

Petitioner submission of 22 August 2022

PE1864/PPPPP: Increase the ability of communities to influence planning decisions for onshore windfarms

Legislative competence

Scotland Against Spin (SAS) is grateful to the Minister for Public Finance, Planning and Community Wealth for his apology and correction of the information that he and other officials presented to the Committee on 15 June 2022 on the matter of setting Electricity Act thresholds for determination of planning applications by Scottish Ministers.

The Minister has confirmed that devolution of legislative competence is not required to set different thresholds and it would therefore be possible to allow wind energy schemes, irrespective of size, to be dealt with at a local authority level. This now opens the way for the Scottish Government to bring planning legislation for the determination of wind farm developments in line with that in England (as requested in our petition) where there is strict adherence to local development plans which have previously been the subject of public consultation AND where any planning impact identified by the local community must have been satisfactorily addressed before planning permission is granted. This system offers protection for both host communities and the environment.

We look forward to the Scottish Government acknowledging the benefits of altering the 50MW threshold for wind energy developments and prompt action being taken to realise these benefits.

Support

Professional support for communities taking part in inquiries is crucial and we are grateful to Planning Aid Scotland for reiterating, in their [submission of 9 August](#), that they would welcome the Scottish Government *undertaking research into how support could be provided for communities participating in public inquiries (on windfarms and any other topic)*.

We also welcome the submission from RTPI of [6 October 2021](#) which states that *RTPI would welcome the exploration of opportunities and challenges of allowing Planning Authorities to determine more applications for onshore wind which has the potential to result in greater involvement of communities throughout the consenting process.*

We refer the Committee to Petitioner [submission of 11 June 2021](#) where we have outlined four measures which would offset additional costs of these proposals through an increase in planning application fees. Planning fees are currently still considerably cheaper in Scotland than in England, favouring commercial prospectors, but not local ratepayers.

As a member of the DPEA Stakeholders' Forum, SAS has also recently raised the subject of the problems faced by members of the public with hidden disabilities, such as autism and dyslexia, when making representations to applications and taking part in public inquiries. Their difficulties need to be understood and not overtly exploited by lawyers acting for their clients. This unacceptable behaviour was witnessed at a recent inquiry. DPEA has thanked SAS for raising this matter and assured us that steps will be taken to address this issue.

The Scottish Government is committed to equality in all areas; their vision being *that individuals are respected, accepted and valued by their communities and have confidence in services to treat them fairly.* Planning representation and public inquiries should not be exempt.

This further supports our Petition and, in our view, emphasises the need for an independent advocate to be appointed to protect and guide any member of the public who wants to give evidence at inquiries. It would generate greater participation in the planning process, which is what the Government is seeking to achieve.