PLANNING AND CONSENTS

Is the planning system adequately resourced and fit for purpose?

Point 1

It is clear, when comparing the application fee structures north and south of the Border, that the system in Scotland is significantly under-resourced. If it is justifiable for local planning authorities in England and Wales to charge an application fee of up to £250,000 (for major applications such as those relating to wind farms) then it is unjustifiable for the equivalent maximum in Scotland to be £15,000.

Either tax-payers in Scotland are subsidising international energy developers by paying for a far greater proportion of the planning costs than their counterparts in England, or the quality of the planning service in some Scottish council areas is substantially lower than it is south of the Border. The same process has to be followed and so the same quality of decision-making must be expected. Scottish residents, faced with a much higher ratio of planning applications for wind farms per 100,000 population than those in England, have a right to expect the same quality and therefore funding of the planning system.

One indication that the planning system may not be adequately resourced is the fact that some local authority officers such as landscape architects appear to be unable, because of rapidly increasing workload, to give adequate time to each application in order to deliver sufficiently comprehensive scrutiny.

This state of affairs leaves the Scottish Government open to accusations that it suits it to have planning authorities stretched in this way. Speeding up planning processes, as proposed by the First Minister following his task force review in February 2012, is not the answer: that would only succeed in giving less protection to Scottish citizens.

Point 2

It seems to me to be fundamentally unjust that planners may not consider the deterioration of property value by developments. While denied by the energy companies, estate agents confirm that proximity to wind farms not only reduces the value of a property but can in fact make it unsaleable. Where a development makes money for one party and creates a loss for another it would seem entirely reasonable not only that this should be taken into consideration but that, if the development proceeds, the loss should be made good by the developer.

On the specific planning issues of noise, the experience of residents and the views of independent experts clearly demonstrate that existing rules provide insufficient protection. I’m concerned that both UK and Scottish Governments are joining the developers in denial of the damage to peoples’ lives.
Point 3

Many local residents complain that they don’t know about wind farm applications until it is too late either to object or support. I submit that wind turbine siting is so much more affecting to residents than most other planning matters that mandatory postal notification to residents for these specific planning applications needs to be extended to a much, much wider radius than the 20m which applies at present. Current practice is clearly based on urban planning, where most built development has taken place up until recently. Non-domestic wind turbines in rural landscapes have an impact of several times magnitude greater than a garage extension or even a telecomms mast. Zones of theoretical visibility can be imprecise and subject to disagreement. I therefore suggest at least 5 kilometres since all residents within that radius will certainly be affected by any wind turbine over 10m height. This would end the scenario where neighbouring residents find out about planning applications only by word of mouth and then become objectors solely on the grounds of being apparently ignored by developers and planning authorities. This in itself would justify a significant increase in planning fee to cover administrative costs.

Point 4

I have already argued that the planning system is seriously under-resourced. However, I believe that it is, by design at least, fit for purpose. The improvements suggested above would build on a system which at present is the only objective, independent apparatus standing between the needs of communities and the commercial interests of energy developers.

But there is a function which the planning system cannot fulfil and is not catered for elsewhere in Scotland today.

In response to an enquiry from me about representation of communities who are opposed to inappropriate siting of wind farms at Scottish national level, a Scottish Government official, Mr Gordon Patterson, intimated that individuals and groups could make their views on renewable energy known via the planning process. However, he appears to make two basic errors here.

- Any general views on renewable energy which individuals and groups may air in submissions relating to planning applications will not be considered since, under present regulations, these are not pertinent. It surely cannot be intended that the planning process, which is designed for quite a different purpose, should currently provide the only avenue of expression, beyond the electoral process, for citizens to air their views on renewable energy to government?
- The official appeared to imply that the increasing number of concerned citizens can only make objections to specific planning applications because (a) there is no place for representation of these people at the table when Government is talking to the renewables industry and (b) there is at present no other regular forum at which these citizens can discuss this issue with the Scottish Government.
Given that this is the current situation, how can Scottish Ministers and responsible industrial operators make informed judgements about community impact?

I have served on several advisory groups for Ministers at both UK and Scottish Government level and am therefore aware that the best way to make the best decisions is to listen to the broadest range of views, expressed in a single forum. Mr Patterson did make me aware of the Scottish Government's intention to provide some debating opportunity for community groups on wind energy. I hope, perhaps in vain, that this intention is not an effort to separate such groups from the forum where decisions will be made?

It seems to me that the Economics, Energy and Tourism Committee needs to address this current lack of opportunity for those opposed to the inappropriate siting of wind turbines to be heard when Government is talking to developers.

Malcolm R Dickson QPM MA Dip Crim
29 February 2012