I understand the proposed Community Empowerment Bill is open for evidence from the public.

Question 1 - To what extent do you think the Bill will empower communities?

I would like to draw attention to the anomaly which exists between the Town and Country Planning Act (Scotland) 1997 and the Electricity Act 1989. "Section 36" applications for Wind Farms greater than 50MW are determined under the Electricity Act 1989, these applications by-pass the Local Planning Authority, going directly to the Scottish Ministers for determination.

Wind farms under 50MW are covered by the Town and Country Planning Act (Scotland) 1997 and provide a statutory pre-application consultation for the public. Under the Electricity Act, there is NO statutory requirement for developers to hold a pre-application consultation (PAC) with our communities.

Scottish Ministers have recently opened up the National Forest Estates, allowing Forestry Commission Scotland to enter into joint venture partnerships with commercial Wind Farm developers. FCS manage this land on behalf of the Scottish Ministers. The Scottish Ministers own this land on behalf of the public. Section 36 applications determined under the Electricity Act, result in Scottish communities having no statutory right to be consulted on the proposed use of our own land!

This is surely a sad reflection on what passes as democracy in modern day Scotland!

In this year of the Referendum, when Scotland's people are being asked to vote on the future of our Nation, it seems inconceivable to find that at grass roots level, we have no legal right to be consulted on how Scotland's own land is to be utilised.

England already has compulsory pre-application consultation for Wind Farms greater than 50MW under their Planning Act 2008.

Scotland has "Government Guidelines" highlighting community engagement methodology - why should Scottish communities find themselves reliant on guidelines, when what we actually require is "statutory" legislation in place to ensure we have a right to be consulted and guaranteed a right of public participation in these important planning issues?

If the Community Empowerment Bill can achieve this, then it will obviously have justified the time, money and effort which has gone into it's inception - otherwise, it could be seen by many as a parody of it's own name.

I sincerely hope this Community Empowerment Bill is successful - the people of this country need to have faith in an open, transparent and
democratically robust planning system, and our communities need legislation in place which "guarantees" them a statutory right to be consulted on the proposed use of our own land and the power to have our collective voices heard.

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