

Minister for Energy and Environment submission of 14 November 2023

PE1885/M: Make offering Community Shared Ownership mandatory for all windfarm development planning proposals

Thank you for your letter of 31 October 2023 concerning the above petition.

You asked if the Scottish Government has the power to mandate Community Shared Ownership (CSO) for new windfarms by:

- a) using the devolved power under section 36 of the Electricity Act 1989 to lower the threshold for when an application to build a windfarm requires Ministers' consent and;
- b) withholding consent from any application that did not agree to a CSO model.

While Scottish Ministers have powers under section 36 of the Electricity Act 1989 to adjust the 50-Megawatt threshold, electricity regulation, generation, transmission and distribution is reserved to the UK Government. This this means that, in the Scottish Government's view, any legislation relating to how consents under section 36 for electricity generation stations are granted would relate to a reserved matter, putting it beyond the legislative competence of the Scottish Parliament.

The Scottish Government cannot therefore legislate to require the provision of shared ownership from renewable energy developments as part of the consenting process. CSO are voluntary arrangements, and do not form part of the assessment and determination of an application, which means that consent is not able to be withheld on this basis.

Scottish Ministers continue to press the UK Government to provide greater support to communities and energy consumers.

The Scottish Government continues to support and encourage CSO from onshore renewables. The Onshore Wind Sector Deal, published in September 2023, includes a collaborative commitment to develop practical approaches to support and encourage CSO models to assist developers, funders, local government and communities to engage in

these opportunities, publishing a framework by the end of 2024. The deal is a shared commitment between Government and industry to deliver upon our joint ambitions while growing a key sector in a way that aligns with the principles of a just transition.

As set out in the draft Energy Strategy and Just Transition (ESJTP), we are committed to maximising the benefits flowing into communities from the energy transition to net zero. My officials are currently developing policy proposals for inclusion in the final Strategy, informed by the ESJTP consultation, that will build on the successes of CARES, our existing good practice principles for community benefit and shared ownership of onshore renewables, and the commitments set out in the Onshore Wind Sector Deal. Through this process we will explore a range of available routes to support CSO, including working with Local Energy Scotland to reflect on the findings of their market engagement report.

The Scottish Government continues to engage with the Scottish National Investment Bank, who work to support the development of a fairer, more sustainable economy while remaining operationally independent of the Scottish Government and Scottish Ministers.

I hope the Committee finds this response helpful.

Gillian Martin MSP