

Technical Appendix 2.5: Connection to Electricity Grid - Raeshaw Judgement

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- 1.1.1 On 17 February 2026, the Court of Session issued its judgment in *Raeshaw Farms Limited v Scottish Ministers and Energiekontor [2026]* CSIH 10. The Court confirmed that decision-makers must evaluate, on a fact-specific basis, whether a wind farm and its grid connection form a single project for EIA purposes, having regard to various non-exhaustive factors.
- 1.1.2 The Court did not require that all elements of a project be subject to a single consent application; rather, it confirmed that grid connection infrastructure may form part of the EIA project, while being brought forward and considered under a separate consenting process.
- 1.1.3 When it comes to evaluating what constitutes an EIA project, the Court of Session made reference to a non-exhaustive list of relevant factors set out in the case of *R (Wingfield) v Canterbury City Council [2020]* JLP 154. These factors were subsequently endorsed in the Court of Appeal case of *R (Ashchurch Rural Parish Council) v Tewkesbury BC [2023]* EWCA Civ 101; [2023] Env LR 25.
- 1.1.4 The relevant factors referred to above are set out in Table 2.5.1 below, alongside commentary relative to the Proposed Development.

Table 2.5.1: Consideration of Proposed Development against Relevant Factors set out in <i>R (Wingfield) v Canterbury City Council [2020]</i>		
Relevant Factor	Definition ¹	Commentary
Common ownership	Where two sites are owned or promoted by the same person, this may indicate that they constitute a single project.	The Proposed Development and the grid connection are under different ownership; the Proposed Development is owned by Ravengill Energy Park Limited and the grid connection would be owned by SPEN.
Simultaneous determination	Where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project.	The Proposed Development and the grid connection will not be brought forward at the same time and are subject to separate consenting processes. There may be an element of information sharing between the Proposed Development and the grid connection applications, however in the absence of an identified grid route and technology, the degree of this information sharing is unknown at this time.
Functional interdependence	Where one part of a development could not function without another, this may indicate that they constitute a single project.	The Proposed Development would not be able to export electricity to the grid without the grid connection and so would not be able to operate; it is therefore functionally interdependent.
Stand-alone projects	Where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme.	There is no ability to know whether the grid connection for the Proposed Development would only serve the Proposed Development (i.e. the grid connection could serve just the Proposed Development or a number of projects including the Proposed Development).

- 1.1.5 The factors set out in the Wingfield case are not intended to be determinative in that the presence of one or more of the factors set out does not automatically confirm that the renewable energy park and

the grid connection form one EIA project. Similarly, there is no hierarchy to these tests and no single factor should be considered determinative.

- 1.1.6 The absence of common ownership and simultaneous determination suggest the Proposed Development and the grid connection may not constitute one EIA project. The functional interdependence between the Proposed Development and the grid connection indicate that they may constitute one EIA project. The uncertainty as to whether the grid connection would serve multiple projects indicates that no conclusion can be drawn on whether the Proposed Development and the grid connection should be considered stand-alone projects.
- 1.1.7 On the basis of the above, there are two conclusions that could be reached by Scottish Ministers:
 - the Proposed Development and grid connection form one EIA project, or
 - the Proposed Development and grid connection form separate projects in terms of the EIA Regulations².

¹ These definitions are presented as set out in the Raeshaw Estates judgement.

² It could be concluded that the Proposed Development is an EIA project but the grid connection is not. The status of the grid connection in terms of whether it is an EIA project would require knowledge of the route to be taken and technology to be used, neither of which are available at the current time.