

# Citizen Participation and Public Petitions Committee

5th Meeting, 2021 (Session 6), 6 October  
2021

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

## Note by the Clerk

<b>Petitioner</b>	Karen Murphy
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to make Community Shared Ownership a mandatory requirement to be offered as part of all planning proposals for windfarm development.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1885">https://petitions.parliament.scot/petitions/PE1885</a>

## Introduction

1. This is a new petition that was lodged on 22 July 2021.
2. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 78 signatures have been received.
4. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe B** of this paper.
5. A submission has been provided by the petitioner. This is included at **Annexe C**.

## Scottish Government submission

6. In response to the petition, the Scottish Government states that electricity generation is a reserved matter under the Scotland Act 1998. As such the Scottish Parliament does not have the legal competence to change the law for a purpose relating to the regulation of the control of electricity generation.
7. The submission continues by explaining that in absence of powers to change the law, efforts have been made to encourage community shared ownership through good practice. The Scottish Government published its Good Practice Principles in 2015 (updated in 2019).
  - [Scottish Government Good Practice Principles for Shared Ownership from Onshore Renewable Developments](#)
  - [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)
8. Its submission reports that its 2020 target to achieve an element of community shared ownership in at least half of newly consented renewable energy projects was met. 59% of all consented projects (10 out of 17) identified in 2020 offered an element of shared ownership.

## Petitioner submission

9. The petitioner's submission highlights the Scottish Government's [new target](#) to achieve 2GW of community and locally owned renewable energy by 2030 and explains that a further 1.15GW is required to meet this target.
10. The submission suggests that, increasingly, windfarm developers are immediately selling to Capital Investment firms and that without mandatory community shared ownership, offering this is seen as an added, and unnecessary, complication to the selling process. The petitioner believes this is resulting in offers for community shared ownership being withheld.
11. A lack of community shared ownership is noted as a challenge for communities in implementing legacy projects in their Local Development Plans and that without financial resources, they will be unable to meet their own targets.
12. The petitioner suggests using the powers to raise new land taxes on any transactions involving interests in land to raise a form of tax which requires all developers who don't own the land to offer 15% community shared ownership to locally impacted communities.

## Action

13. The Committee is invited to consider what action it wishes to take on this petition.

### **Clerk to the Committee**

# PE1885: MAKE OFFERING COMMUNITY SHARED OWNERSHIP MANDATORY FOR ALL WINDFARM DEVELOPMENT PLANNING PROPOSALS

## Petitioner

Karen Murphy

## Date Lodged

19 August 2021

## Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to make Community Shared Ownership a mandatory requirement to be offered as part of all planning proposals for windfarm development.

## Previous action

Residents of Kintyre and Knapdale have engaged with 6 Community Councils who have in turn been in contact with Argyll and Bute Council.

The Cabinet Secretary for Rural Affairs, Fergus Ewing has been approached and representation has also been made to Jenni Minto MSP regarding some of the companies who are refusing shared ownership asking her to email a particular company about their stance. It is understood she is arranging a meeting with Michael Matheson, Cabinet Secretary, to discuss this.

## Background information

Currently, Community Shared Ownership is a recommendation of the revised Scottish Government 'Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments' (2019), but many opportunist developers do not offer shared ownership on agreements to offer fair and effective CSO opportunities to impacted communities.

Because of the unprecedented scale of windfarm development, a piecemeal approach to securing CSO is beyond the scope of small

communities. Given that development is a national occurrence, a coherent political response is required which mandates that developers must offer and secure 15% CSO investment. Unless this is in place Government will fail local communities, and will not achieve the target for Community and locally owned energy. Increasingly windfarm developers build windfarms to immediately sell them on to Capital Investment Firms, and, with no requirement to offer CSO, it is a seemingly added and unnecessary complication to their ability to sell, so offers are withheld. This is compounded by subsidies no longer being available.



## Briefing for the Citizen Participation and Public Petitions Committee

**Petition Number:** [PE1885](#)

**Main Petitioner:** Karen Murphy

**Subject:** Make offering Community Shared Ownership mandatory for all windfarm development planning proposals

### Background

The Scottish Government's [Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments](#), first published in 2015 and updated in 2019, defines "shared ownership" as:

"...any structure which involves a community group as a financial partner over the lifetime of a renewable energy project."

The Scottish Government's [Onshore wind: policy statement](#) states that:

"Our ambition remains to ensure that, by 2020, at least half of newly consented renewable energy projects will have an element of shared ownership. The Scottish Government continues to encourage all developers to engage with local communities early in the process, and to offer – as standard, in any new or repowered development – the opportunity for shared ownership."

The Good Practice document goes on to highlight that:

"The Scottish Government would like to see shared ownership projects being considered, explored, and offered as standard on all new renewable energy projects including, repowering and extensions to existing projects."

The Scottish Government supports the development of community shared ownership schemes through the [Community and Renewable Energy Scheme \(CARES\)](#) and [Energy Investment Fund \(EIF\)](#).

Community Shared Ownership is separate from the consenting regimes used to authorise onshore renewable energy developments, which are described in

the SPICe briefing [Electricity Generating Stations: Planning and Approval](#). The ownership of a proposed onshore wind farm is not a material consideration in determining whether to approve or reject a proposed development. However, the net economic impact, including community socio-economic benefits such as employment, associated businesses and supply chain opportunities are relevant matters and can be considered when reaching a decision on a proposed development.

## Scottish Government Action

The Scottish Government does not require the developers of onshore wind farms to automatically offer the option of community shared ownership to an appropriate community body and has not consulted on such a proposal.

## Scottish Parliament Action

The Scottish Parliament has not considered this issue.

## Key Organisations and relevant links

- **Scottish Government:** Responsible for Scottish onshore wind policy and land use planning policy/legislation.
- **Community Energy Scotland:** Charity working to support community bodies involved in, or looking into, renewable energy generation matters.
- **Scottish Renewables:** Representative body for the renewable energy sector in Scotland.

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September 2021

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## Scottish Government submission of 19 August 2021

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

I refer to the above petition, currently under consideration by the Public Petitions and Citizen Participation Committee, and your request for the Scottish Government's views on the issue raised by Karen Murphy on behalf of residents of Kintyre and Knapdale about making community shared ownership a mandatory requirement to be offered as part of all planning proposals for windfarm developments.

I think it would be helpful to explain why mandating community shared ownership as requested by this petition, would be challenging.

The main point is electricity generation is a reserved matter under the Scotland Act 1998. As such the Scottish Parliament does not have the legal competence to change the law for a purpose relating to the regulation of the control of electricity generation.

In the absence of legal powers, the Scottish Government has sought to promote and encourage community shared ownership through good practice. In 2015, (updated in 2019), we published Good Practice Principles as follows:

- [Scottish Government Good Practice Principles for Shared Ownership from Onshore Renewable Developments](#)
- [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#).

Both these documents set out our approach for how we wish to see renewable energy developers engage with host communities when developing renewable energy projects.

For community shared ownership, we have set out that we want to see a significant increase in opportunities being made available across all renewable energy projects in Scotland, helping to deliver lasting economic and social benefits to host communities across the country.

We have indicated we want to see shared ownership projects being considered, explored, and offered as standard on all new renewable energy projects including, repowering and extensions to existing projects.

We also set a target that by the end of 2020, at least half of newly consented renewable energy projects should have an element of community shared ownership. Through active monitoring of the projects coming through the planning and consenting system, this was met, with 59% of all consented projects (10 of 17



projects) identified in 2020 offering an element of shared ownership. Progress on shared ownership will be reviewed annually against this target.

It continues to be our view that successful renewable energy projects will be those which treat communities as active and positive partners and we encourage all renewable energy developers to adopt our Good Practice Principles.

I hope this is helpful.

# Petitioner submission of 10 August 2021

## PE1885/A – Make offering Community Shared Ownership mandatory for all windfarm development planning proposals

A government policy which falls short of requiring developers to offer Community Shared Ownership (CSO) will mean that the Scottish Government fail to reach the much-publicized targets set out for Community and locally owned energy ([energysavingtrust.org.uk](http://energysavingtrust.org.uk)). For the Government to achieve its 2GW Community Owned target in 2030, a further 1.15GW of Community Ownership is needed.

Given the loss of Feed in Tariff, this will only be realised if Commercial Onshore Windfarm developers offer and secure CSO in the new developments planned/approved/built by 2030. Through this, we could meet the SGs target of 50% of the Energy for Scotland's heat, transport, and electricity consumption to be supplied from renewable sources (17GW from renewables). The [Scottish Government](#) states “This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)” If only 50% of these planned developments get CSO, that will mean 30% CSO is required for those that make the investment. Increasingly windfarm developers build windfarms to immediately sell them on to Capital Investment firms, and with no requirement to offer CSO, it is seemingly an added (and unnecessary) complication to their ability to sell, so offers of CSO are withheld. This is compounded by subsidies no longer being available to developers. In my view, a coherent political national response is required, with the simplest solution being to mandate that all windfarm developments must offer and secure 15% CSO investment.

Without CSO, communities will be unable to implement legacy projects identified in their Local Development Plans (LDP). Additionally, while it is positive that the Scottish Government empowers local communities through the Community Empowerment (Scotland) Act, unless communities have financial resources, they will be unable to meet their own targets as other sources of funding, such as National Lottery, are getting harder to access. Many of the projects identified by LDPs benefit

both residents and visitors, and I believe that being unable to deliver them will have a detrimental impact on rural communities and tourism.

The Scottish Government has committed to update the Onshore Wind Policy Statement to ensure that it reflects Scotland's binding climate change targets, aspirations for Onshore Wind in Scotland, and their need to fulfil Community Owned Targets. This commitment demonstrates that the disparities need to be addressed. Mandating CSO in Onshore Windfarms could be seen as a devolved power since it initiates a major economic development. Furthermore, the Scottish Government has the power to raise new land taxes on any transactions involving interests in land, (Part 4A Chapter 3 of the Scotland Act) - Land leases that wind farm developers take out with the landowners (often on a rental basis) fall under this type of transaction. Therefore the SG could raise a new 'tax', requiring all developers who don't own the land to offer 15% CSO to locally impacted communities. This would ensure the SG meets its 2030 Community Owned Target of 2GW of Renewable Energy and provide a fairer and potentially more attractive situation for local communities to deliver on their LDP targets.