

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

Petitioner written submission, 22 January 2025

This Petition has now been live for four years during which time there has been a change in English planning policy. That is irrelevant; the aim of this Petition is to increase the ability of communities to influence planning decisions for onshore wind farms in Scotland and that still stands.

The Committee has supported the Petition by recommending that the Scottish Government explores the scope for planning authorities to determine more applications for onshore windfarm developments by raising the 50MW threshold while ensuring that genuine local support is a key material consideration in the decision-making process. The Committee also requested that further research be undertaken into how support could be provided for communities wishing to participate in public inquiries.

Despite a Summary of Responses to the “Investing in Planning” Consultation being published in August 2024 showing that the raising of the 50MW threshold was supported by all respondent categories except Development, Property & Land Management Sector & Agents, no decision has been made by the Scottish Government on this matter.

“[Effective Community Engagement in Development Planning: Guidance](#)” was recently published. Whilst it is noted that there are references to some of the points raised in our petition, such as inclusivity, this Guidance is not relevant to our petition. There is no mention of local support becoming a key material consideration in the decision-making process.

No support has been offered to communities wishing to participate in inquiries, only token gestures offered by DPEA.

We have supplied ample evidence to DPEA, including video evidence, showing the challenging and adversarial situations which some participants experience at Inquiries. We have also submitted further written evidence from our members showing that they are happy to take part in an inquiry as long as they have professional support to do so. To date DPEA has failed to engage with us, despite written reminders.

Fear of bullying is not the sole reason for our request for professional help for third party participants. We have made this abundantly clear in our numerous submissions to the petition over the last four years.

Many people have little or no experience of either public speaking, or of complex statutory planning and Inquiry procedures. Most people quail at the prospect of participating in the adversarial experience at a public inquiry. Individual members of the public may also be disadvantaged with overt and/or hidden neurodiverse disabilities, such as autism or dyslexia, which can affect their ability to communicate, verbally or by way of written submissions. In remote rural areas subject to numerous

onshore wind farm planning applications, elderly and isolated individuals in particular may not have adequate internet access or computing skills to be able to contribute without help. The Scottish Government is supposedly committed to policies of diversity and inclusivity. These problems can all be overcome with skilled help and support to ensure inclusivity in our society.

Applicants have the advantage of a team of lawyers and other experts on their side. Third parties are fortunate if they have been able to raise the fee required to pay for even one lawyer or other professional to support them at one inquiry. There is little hope of financing multiple inquiries. Many small communities are unable to raise any or enough funds and make the decision not to participate.

The principle of 'Equality of Arms' is well understood in law. A key component of Article 6 of the European Convention on Human Rights means that tribunals or decision-makers must ensure that there is 'equality of arms' on both sides – meaning that a visibly fair balance must be struck between the opportunities given to both parties. There is currently no fair balance in a public inquiry.

We find the suggestions made in [the Minister's letter of 13 December 2024](#) to be rather naïve. The idea of issuing a questionnaire to **all** parties about their experience participating in an inquiry means the results will be skewed by the views of applicants and local authorities.

For the reasons given previously, many inquiries do not have third party participants who would otherwise have liked to have contributed to the questionnaire. Moreover, the views of the people who have previously taken part in inquiries will not be taken into consideration, further skewing the conclusions in favour of applicants.

The community sessions mentioned in [the Minister's letter of 13 December 2024](#) would allow members of the public the opportunity to state their case to the Reporter in a less formal environment without cross examination. Properly managed by a professional this could present a broad picture of community concerns and local knowledge, but unless local opinion becomes a key material consideration in the decision-making process, that 'informal chat' will have no value. The role and contribution of such community engagement requires to be clarified, not least for a Reporter.

It is obvious in reality that the Scottish Government does not wish members of the public to be able to compete on equal terms with an applicant. Public opinion is considered to be a "barrier to deployment" which must be removed. It seems that nothing, even local authority objection, must be allowed to impede 'green agenda' political targets.

A letter dated 28 November from Gillian Martin MSP to Douglas Lumsden MSP suggests that it would be inappropriate and pre-emptive to debate proposed reforms until the outcome of the Electricity Infrastructure Consenting in Scotland UK Consultation is published. As a government committed to devolution, this lack of independent thinking is ridiculous. We have no timescale for how long such a decision would take. Meanwhile, the Scottish public are being palmed off yet again in order to exclude them from meaningful influence and participation, and in the interim, Scottish Ministers are focussed on consenting as many large, >50MW generators as possible, even when DPEA Reporters recommend refusal.

The Convener of this Committee has himself made it clear, in an article in his local paper (Barrhead News), that to ignore residents' views reinforces concerns that the planning process is not fit for purpose.

We ask the Convener and other members of the Committee to refer this petition for debate in the Chamber as a matter of urgency. Any further delay would not be acceptable.