

Wull Muir Ruling EIA Roundtable 12 May 2026: Note of meeting

Attendees

Delegates included representatives from the Scottish Government, Heads of Planning Scotland, renewables industry, as well as legal and environmental professionals.

Introduction and purpose

The Scottish Government introduced the meeting, the purpose of which is to bring together key parties in the EIA process including EIA practitioners, legal professionals, and decision makers to discuss practical next steps for Environmental Impact Assessment (EIA) in Scotland.

The meeting would not discuss any individual development proposals or live cases.

Case-law recap

The group discussed the recent [Wull Muir ruling](#) and other case law. It was noted that the National Planning Hub had published several [EIA training materials](#) and explainer articles, including an [article on four court decisions to help understand 'the project'](#).

Update from Scottish Government

Officials from the Scottish Government's DPEA, Marine and ECU gave an update on approaches to casework handling considering the ruling. DPEA and ECU noted that several requests for additional information had been made. Marine updated that they are considering the implications of the ruling in the context of live offshore wind applications on a case-by-case basis.

National Planning Hub update

An update was provided on the [National Planning Hub](#) which is based in and led by Scottish Government, working in partnership with the Improvement Service. The Hub is tasked to provide direct support to planning authorities to accelerate decision making and development delivery and offers a flexible approach to providing additional surge capacity and expertise, brokerage support, professional capacity, and efficiency and practice. The Hub will wrap support around this as needed.

NESO grid connection reform

NESO gave an update on the reformed connections process. Slides attached.

The group discussed the relationship between planning and consenting and 'Gate 2 offers', which will provide a confirmed connection date, connection point, and queue position. Whilst a planning permission or energy consent is not required for Gate 2 offers, in practice most proposals achieving Gate 2 status are consented.

It was noted that having a Gate 1 offer means a project has an indicative connection, however, it will not receive a firm connection offer in this round of the connections reform process. Projects that have been assigned Gate 1 may progress to Gate 2 and receive a firm connection offer at a later date.

It was noted that while the focus of the discussion was generation sites and electricity network connections to those sites, there are particular considerations that relate to the wider grid as an integrated system. It was considered that these merited distinct consideration.

Dealing with uncertainty in environmental assessment

It was noted that there is always a degree of uncertainty in EIA (e.g. data availability, effectiveness of mitigation etc.) and this is acknowledged in the EIA Regulations. For example, paragraph 6 of Schedule 4 of the Town and Country Planning EIA Regulations¹ requires the EIA Report to include “...*details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved*”.

It was considered that assessments should be realistic and focus on “likely significant effects”.

Discussion theme 1: What is a ‘single project’?

The [Wingfield judgement](#)² was considered helpful in summarising case-law on what constitutes the ‘project’ for the purposes of EIA Regulations.

Whilst recognising the need for case-by-case judgement, it was noted that there are a number of potential scenarios arising. In the event a generating station and grid connection are considered a single project, there may be different degrees of information available on the grid connection.

A further point was made on the need to avoid prejudice to future development proposals. Interaction with Permitted Development Rights was also raised as a consideration.

It was noted that the courts had held that what constitutes the ‘project’ for the purposes of the EIA Regulations is a matter of judgment subject to a challenge on grounds of *Wednesbury* rationality or other public law error.

¹ [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)

² Paragraph 64 of the judgement refers.

Discussion theme 2: Assessment expectations

It was noted that you can only assess the available information / assessment should be in keeping with the level of detail available.

Reference was made to the '[Design Envelope Approach](#)' also known as the 'Rochdale Envelope'. Some considered this approach may not be appropriate where a grid connections route was unconfirmed, and that this could introduce greater uncertainty.

Where no or only limited information on grid connection was available it was considered important to be clear that this was the case. It was noted that there is established assessment practice where only limited information is available (e.g. for masterplans or planning permission in principle.) At the same time, it was considered that 'speculation' can be unhelpful, and concern was raised about the value of assessing something which may later change.

The importance of ensuring information provided was relevant to the decision was emphasised by some, and of the need to provide 'best available' information.

Discussion theme 3: The role of conditions

A brief discussion followed on the role of the conditions. It was noted that if the submission of further information was to be conditioned it was important to be clear how this would be considered.

Conclusions

The group considered the need for assessment to be proportionate, relevant to the decision, and transparent on any areas of uncertainty or limitations arising.

Industry representatives called for clarity to maintain investor confidence and emphasised the importance of avoiding delays to decision making at a time when acceleration of delivery is needed to meet targets.

The Scottish Government thanked everyone for attending and welcomed constructive dialogue on this matter. The Scottish Government would consider opportunities for further engagement.