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

Petitioner written submission, 18 August 2025

Thank you for the opportunity to update our previous submission to the Committee due to the length of time between hearings.

CONSULTATIONS

It is now a year since a Summary of Responses to the Investing in Planning Consultation was published showing that the raising of the 50MW threshold in order to allow for greater local decision making, was supported by all respondent categories except Development, Property & Land Management Sector & Agents, yet still no decision has been made by the Scottish Government on this matter. We doubt it ever will be. It is noted that the threshold in England is 100MW despite the average capacity of wind farms there being much less than the average of 120MW in Scotland.

The outcome of the Electricity Infrastructure Consenting in Scotland and UK consultation was published in March 2025. It confirmed what we all already knew - that democracy is repeatedly, and often irrationally overruled in favour of UK/Scottish Government so-called 'climate objectives'. This is illustrated in many of the responses, where overwhelming agreement or disagreement to consultation questions was overruled as a 'Nanny knows best' decision if majority responses did not comply with the Scottish Government's objectives, one of which is to speed up the consent process for major renewable and network projects.

The public consultation to reform provisions of the Electricity Act 1989 was simply an exercise in political correctness to try to show that the public had a voice and were listened to, but they were ignored regardless. The amended UK legislation, with lockstep cooperation by the Scottish Government, is heavily weighted to favour developers/applicants whilst removing effective rights of statutory representation from local authorities, statutory bodies and the public, so that objections are minimised and consents at almost any price are speeded up. The Aarhus Convention is routinely ignored.

The Planning and Environmental Appeals Division (DPEA)

DPEA continued to fail to engage with us directly on the subject of legal or representative help for communities wishing to take part in public inquiries. However, during the recent DPEA Stakeholder Forum (of which our organisation is a member), the proposal of Community Hearings for public third parties, instead of participation at Public Inquiries or Hearings was discussed. As explained in our previous submission of 22 January 2025, unless local opinion becomes a key material consideration in the decision-making process, this format of a less confrontational 'informal chat' will have little statutory or meaningful value. Such Hearings will not include questioning of members of the public, save by a Reporter, so challenge by the applicant will be excluded. Renewable industry representatives at that DPEA Stakeholder meeting also made clear that they would not support a third party

attending both a less formal community hearing and being allowed to participate in a formal inquiry, should that person so choose.

DPEA is of the opinion that there is unlikely to be a drop in the number of Inquiries being held, as a consequence of the amendment of the Electricity Act 1989 and that there will be “no pressure from above (Scottish Ministers) to not have a public inquiry”. That is not what the evidence shows. For example it is evident that opportunities to avoid any need for a PLI are routinely taken by the Energy Consents Unit.

The DPEA forecasts that windfarm and grid application numbers will continue to rise and so too will the number of communities facing applications and inquiries without professional help. Many cannot raise enough funds for one inquiry let alone finance multiple inquiries for multiple renewable developments affecting a community council area. This acts as a barrier to effective public engagement in the planning process; the opposite result to that which the Scottish Government publicly purports to support.

As mentioned in our previous submission, a key component of Article 6 of the European Convention of Human Rights and Aarhus 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. Where is the fair balance in the current Public Inquiry situation? Would applicants ever consider taking part in an inquiry without their army of wellresourced lawyers and other consultants? Of course not. Even councils flinch from taking part because of the resource implications for them.

DPEA confirmed to us, in writing, that they were unable to support the need for professional help for communities at inquiries because “the DPEA position, as you would expect, will be in line with that of the wider Scottish Government in relation to this Petition”. It is obvious from this statement that even if they did support the need for professional help, they could not say so.

Communities across Scotland are crying out that their opinions are being ignored. That is clearly and simply because the reality is that the Scottish Government does not want rural voices to be heard on this matter and does not want articulate and well-informed third parties to be able to participate in planning procedures on an equal footing with a well-resourced commercial applicant. Without proper support and equal terms of representation, equality will never be achieved.

Given the public strength of feeling throughout the country on this important matter, we urge members of the Committee to refer this petition for debate in the Chamber as a matter of urgency. This petition has been kicked down the road for over four years, and any further delay is likely to result in responsibility for a decision to a newly formed Scottish Government. Further procrastination would not be acceptable.