For my north-east constituents, this is far from a just transition. Their voices must be heard, and the system must change.

The Convener: Thank you very much, Tess. The petition raises significant issues. I am sure that the committee will wish to keep it open. Do colleagues have any suggestions about what we might do?

Maurice Golden: The timetabling of debates is a matter for the Parliamentary Bureau to discuss, and I am sure that the member can discuss the matter of ensuring that the topic is debated in Parliament with her business manager.

There are several aspects that we need to unpack. Several different actors are involved in energy infrastructure, and it would be useful to get opinions from them.

First, on the Scottish Government's position, it would be useful to understand what discussions and engagement it has had with the UK Government on regulatory powers that would put pre-application engagement for electricity transmission on a statutory footing.

The Convener: On that point, I note that the Scottish Government has said that it has made repeated representations. It might be useful to ask for a schedule of those representations so that we can see when all those repeated representations have been made.

Maurice Golden: In addition, it would be useful to know what the Scottish Government's position is on pre-application engagement. My understanding is that—it would be useful to have clarification on this point—pre-application engagement could reduce public participation and make it easier for energy infrastructure to be rolled out without community involvement, but I stand to be corrected on that.

It would also be useful to get the Scottish Government to outline how it sees public participation with regard to decision making in that area and, ultimately, to understand how it considers that that could be improved. That links to the second bullet point in the petition, which is about community liaison and public participation. That is where that aspect gets quite complicated.

The UK Government has a role in providing licence conditions for the Office of Gas and Electricity Markets, so we should get a position from it as the energy regulator. We should also get a position from the national energy systems operator on how it might highlight the current Kintore to Tealing infrastructure and infrastructure that might be required in future in that place. I think that it has a role in highlighting future infrastructure. There is also a role, as we have heard, for the transmission operators and, potentially, for the distribution network operators, who might be doing smaller-scale energy infrastructure.

There is quite a lot to understand in how all this pieces together. A member of a community might not fully appreciate all the different stakeholders that are involved in delivering energy infrastructure.

The Convener: That is very helpful.

Fergus Ewing: I have some sympathy with what the petitioner has said. This is not an easy topic at all. I will start by making the point that the pre-application process is essential. Once things get to the stage of formal application, the developer will have spent an enormous amount of money on setting out a very detailed scheme; that process can be very costly. There will be an in-built reluctance to depart from that scheme after it has got to that stage. Therefore, it makes sense that pre-application stage is where the real effort on consultation should be made. Moreover, as I understand it, that approach is taken towards large planning applications. It would be inconsistent if that approach did not apply to energy.

Secondly, there is now a new UK Government, and the Scottish and UK Governments are aligned in saying that renewables are a great hope for the economy and for energy. If I set aside whether that is right or wrong, there is a confluence of objectives.

Close consideration needs to be given to how we persuade people that their views are being taken seriously. The SPICe briefing says, for example, that the pre-application guidance states that seven days' notice must be given of consultation meetings. That period is hopelessly inadequate. Many people will simply not be able

to change plans that they have made in order to attend in seven days, or even hear about the consultation meetings or see that in the newspapers. That is a common complaint.

I do not know the situation that Tess White has alluded to in the north-east as I am not familiar with the details, but I know that, in the Highlands—according to Graham Barn, the spokesman for the Civil Engineering Contractors Association Scotland, who gave evidence to the committee on another matter—that there is £45 billion of grid-strengthening work in the SEN area alone between now and 2035. That is unprecedented, and it will involve substations at places such as Kiltarlity and Broadford, which have attracted huge controversy. Therefore, unless the process is one that enjoys the confidence of people, the Scottish and UK Governments will be storing up problems unless they give serious consideration to that.

My last two points are about the related issue of what benefits local communities get. Unless they get cheaper electricity, there will be sour, rumbling, protracted discontent. Both Governments need to consider how the areas that take the flak and get the infrastructure, receive some benefit directly, whether that be in lower electricity costs or in community ownership, or both.

Lastly, I agree with Maurice Golden that the committee does not have the power to say what Parliament should debate—it is a shame that we do not, because things might have gone a bit better if we did. [Laughter.] That is just my humble opinion, and who is going to listen to that? However, why are we not debating this topic? It is a live issue. Tess White has brought it here today, but a whole suite of MSPs, if that is the right collective noun, are affected, and there is huge concern across Scottish communities about where the turbines and the substations will be. The rest of Scotland may well be absolutely supportive of renewable energy, but it is not bearing the brunt of things.

I am very pleased that the petition has been raised and that Tess White has addressed us today. The interests of other MSPs are noted. I hope that the Scottish Government and the UK Government will take all those things into account.

I am sorry, convener, that that was a bit long.

The Convener: Your comments are very much appreciated. I believe that the correct term is a parliament of owls, not a suite of MSPs.

Fergus Ewing: We have all the wisest owls.

The Convener: If we have all the wisest owls here, Mr Ewing, we can be very pleased with ourselves.

I think that I caught one or two suggestions in Tess White's evidence—that will be in the Official Report. There was something about underground cabling. Could you repeat that little section for me?

Tess White: Those were about undergrounding and offshoring. I can send my notes, convener. My suggestion was to do with influencing alternatives to overhead headlines such as underground cables. There is also offshoring to consider.

The Convener: I am happy to include that in any representation that we make.

We have had quite a collection of suggestions. Are colleagues content that we keep the petition open, and that the clerks work out what colleagues recommended in that detailed list of submissions?

Members *indicated agreement.*

The Convener: We thank the petitioner very much. I hope that she been pleased to see the interest that the committee has in her petition. We will take forward the aims of the petition, and we will see what progress we are able to make with it.

Annexe C: Written submissions

Minister for Climate Action written submission, 21 October 2024

PE2095/B: Improve the public consultation processes for energy infrastructure projects

I refer to your letter dated 23rd September 2024 regarding this petition, and I enclose my response to your questions below.

Background

The petition calls on the Scottish Government to

- review and update section 3.2 of the [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 - February 2022](#) to address the concerns of communities about the lack of meaningful, responsible and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects, and
- to explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.

Scottish Government Responses

You asked what engagement the Scottish Government has had with the new UK Government on regulatory powers that would put pre-application engagement for electricity transmission on a statutory footing, and for further detail on previous representations to the UK Government on this point, and clarification of the Scottish Government's position in respect of these matters.

You also asked about opportunities for communities to influence more than just route options – i.e. whether transmission operators should place infrastructure underground or offshore, and also how the Scottish Government views the role of public participation in decision making. I deal with all of these questions below.

The Scottish Government's position is that pre application community and stakeholder engagement, placed on a statutory footing, is vital to improve public participation in the development of proposals, and to improve the quality of applications that are eventually submitted for consideration. In relation to public participation, the public should be informed early in the process, and be given sufficient information and reasonable time limits to allow views to be expressed in an appropriate manner, at appropriate times, to provide meaningful opportunities to participate in decision making.

It is expected, although not currently a statutory requirement, that when applications are submitted to the Scottish Ministers, that a proposed development has already been the subject of effective community engagement. Views from the public as to alternative technical means of providing a transmission connection, for example where underground alternatives are sought by members of the public, may be expressed at pre application stage and the Scottish Government expects developers

to set out within applications how any such views have been considered through pre application.

Prior to 2022, Energy Consents officials had sought engagement with the UK Government over many years to modernise the processing of applications in Scotland without success. In 2022, on learning of the introduction of what passed into law as the Energy Act 2023, the Cabinet Secretary for Net Zero, Energy and Transport wrote to the Secretary of State for Business, Energy and Industrial Strategy seeking to take that legislative opportunity to fully devolve the energy consenting regime to Scotland , which would have allowed pre application engagement to be placed on a statutory footing as well as achieving necessary reforms to improve the process as a whole for all participants. Again, this approach was not successful, and the request was not taken forward by the UK Government.

The Electricity Commissioner, Nick Winser, recommended in his report to the UK Government in August 2023, amongst other recommendations that introduction of pre-application requirements including community engagement for electricity consenting in Scotland should be introduced. This report was made following engagement with Scottish Government officials. The UK Government responded in its Transmission Acceleration Action Plan in November 2023, stating that following the Commissioner's recommendations, they agreed that reforms are needed to the Scottish energy consenting system. They committed to a review of the system, working closely with the Scottish Government to present a set of proposals for consultation in 2024 which will cover the Commissioner's recommendations.

That review, involving joint working between Scottish and UK Government officials, began in March this year and has now concluded. A consultation is expected to launch soon. The proposals will include a statutory pre application community and stakeholder engagement process which would apply to all transmission infrastructure projects.

Alongside this, work has recently started to construct Scottish Government guidance for pre application engagement with communities, which will align with proposals in the consultation. The Scottish Government will engage with communities for their views on the process to be set out in the guidance before it is finalised. The Scottish Government wishes to ensure that affected communities and the public can have confidence that the pre application process to be endorsed by the Scottish Government, will provide the necessary information on proposed developments, at the right places and at the right times, for people to be properly informed; and, to have their views considered when there is a meaningful opportunity to influence proposals. It will also provide assurance that the Scottish Ministers can evidence that public and local community views have been fully considered in the development of proposals before they are submitted to them for consideration.

I hope this fully answers the Committee's questions.

Yours sincerely,

Alasdair Allan

Ofgem written submission, 29 October 2024

PE2095/C: Improve the public consultation processes for energy infrastructure projects

Thank you for the opportunity to provide evidence in relation to petition PE2095. Ofgem have been asked to provide comment on the below points of the petition:

- *review and seek to update section 3.2 of the Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 to address the concerns of communities about the lack of meaningful, responsible, and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects.*
- *explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.*

Ofgem's objectives and remit

Ofgem's principal statutory objective under s.3A of [the Electricity Act 1989](#) is to protect the interests of existing and future consumers in Great Britain. We also have a growth duty and a duty to deliver net zero. There are several factors that we need to consider when making decisions. For example – impact on consumer bills, the reduction of greenhouse gases, security of supply and promoting effective competition. We seek to take all these factors into account and find the right balance for all consumers.

[Ofgem regulates transmission owners through our price control regime](#). We determine how much network companies can charge for operating their respective networks, taking into account the need to invest in the infrastructure and to innovate. Ofgem expects transmission owners to make a robust case for proposed projects and provide us with all relevant information to inform our assessments.

Ofgem do not have powers to decide whether the projects proposed are granted the required planning permission and consents. We do not design energy infrastructure projects and we have no say in where they are located.

The newly launched National Energy Systems Operator (NESO) will be responsible for producing strategic plans, which will indicate where infrastructure is needed and what the desirable options for its location and design would be. As NESO's regulator, Ofgem has a key role to play in ensuring these plans and the options proposed are delivering in favour of the consumer.

What we assess

When transmission owners build new or update existing infrastructure, we assess how much money they plan to spend on the project. Ultimately, that cost is reflected in consumer bills. For large transmission projects, the transmission owner needs to explain to us why the project is required, show us that it carried out thorough assessment of the viable options, and justify the preferred option that it proposes.

Following a project assessment, we publish a consultation that sets out our minded-to position on the efficient funding allowance for the project. These consultations

explain our reasoning behind approving or rejecting the funding that the transmission owner has requested for the project and explains any adjustments we are planning to make. Following a four-week consultation, we review the feedback received, make any amendments we consider necessary and publish our final funding decision, which confirms how much transmission owners will be allowed to recover from consumer bills for the cost of delivering the project.

Under [the Accelerated Strategic Transmission Investment \(ASTI\) process](#), our consultation focuses on our view of the efficient funding allowance – the needs case and high level optioneering have already been determined by the [National Energy System Operator \(NESO\)](#) as part of the [Networks Options Assessment 7 \(NOA7\)](#) refresh. Subsequent development of the options, scope, design, planning and delivery are the responsibility of the relevant Transmission Owner, the National Energy Systems Operator and other relevant authorities prior to Ofgem's final decision on the efficient costs.

To read more about how we set the funding allowance for transmission projects:

- For conventional major projects, [see our Large Onshore Transmission Infrastructure \(LOTI\) process](#).
- For major projects deemed by the UK Government to be essential to achieving the Government's target of connecting 50GW of offshore wind by 2030, [see the Accelerated Strategic Transmission Investment \(ASTI\) process](#).

Additional levers

As part of the business plan that regulated companies need to submit to Ofgem under our price controls regulation, we ask to see a summary of regulated entities' stakeholder engagement and use independent stakeholder groups to test the quality of this engagement. This does not focus on a particular project, territory, or type of stakeholder. [You can find out more in the RIIO-3 Business Plan Guidance](#).

We see effective community engagement by TOs with local communities impacted by projects as critical to successful delivery of projects. We continue discussing this with local authorities, transmission owners and Central Government. For example, we are working with the Department for Energy Security and Net Zero and transmission operators to implement the recommendations of the [Transmission Acceleration Action Plan](#), which includes ensuring that the communities that host transmission infrastructure benefit from it.

National Energy System Operator (NESO) written submission, 31 October 2024

PE2095/D: Improve the public consultation processes for energy infrastructure projects

Thank-you for giving NESO the opportunity to respond to the Citizen Participation and Public Petitions Committee of the Scottish Parliament in respect of the petition “PE2095: Improve the public consultation processes for energy infrastructure processes”.

The National Energy System Operator (NESO) was established on October 1, 2024, as a new and independent public corporation. NESO has impartial and strategic oversight of both the electricity and gas systems to ensure that Great Britain's energy infrastructure is clean, secure, and affordable.

Operating independently of the UK Government and without commercial interest, NESO plays a key role in strategic planning of the energy system.

NESO does not generate or sell electricity, nor does it own or build infrastructure the electricity travels through. This ensures NESO is independent of companies with a commercial interest in generating electricity or building network infrastructure.

In northern Scotland, the transmission system is maintained and developed by SSE and in southern Scotland by Scottish Power. In England and Wales, it is maintained and developed by National Grid.

One of NESO's key responsibilities is to assess Great Britain's future electricity supply and demand needs and design a high-level coordinated network to meet those needs in a safe, efficient, and affordable way.

This process involves assessing a range of different network options to ensure electricity can get to where it is needed, when it is needed, and we work in close collaboration with Transmission Operators (TOs) throughout this process.

Our role is to develop a set of recommendations for network reinforcement and stress test network options provided to us, primarily by the three TOs, against a range of different future energy scenarios.

Any proposed new network infrastructure will be balanced against four high-level design objectives. That they are: economic and efficient; deliverable and operable; considers environmental impact; and considers impact on communities.

After we have put forward a coordinated network design recommendation, these designs are then used as an investment needs case by the TOs to take forward to the next stage of development to optimise further, refine and build. It is the responsibility of the TOs to decide upon potential route corridors as well as decisions on types of infrastructure to use, and crucially consulting with local communities and planning authorities on these proposals.

NESO is committed to engagement with the plans it produces and as we develop future energy infrastructure plans we will be consulting widely on them.

In terms of NESO's work on future infrastructure, several major pieces of work have been/will be published.

They include:

- **Pathway to 2030** documents including the Holistic Network Design (HND) will enable Britain's transition to net zero through 50GW offshore wind delivery by 2030 – representative of a £54bn investment in GB network infrastructure and consumer savings of £5.5bn.
- **Beyond 2030** report, which recommends a set of offshore and onshore network upgrades which total an additional £58 billion of direct investment in our electricity networks and facilitates the connection of an extra 21GW of offshore wind power, primarily of the coast of Scotland.
- **Strategic Spatial Energy Plan (SSEP)** will accelerate and optimise the national energy transition to clean, affordable and secure energy by assessing the optimal location for generation and storage of electricity and hydrogen.
- **Centralised Strategic Network Plan (CSNP)**, will provide a network blueprint for the country, detailing the specific offshore and onshore transmission infrastructure required to connect the sources and uses of energy detailed in the SSEP.
- **Clean Power 2030 (CP2030)**, this document will be published shortly and will provide advice to the Government on decarbonising the power system as part of the newly announced Mission Control for clean power by 2030.