

“THE PROJECT”

– IT’S ABOUT ASKING
THE RIGHT QUESTIONS?

“the project”

- One project or different projects?
- One project - what env info can/ should be provided? [Josh]
- Use of multi-stage condition

Raeshaw Farms Ltd v Scottish Ministers 12 Feb 2026

- Wull Muir wind farm – Reporter's decision to grant planning permission
- EIAR – connection of WF to grid not included
- Decision quashed – Reporter failed to address the critical issue of whether WF and associated grid connection are a single project

Raeshaw Farms Ltd v Scottish Ministers (cont)

- Not new law – judgment mentions, eg.:
 - R (Wingfield) v Canterbury City Council – 2 mixed use dev
 - R (Larkfleet Ltd) v South Kesteven DC – housing + road
 - R (Ashchurch RPC) v Tewkesbury BC – housing + bridge

Raeshaw Farms Ltd v Scottish Ministers 12 Feb 2026 (cont)

“There was, however, no attempt to consider the type of factors listed in R (Wingfield) v Canterbury CC....”

- Common ownership
- Simultaneous determinations
- Functional interdependence
- Stand-alone projects

Practical implications

- Applies to all forms of development
- Screening – eg. Cambushinnie substation + haul track
- Scoping – information to be included in EIAR - how much/ what? – professional judgment

Practical implications (cont) - use of multi-stage condition:

No Development shall commence until:

- (a) details of the grid connection have been submitted to and approved in writing by the Planning Authority; and
- (b) the grid connection has received development consent (either planning permission or consent under section 37 of the Electricity Act 1989).

[Cairnmore WF 27 July 2026, PPA-270-2316]

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