

Minister for Local Government Empowerment and Planning submission of 17 April 2023

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

Thank you for your letter of 17 March highlighting evidence gathered during the Committee's consideration of the above petition, and setting out the Committee's recommendations. Whilst your letter was addressed to Tom Arthur MSP in his previous capacity as Minister for Public Finance, Planning and Community Wealth, I am responding as responsibility for the planning system now sits within my portfolio. I set out below the Scottish Government's response to each recommendation in turn.

- **Recommendation - *the Scottish Government should now undertake work to explore the benefits and disadvantages of altering [the 50MW] threshold***
- **Recommendation – *the Committee also recommends that Scottish Government explore the scope for planning authorities to determine more applications for onshore windfarm developments***

Our recently published Onshore Wind Policy Statement sets out our ambition to deploy 20GW of onshore wind by 2030. As you will be aware, currently any application to construct or operate an onshore wind farm with a capacity of 50 megawatts (MW) or over requires the consent of Scottish Ministers under section 36 of the UK Electricity Act 1989. Applications below 50MW are made to the relevant Planning Authority. The Committee's two recommendations above are directly related and the Scottish Government accepts both and commits to undertake work to explore the benefits and disadvantages of altering the threshold, and explore the scope for planning authorities to determine more applications for onshore wind farm developments.

- **Recommendation – *the Committee further recommends that the Scottish Government explore opportunities to ensure that demonstration of local support is a key material consideration in the decision-making process.***

The Town and Country Planning (Scotland) Act 1997, as amended (the 'Planning Act') requires that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. This structured approach to decision-making is a crucial element of our plan-led planning system, ensuring decisions are being made based on competent assessment of relevant, established planning principles. Following the adoption and publication of National Planning Framework 4 (NPF4) earlier this year, NPF4 forms part of the statutory development plan alongside the relevant Local Development Plan (LDP). To be a 'material' consideration in planning decisions, a matter must be relevant to planning and relate to the impacts of the particular development proposed. Potential impacts on communities, nature and other receptors remain important considerations in the decision-making process, and local opinion and evidence therefore feature strongly in planning assessments.

The Planning (Scotland) Act 2019 ('the 2019 Act') introduced a range of provisions designed to enhance the engagement of communities throughout the Scottish planning system, including new provisions for community bodies to prepare Local Place Plans, setting out local people's aspirations for their places in a way that feeds into the preparation of local development plans. Local Place Plans are an important tool in strengthening the voice of communities in the planning of their areas and form part of the Government's wider work on planning reform and implementation of the 2019 Act, including steps to reduce conflict, improve community engagement and improve public trust in planning matters. The reforms have also included recent changes to strengthen pre-application consultation with communities on major development proposals, as a well established feature of the planning system in Scotland. Through this overall package of measures we continue to ensure that local communities can have a meaningful say before decisions are made about their areas.

Support available to individuals and communities participating in public inquiries

Turning to the support available to individuals and communities participating in public inquiries, the Scottish Government's Planning and Environmental Appeals Division (DPEA) will continue to discuss with its Stakeholder Group ways to ensure communities can fully participate in planning inquiries and other aspects of DPEA's work. This Group includes representatives from PAS, Scotland against Spin, the Association for the Protection of Rural Scotland, Sustainable

Communities Scotland and Planning Democracy. Previous discussions have resulted in the introduction of webcasting and live streaming of public inquiries, the webcasting library and comprehensive published guidance for parties involved. The Stakeholder Group is next due to meet on 23 May and this item will be placed on the agenda.

I hope the Committee finds this response helpful.

Yours sincerely,

JOE FITZPATRICK