

Citizen Participation and Public Petitions Committee

3rd Meeting, 2024 (Session 6), Wednesday
21 February 2024

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

Petitioner	Aileen Jackson on behalf of Scotland Against Spin
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore windfarms by:</p> <ul style="list-style-type: none">• adopting English planning legislation for the determination of onshore wind farm developments• empowering local authorities to ensure local communities are given sufficient professional help to engage in the planning process• appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries
Webpage	https://petitions.parliament.scot/petitions/PE1864

Introduction

1. The Committee last considered this petition at its meeting on [31 May 2023](#). At that meeting, the Committee agreed to write to the Minister for Local Government Empowerment and Planning.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new response from the Minister for Local Government Empowerment and Planning, and 5 submissions from the Petitioner, which are set out in **Annexe C**.

4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 1,834 signatures have been received on this petition.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

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

Petitioner

Aileen Jackson on behalf of Scotland Against Spin

Date lodged

24 March 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore windfarms by—

- adopting English planning legislation for the determination of onshore wind farm developments;
- empowering local authorities to ensure local communities are given sufficient professional help to engage in the planning process; and
- appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

Previous action

We have written to Jamie Greene MSP, Brian Whittle MSP and Willie Rennie MSP. We have also written to Kevin Stewart MSP in his role as Minister for Local Government, Housing and Planning.

Scotland Against Spin has been a member of the Directorate for Planning and Environmental Appeals (DPEA) Stakeholders' Forum since 2013. It has been raising issues to which this Petition relates since 2019.

Background information

In 2020 the UK Government announced its intention to allow onshore wind farms to compete for subsidies in the next round of Contract for Difference (CfD) auctions which would allocate market support for projects coming forward towards the middle of the decade. This news was followed by a rapid rise in the submission of onshore wind farm planning applications, particularly in Scotland where National Planning Policy is very supportive of development compared to the rest of the UK.

Onshore wind development is considered, by some, to be particularly lucrative for developers, owing to lower development costs. Some areas of rural Scotland are, we believe, at saturation point with large scale industrial wind power station proposals and developments which have been built or are currently going through the planning process.

In Scotland, wind energy schemes with generating capacity of 50MW or less are determined by Local Planning Authorities (LPA). Local Community Councils are statutory consultees for such planning applications. A refusal of planning permission regularly leads to an appeal by the developer. That appeal, delegated to the Directorate for Planning and Environmental Appeals (DPEA) by Scottish Ministers is often very costly to the LPA, particularly if a Reporter decides that an appeal should be determined by means of a Hearing or Public Inquiry.

Larger wind farms exceeding 50MW are determined at the outset by Scottish Ministers under the Electricity Act 1989, section 36 (s.36) rather than by the LPA. However, the LPA remains a statutory consultee for each s.36 planning application submitted to the Scottish Government's Energy Consents & Deployment Unit. Should an LPA formally object to a s.36 application, a Public Inquiry is automatically triggered. This results in significant expense to the LPA, in order for them to defend their objections. In the majority of cases, the objections of these LPAs and the Community Councils are overruled by the Scottish Ministers, acting on Reporters' recommendations.

In contrast, wind energy schemes in England are determined by the LPA, irrespective of size. LPAs are directed to only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been satisfactorily addressed and therefore the proposal has community backing.

Whether a proposal has the backing of the affected local community is “a planning judgement for the local planning authority.”

If an LPA rejects a planning application, then a developer has a right to appeal to the Secretary of State via the Planning Inspectorate.

This difference in legislation makes it significantly more difficult to obtain planning permission in England, and has led to an influx of developers seeking sites in Scotland, because they believe that the Scottish Government will overrule local decision making and grant consent for planning applications for onshore windfarms.

This has resulted in Scottish rural communities facing multiple applications simultaneously or consecutively. They are left simply overwhelmed and unable to manage, either in terms of the manpower required to scrutinise large technical documents and/or to fundraise in order to employ professional help. In turn, this leaves them particularly disadvantaged in a Public Inquiry situation where they face teams of professionals and the applicant’s consultants, who are well able to present windfarm applications in their most favourable light, and at the same time seek to marginalise the evidence from public witnesses.

Live streaming and archived video footage of Inquiries visible on the DPEA website, has resulted in prospective public and lay participants witnessing what they perceive to be personal and vicious attacks on local objectors by experienced lawyers employing aggressive cross examination techniques. Whilst such techniques might be suitable in a criminal court setting, in those circumstances, the witness would have the protection of counsel or intervention by a judge if there was irrelevant and intimidating questioning. No such protection is provided for a public witness at a planning Public Inquiry; it is seen as a ‘no holds barred’ arena for the appellant’s legal team. Many bona-fide people, giving of their best in the local interest feel they cannot cope with the

psychological or financial strain of becoming involved in such a combative and unequal process. It seems to us that the appellant's legal team frequently seeks to discredit a public witness on a personal basis and, as a consequence, their opinions and evidence before the Inquiry are diminished and ignored. Some Community Councils and members of the public will simply withdraw their representation.

We believe that this is a one-sided process which acts as a barrier to effective public engagement in the planning process; the opposite result to that which the Scottish Government is seeking to achieve.

We believe that the adoption of planning legislation such as that in England where there is strict adherence to local development plans which have previously been the subject of public consultation, would direct developers to suitable sites where there is less likelihood of objection from local planning authorities and communities. Any community which had not had its concerns fully addressed could be confident that proposals would be justifiably refused and an appeal would be unlikely. This would encourage developers to have longer, more meaningful consultation with local communities before finalised plans are submitted. At present, the required community engagement exercise in Scotland seems to be largely a one-way consultation which we believe is regarded by many developers as simply a 'tick box' exercise. All parties would benefit as only plans likely to succeed and gain consent would progress to being formally submitted to LPAs.

We call on the Scottish Government to bring planning legislation for the determination of wind farm developments in line with that of England. We also call on the Scottish Government to find a way to restore "equality of arms" in the planning process by equipping LPA's to give positive assistance in the form of professional help to local communities, and to appoint someone to act as an independent advocate or adviser in public inquiries to ensure that local participants are not bullied and intimidated, and that their voices are heard.

Annexe B

Extract from Official Report of last consideration of PE1864 on 31 May 2023

The Convener: Our second item is the consideration of continued petitions. The first of those, PE1864, which was lodged by Aileen Jackson on behalf of Scotland Against Spin, is on increasing the ability of communities to influence planning decisions for onshore wind farms. The petition calls on the Scottish Parliament to urge the Scottish Government to achieve that by adopting English planning legislation for the determination of onshore wind farm developments; empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process; and appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries. When we most recently considered the petition, on 18 January, we agreed to write to the Scottish Government setting out recommendations that are based on evidence that we have received over the past two years.

We are joined by Brian Whittle MSP. I will invite him to comment in a couple of moments. In response to our submission to the Scottish Government, the new Minister for Local Government Empowerment and Planning has accepted two of our recommendations and committed to exploring the benefits and disadvantages of altering the 50MW threshold and the scope for planning authorities to determine more applications for onshore wind farm developments. We have received a submission from the petitioner that welcomes that commitment, which is good to hear.

In relation to our recommendation on ensuring demonstration of local support as a key material consideration in the decision-making process, the minister mentions that local opinion and evidence feature strongly in planning assessments, and he highlights the provisions introduced by the Planning (Scotland) Act 2019 that are intended to strengthen the voice of communities in the planning process. Although the petitioner has welcomed the Government's commitment on thresholds, she remains concerned that there is no definition of what ensuring that communities have "a meaningful say" looks like in practice, drawing parallels with the First Minister's recent comments on highly protected marine areas and engagement with coastal communities. Before I ask committee colleagues to comment, does Brian Whittle have anything to contribute?

Brian Whittle (South Scotland) (Con): I am very grateful, convener, for the opportunity to come along to speak on the petition. As a South Scotland MSP, I have many wind farm developments in my region, and I very often receive letters from constituents complaining about onshore wind and that particular element of planning. I am grateful that Mr Ewing is here, because he will be able to clarify this: the public

perception is that there is a presumption that planning permission will be given and that, even if an application is initially turned down by the local council, it will go in front of the Government and the likelihood is that it will be passed. That is the public perception of what is happening.

In my dealings with wind farm developers, my recommendation is always that they engage more with the local community, but, as it stands, the public are not giving me the feeling that that is what is happening. Many times, it has taken them a while to find out whether a wind farm development is in the offing, and, when they do, it is often too late. Furthermore, they say that engagement from wind farm developers is very poor, although developers would say otherwise.

Given where we are—we need to generate clean energy—I totally understand the need to consider more wind farms, but we have to be more considerate about where they are to be. Last term, I fought against one—it went through anyway—that completely enclosed a town. Everywhere you look now in that town, you see wind farms, which was definitely not what the community wanted. My feeling, which I want to put to the committee, is that engagement is not what it could be. Because of that, the perception—real or otherwise—is that there is a presumption that planning permission will be given for onshore wind and that the public have little influence on that.

I wanted to speak to the petition and give you my constituents' feelings on the issue. As I said, my postbag is fairly full as a South Scotland MSP. I think that we spoke last week about this, but perhaps one of the things that we should be doing—I am flying a kite here—is giving areas where presumption will be granted that are away from commercial farming and so on. A better-thought-out process at the planning application stage would be advantageous for all. I read through the papers, and it is correct to say that the time between submitting an application and building a wind farm is up to 13 years. That cannot be good for any of the parties who are involved, so we have to find a better way to do it. Public engagement, which the petition asks for, is a positive way forward.

The Convener: Thank you very much, Mr Whittle.

Colleagues, I am interested to know what suggestions you have. It is encouraging that the minister has accepted two of our recommendations, but our continued concern might involve deliberation on the potential vagueness in the Government's response in respect of the separate recommendation. Does anybody wish to comment?

Fergus Ewing (Inverness and Nairn) (SNP): Mr Whittle has made a number of reasonable points, and there is no doubt that many applications for wind farm developments can be extremely controversial. All of us who have rural constituencies or regions are well aware of that; there are frequent objections.

I am not coming at this from any preconceived view, but it is difficult sometimes to detect the extent to which residents who live within a reasonable radius of a proposed development are either for or against; in other words, there is a more basic question of what a community is. If there are, say, 300 people who live in an area within a few kilometres of a proposed development and 30 of them object, how significant is that? If 250 were to object, most people would think that that is very significant. The point that I am making is that it is sometimes difficult to detect who the community is and the extent to which the objectors represent a majority view or a minority view in the community. One or two people can make vocal objections. They are entitled to do so and often do.

My recommendation is that we write to the Minister for Local Government Empowerment and Planning to highlight the submission of 26 April but seek clarification on the Scottish Government's definition of ensuring that communities can have "a meaningful say" on planning applications. We should include two particular requests. One is for a response to the question of what a community is. Is there any guidance for planning authorities on the number of people in an area affected by development who have to object before that is considered "meaningful"? Secondly, what does "a meaningful say" mean? That does not seem to be a particularly clear criterion to include in guidance. Clarity should be the key in guidance so that everybody knows where they stand.

If communities can have a meaningful say, does that mean that others who wish to make representations—individuals, businesses, charities, non-governmental organisations and local authorities—should not have a meaningful say? I would not have thought so, but I do not know, because I do not know what "a meaningful say" is.

The Convener: That is an entirely reasonable observation. It is a hostage to fortune in any event, as it is a term that allows everyone to be thoroughly dissatisfied in due course, because they will take the view that their say turned out not to be meaningful.

Alexander Stewart (Mid Scotland and Fife) (Con): I concur with Mr Ewing, because the clarity is not there. Mr Whittle and Mr Ewing have identified that the process can result in confusion and the idea of individuals and organisations not getting the chance to have their say. As we have identified, some pressure groups and organisations can be good at getting their message over, but it might not necessarily be the same message for everybody in a community.

Communities require an input, although some people are of the opinion that a project will happen anyway—local authorities make a decision that is then overturned, and the community does not want it. A lot of effort goes into some of this, and the "meaningful say" is problematic in the extreme with regard to what happens. I certainly concur with all of that.

Foyso! Choudhury (Lothian) (Lab): How will an advocate for the member's concerned community be appointed or nominated? Will it be Scottish Government officials or a spokesperson from the community? We need clarification of that.

The Convener: Okay. Potentially, not only is there no definition of what "a meaningful say" is, it should perhaps be clear whether people are responding in an official way on behalf of their community or more personally.

Fergus Ewing: If a community council were to put in a representation, given that they are generally elected—there are not always elections if there are not enough people—should that be given greater weight than representations from a few individuals who are not on the community council? Once one looks at the options, it becomes more and more difficult to determine what "community" is.

The Convener: We will work something round that. We will keep the petition open, and we will proceed on that basis. Thank you very much, Mr Whittle.

Annexe C

Minister for Local Government Empowerment and Planning submission of 27 June 2023

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

Thank you for your letter of 6 June 2023 on the above petition in which you ask for further clarification on the Scottish Government's definition of ensuring communities can have a "meaningful say" on planning decisions in their area. You also ask for views on the Petitioner's proposals for providing support to communities wishing to participate in public inquiries on planning decisions.

By way of context, it may be helpful to firstly explain that the term 'community' is defined in the glossary of [National Planning Framework 4](#) which states that a community is:

'A body of people. A community can be based on location (for example people who live or work in or use an area), common identity (for example a shared ethnicity, language, age) or common interest (for example the business community, amenity, sports, social or heritage groups).'

Planning legislation and guidance seeks to ensure the public and communities can have a meaningful say before decisions are made, and my letter of 17 April referred to further enhancements made to support engagement within the planning system. We are seeking to make planning more effective and responsive including by ensuring that community voices are not only heard, but also responded to, further strengthening confidence in decision-making.

For example, in preparation of Local Development Plans, the Town and Country Planning (Scotland) Act 1997 (Section 16B) has been amended to be clear that the planning authority must seek the views of particular groups of people, and have regard to those views when preparing the Evidence Report. The legislation is also clear that the Evidence Report

must include a statement on how the planning authority has sought particular stakeholders' views, and how the views have been taken into account. [Local development planning guidance](#) published in May this year, sets out the Scottish Ministers' expectations for implementing this approach for preparing new local development plans.

Consultation is currently underway on ['effective community engagement in local development planning guidance'](#). This consultation considers the levels of engagement that may be deployed in the preparation of local development plans. The preparation of this guidance is provided for as a result of changes made by the Planning (Scotland) Act 2019.

For development proposals, Chapter 2 of ['Circular 3/2022: development management procedures'](#) is clear that engagement associated with pre-application consultation (PAC) for planning applications should be meaningful. The circular points to [Planning Advice Note 3/2010 'Community Engagement'](#) and the [National Standards for Community Engagement](#) in that regard.

To be clear, PAC is not a substitute for consideration of the application itself. The application stage is where the decision maker must judge the proposal, which the applicant has finalised in light of PAC, against the development plan and any other material considerations. This should include any material considerations raised in representations made on the proposal in the application.

There is no guidance on the number of objections, nor on the proportion of the community that number represents, that could lead to a particular matter being considered 'meaningful'. The decision maker must identify matters that are material to the decision and guidance on doing so is set out in Annex A of ['Circular 3/2022: development management procedures'](#).

Where an application for planning permission is made for a national development or for a major development which is significantly contrary to the development plan, the planning authority is obliged to offer the applicant, and those who made representations on the application, an opportunity to appear before and be heard by a committee of the authority, before a decision is made. An authority can choose to hold such a pre-determination hearing for other planning applications.

Turning to the Petitioner's proposals for supporting communities in their participation in public inquiries on planning decisions. The Scottish Government's Planning and Environmental Appeals Division (DPEA) Stakeholder Group met on 23 May. Representatives of the group raised the free help service provided by the Faculty of Advocates, and the DPEA agreed to consider a refresh of reporter training this year on handling inquiries, to ensure members of the public are able to have their views heard in a safe environment at inquiry in relation to development proposals in which they have an interest. In some cases, the holding of community-based hearings, in addition to the more formal inquiry process, has been welcomed by those community groups and members of the public who have taken part.

I hope the Committee finds this response helpful. Yours sincerely,

JOE FITZPATRICK

Petitioner submission of 9 July 2023

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

We thank the Minister for his response dated 27 June 2023 and we are grateful for this opportunity to respond to his comments.

DEFINITIONS

Defining or in any event understanding what is meant by 'meaningful' and 'a community' is a critical step in view of the use of these words in NPF4 and the references to planning legislation and guidance.

To recap, this petition has a well-defined social purpose. The aim of the petition is to require the Scottish Government to increase the ability of communities to influence decisions about onshore windfarms.

It is relevant that the Minister considers that by NPF4's definitions, two or more people in an area could constitute 'a community'.

Area is not defined under NPF4, but perhaps its meaning is self-evident. Our opinion is that a community's people, however grouped together, should be seen to have shared interests in a given geographical area. So, it might refer to a village and its outlying farms and houses. It might also include people of similar ethnicity, beliefs, even households. Examples are legion.

In the same way meaningful has not been defined in NPF4 and other guidance, neither has a clear understanding yet emerged of how the ability to influence decisions in a meaningful way is to be gauged. Without a formal definition, the use of 'meaningful' allows vague interpretation of any public consultation and communication as being effective by planning and other authorities. It must be defined so that the effectiveness of meaningful in planning legislation and guidance can be assessed and if necessary enforced.

WEIGHT OF OPINION

It is suggested that in the determination of a wind farm application, the opinions of the residents living directly adjacent to or in the host community should be given the greatest weight, particularly the opinions of those who are not financially involved in the development. Membership (e.g. by residence) of a community should be enough; formal incorporation or a Group Constitution should not be a requirement.

The views of members of the public or communities who are more distant from an onshore windfarm development, but still close enough to be potentially eligible for financial benefits in the event of consent, should receive less weight.

COMMUNITY BENEFIT

Although community benefit (CB) is ostensibly not a material planning consideration, it is encouraged by the Scottish Government and is clearly influential in decision making, particularly by Councils who see it as providing some financial relief for the never-ending calls on their limited funds. There are countless examples.

CB generates public support from those who have nothing to lose and everything to gain. CB contributions cannot be enforced, but they should be. They are often ignored by developers once consent is granted, yet the very promise of CB can have a significant influence on both public opinion and decision makers. CB obviously influences opinion polls. This is expanded upon in [Petitioner's submission of 3 August 2021](#).

ADVICE AND REPRESENTATION

Most planning authorities offer applicants, and those who have made representations on an application, opportunities to appear before a committee of the planning authority before a decision is made on major or national developments. This is as it should be, and is a requirement of the Aarhus Convention.

This petition goes a step further with its request for “sufficient professional help for communities to allow them to engage in the planning process”. It is well understood that many people have little or no experience of public speaking, with the general public largely unfamiliar with the complex statutory planning procedures. People quail at the adversarial process of contributing to a Planning Committee, or worse, speaking in public at a Public Inquiry. Individual members of the public may also be disadvantaged with overt and/or hidden disabilities, such as autism or dyslexia, which can affect their ability to communicate. In remote rural areas subject to onshore wind farm planning applications, people, particularly elderly and isolated individuals, may not have adequate internet access or computing skills to be able to contribute without help. These are all problems that can be overcome with skilled help.

Turning to our request for help to support communities with participation in public inquiries on planning decisions, this was indeed discussed in May at the DPEA Stakeholders' Group meeting, of which SAS is a member.

Planning Aid Scotland does not take up individual cases. However, it has offered to refer any community groups seeking legal assistance to the Faculty of Advocates Free Legal Services Unit. Though very welcome, that has limitations. The Planning Bar is very small, and very busy. Every application for assistance is screened by an Advocate before it can be advanced for full advice or representation but finding available counsel is still difficult. Assuming a request for help passes basic criteria, help is

available to individuals and community groups who cannot afford to pay for advice or representation. Legal Aid funding is not available.

However, like all voluntary or pro bono work, it has some limitations. Planning cases, by their nature can 'creep' and change their shape and importance, and an initial engagement with a generous (and free) adviser can turn into a long journey. Reliance on professional good will has its limits.

A BETTER SOLUTION

The petition suggests that a better solution would be to fund a panel of contributing lawyers from whom a selection could be made if the person or community meets certain criteria.

Four cost effective proposals have [previously been set out](#) and are expanded upon here:

- Advertise for and constitute a Panel of contributing lawyers. Appointments would be for a maximum of two years, and participants would be allowed Continuing Professional Development credit for their work. Firms and the Faculty would be encouraged to make public their efforts in contributing to this Scheme. Participants (or their firms, or the Faculty) would be paid at nominal rates, and have their expenses covered.
- Where requested, provide informed legal advice and representation to community groups to help prepare for and participate in Public Examinations whatever their form.
- Honour both the spirit and the letter of the Aarhus Convention by making public consultation by planning applicants both meaningful and recorded, with complete and contemporaneous Environmental Information Assessments being made publicly available, and with a record of public responses being kept for the decisionmaker.
- In the same vein, impose independent scrutiny, by a legally qualified person, of the content and manner of the public consultation process for all windfarm or overhead line applications, with an independent report of that consultation exercise to be included as part of the Environmental Report.

These proposals could be financed through an increase in planning application fees (still cheaper in Scotland than they are in England despite the December 2022 increase) with a nominally budgeted “1% for public consultation”. The reality is that developers do not take consultation seriously, rarely straying far beyond the walls of a village hall and providing *pro forma* routine reporting of their efforts.

EQUALITY OF ARMS

At public examinations there are usually unequally sized teams of ‘adversaries’. The odds can appear one sided and intimidating. 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.

Third Parties have a clearly defined right to be present and to take part, yet when they take up this right, they are often treated and dismissed as an irritation by applicants, particularly by large utilities. That is a common experience.

CONCLUSION

This petition contains modest and well thought out proposals which would make a small call on the public purse. Its reach, and the consequences of its implementation, would yield disproportionately significant social benefit spread right across Scotland, encouraging fairness, equality and inclusivity. It would level up, and does not take away from anyone in any respect. The Petitioners are confident that it commands widespread public support and would be popular in communities.

It is submitted that the proposals sought by this petition are a small step towards levelling the uneven playing field upon which many important environmental decisions are made at present.

Aileen Jackson

Petitioner on behalf of SAS

Petitioner submission of 16 July 2023

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

Our Petition requests that ***an independent advocate is appointed to ensure that local participants are not bullied and intimidated during public inquiries.***

We have recently received further evidence of disgraceful behaviour from an Applicant's legal team directed at a community group and their expert witness and legal adviser. The community group's statement is copied below.

I have been asked by Scotland Against Spin (SAS) to post a short report on Scottish Power Energy Networks (SPEN) Kendoon to Tongland 132kV Reinforcement Project following the completion of the Public Inquiry.

Galloway Without Pylons (GWP) have been campaigning for the past 7 years to persuade SPEN to underground or re-route the section between Glenlee and Tongland that goes straight through the Galloway Forest Park which is the most popular "natural" tourist destination in Dumfries & Galloway.

GWP submitted their 20 page final submission on the 10th May which is published on the DPEA website ([TRL-170-1](#)). SPEN's 315 page final submission was submitted on the 20th June, 4 weeks late, however when you click the link to their submission on the DPEA webpage the following message appears:

"DPEA will not publish comments which in their view may be liable to cause offence.

The applicants closing submissions will still be taken into account by the reporters in their consideration of the proposal and sent to Energy Consent Unit with their completed report."

Their submission was written by SPEN's KC, with contributions from Shepherd Wedderburn LLP on behalf of the Applicant.

GWP goes further than the Scottish Government (DPEA) and believes that SPEN's submission has caused great offence. Their submission is arrogant, dismissive of the local community, contains false information and is an attempted character assassination of the two "experts" that were employed to represent GWP. The local community raised £24,000 to pay for our KC and technical expert so you can imagine how angry GWP members are when they read this unpleasant submission from SPEN.

Our technical expert's qualifications include an MSc. in Renewable Energy, and a PHD in Civil & Environmental Engineering. He was absolutely superb at the Public Inquiry, and it was obvious from the first time I met him that he is indeed an expert on the "spatial dimension of energy systems". I am currently working on a report that will highlight those sections of SPEN's submission that attempts to denigrate the evidence of our technical expert and others. There are many!

I have written to both the DPEA and SPEN for their comments on this extraordinary situation.

Paul Swift on behalf of Galloway Without Pylons.

Galloway Without Pylons was fortunate enough, due to their incredible fundraising efforts, to be able to pay for professional support at the Inquiry; most community groups are not so lucky.

We refer the Committee to Petitioner's submission of 9 July 2023, which gives details of proposals that would ensure professional support is provided for all local participants taking part in Public Inquiries. We hope the Committee has also assimilated the evidence submitted from other supporters to this petition who have experienced similar "character assassination" at the hands of developer's legal teams during wind farm public inquiries.

We ask the Committee to help us make sure professional support becomes a reality so that all communities can receive the basic help and support they require to take part in the planning process. We can never compete on equal terms with the teams of lawyers and experts produced by the applicant to present their applications in their most favourable light but providing support and ensuring "fair play" not in a court of law

but in a supposed fact-finding public inquiry, would be a small step in the right direction.

Aileen Jackson

On behalf of Scotland Against Spin

Petitioner submission of 12 September 2023

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

On 5 September 2023 the UK Government announced amendments to its National Planning Policy Framework (NPPF).

We wanted to reflect on how these amendments might affect our petition which, among other requests, *calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore windfarms by:*

- *adopting English planning legislation for the determination of onshore wind farm developments.*

Scotland Against Spin does not see any significant change in the UK Government's policy and we do not believe it affects this petition.

REASONS

On 17 March 2023, the Citizen Participation and Public Petitions Committee wrote to the Minister for Public Finance, Planning and Community Wealth with a number of recommendations, including:

“that the Scottish Government should now undertake work to explore the benefits and disadvantages of altering [the 50MW] threshold.”

and:

“the Committee also recommends that Scottish Government explore the scope for planning authorities to determine more applications for onshore windfarm developments.”

Under the new amendments to NPPF, all applications for onshore windfarm developments in England will continue to be determined by planning authorities, irrespective of size.

In a [statement](#) made by Secretary of State for Levelling Up, Michael Gove said *“My Rt Hon Friend the Energy Security and Net Zero Secretary and I continue to believe that decisions on onshore wind are best made by local representatives who know their areas. This will ensure decisions are underpinned by democratic accountability.”*

The Citizen Participation and Public Petitions Committee further recommended that the *“Scottish Government explore opportunities to ensure that demonstration of local support is a key material consideration in the decision-making process.”*

[Footnote 54](#) of the amendments to the National Planning Policy Framework (NPPF) states:

“Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.”

(Please refer to **Weight of Opinion** in [Petitioner’s submission of 9 July 2023](#) for suggestions of how community support should be determined.)

Scotland Against Spin is therefore content that the wording of the petition does not require any adjustment.

Petitioner submission of 24 September 2023

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

A [new deal](#) between the Onshore Wind Industry and the Scottish Government was signed on 21 September 2023 setting out how both

parties will work together to deliver onshore wind farms with greater speed.

RenewableUK is the trade association for wind power, wave power and tidal power industries in the United Kingdom.

[Commenting on the deal](#), RenewableUK's Head of Onshore Wind James Robottom said:

*“The Scottish Onshore Wind Sector Deal is an excellent blueprint which could be replicated throughout the UK, to drive down electricity bills and boost our energy security. A well-resourced and efficient planning system is needed in every part of the UK to enable new projects to go ahead **where they have local support.**”*

The Onshore Wind Industry obviously agrees that community support is required before planning permission can be granted for an onshore wind farm. In our view, this now leaves the Scottish Government as the only consultee which has not responded favourably to this Petition.

Aileen Jackson

Petitioner

On behalf of Scotland Against Spin

Petitioner submission of 3 February 2024

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

We would like to refer the Committee to our [previous submission](#) of 24 September 2023 where we supplied evidence to show that even the Wind Industry believe that local support should be required before planning permission can be granted for onshore wind farms.

We are now delighted to see that that we also have support in other places where we didn't look for any.

On Friday 24 November, an article appeared in the West Highland Free Press with the title 'Wind Farms “must not be imposed”'.

This article included comments from both Kate Forbes MSP and Ian Blackford MP.

Mr Blackford said that the wind farm projects proposed for Skye may be a “major opportunity for Scotland and the Highlands but can only go ahead with the “consent” of the community involved. He added “For too long the voices of communities have not been taken into account”.

Ms Forbes said she was concerned by natural assets being “bought and sold by companies who primarily serve shareholders” rather than local residents, and added “Are local people by a majority, in favour or opposed?”

We would like to remind the Committee that the definition of “Community” is included in the glossary of NPF4 as noted by the Minister in his [submission](#) of 27 June 2023. Community does not, for example, solely have to be a Community Council, it can be any group of like-minded people. Community is not defined by formal constitution at local authority level so people living close to a development who are likely to be adversely affected and who group together to oppose a wind farm, (as opposed to a community who will receive financial benefit but who by majority will not be adversely affected) are a community in terms of NPF4.

It appears to us that the question which now needs to be asked is not “Who supports this petition?” but rather “Who doesn’t support this petition?” other than Scottish Ministers.

We would also like to update the Committee with regards to the DPEA meeting where it was suggested that the Faculty of Advocates may be able to help local communities with advocacy help at public inquiries. We are sorry to say that no help has been forthcoming and our petition request to “appoint an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries”, as outlined in our [submission](#) of 9 July 2023, still stands.