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To Whom It May Concern:

**Response to Electricity network infrastructure: consents, land access and rights consultation**

Scottish Renewables (SR) is the voice of Scotland’s renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland’s renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 375 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change.

Our members work across all renewable technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainably heat and power Scotland’s homes and businesses.

SR appreciates the opportunity to provide feedback on this consultation related to land rights. We welcome efforts from the UK and Scottish Governments to reform the planning and land rights processes to achieve faster consents and construction of infrastructure that promotes energy security across the UK. However, the proposed changes do not go far enough to impact determination timelines for transmission and miss a chance to speed up determination timelines for renewable energy generation projects.

**Insufficient Change for Transmission Projects**

The proposed changes primarily protect existing transmission infrastructure and do not address the need for new infrastructure to receive land rights more quickly than the current process allows. Typically, the Planning and Environmental Appeals Department (DPEA) has determined necessary wayleaves within 18 months and has advised that the compulsory purchase process could take up to 24 months.

However, significant volumes of land rights applications and complexities associated with large infrastructure projects may cause even longer determination periods. DPEA is expecting to receive 600 requests for wayleaves in 2025, primarily for transmission projects, and it is not known what portion of those will require Ministerial approval. Consequently, reliance on statutory determinations for land rights could result in Pathway to 2030 projects being delayed by 12-36 months due to land rights.

In not pursuing fundamental land rights reform, the consultation does not address the National Infrastructure Commission’s (now NISTA’s) recommendation that the Government undertake structural reforms to planning and land rights regime, providing new powers for electricity networks, across all voltages, that align with other statutory undertakers, such as water and telecoms.

Should this remain unsupported by the Government, we would like to see the scope of the consultation widened to include reforms focused on improving timescales and costs. To ensure land rights are determined within reasonable timescales, the determination of necessary wayleaves and compulsory purchase orders must be guaranteed within a minimum of 12 months through inclusion in statute. This would also further support the Scottish Government in funding resource planning to support statutory requirements.

**A Missed Opportunity to Speed Up Onshore Wind Deployment**

This consultation misses an opportunity to address the land rights challenge related to oversail and overrun for onshore wind projects. Currently, developers are required to create leases individually with landowners for oversail and overrun rights. As land becomes scarcer for renewable energy developments, projects can have as many as fifty leases for oversail and overrun.

Landowners have begun holding developers to ransom for payments that the proposed projects can’t financially support. These negotiations are putting projects at risk. Currently, the only solution for developers is a compulsory purchase order, which is not fit for purpose for this application. It is too blunt a tool and would give the developer who uses it full land rights, when multiple developers will likely need access to those same pinch points.

We recommend the creation of a new provision allowing developers to apply to Scottish Ministers for short-term oversail and overrun wayleave rights when required, during the construction process and for any repairs during the lifetime of the wind farm. This should be subject to compensation payment and land reinstatement after use. Compensation should be determined on a statutory basis. Due to the need to deploy renewable energy projects quickly, we recommend removing time-bound requirements for negotiations and the requirement to have negotiated with landowners.

Scottish Renewables looks forward to working with you to ensure that land rights reform enables quicker deployment of both transmission infrastructure and onshore wind projects.

Sincerely,



Megan Amundson

**Head of Onshore & Consenting**

**Scottish Renewables**