

## Petitioner submission of 20 June 2022

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

It was, in our view, unfortunate that two unrelated wind farm petitions raising different issues were heard simultaneously at the Committee meeting on 15 June as issues raised in Scotland Against Spin(SAS) petition PE1864 were not properly considered. Some of our members who were watching the proceedings were left confused over which petition was actually being discussed.

The SAS Petition requests that wind energy schemes in Scotland, irrespective of size, are determined by the Local Planning Authority, as they are in England. As Energy is reserved to the UK Government, the Scottish Government would need to seek approval in order to do this. As this is current practice in England, it seems to us that the UK Government would readily agree to adjust the Electricity Act in Scotland to enable the determination of all windfarms to rest solely with Local Planning Authorities. The Prime Minister is quoted in the [British Energy Security Strategy](#) as saying:

"In Scotland, which has its own planning system, we will work with the Scottish Government to ensure communities and landscape issues are considered for future projects."

It was obvious from the discussion at the Committee Meeting on 15 June that the Scottish Government had made no attempt to approach the UK Government to ask if they would agree to an amendment of the Electricity Act, despite the fact they had been requested to respond to our Petition as far back as February 2022.

We welcome the [submission from RTPI of 6 October 2021](#) which states that RTPI "would welcome the exploration of opportunities and challenges of allowing Planning Authorities to determine more applications for onshore wind", which has the potential to result in "greater involvement of communities throughout the consenting process".

There was no consideration given to funding the professional support so desperately needed for communities involved in scrutinising wind farm

applications and participating in Inquiries, other than volunteering that Planning Aid Scotland can offer support. As previously mentioned in [Petitioner's submission of 11 June 2021](#), the charity Planning Aid Scotland (PAS) is very helpful for basic general planning information but being staffed by volunteers, does not have the resources to help scrutinise the vast number and thousands of pages of complex documents within a wind farm application and it does not have an advocacy role. They are not experts in Noise, Private Water Supplies and other technical issues. Having consulted our members, some had not heard of PAS and others who had used the service found they were less well informed than themselves, lacking experience in this very specialised area. We refer you to [PAS's response](#) to our petition of the 6 October 2021 which states "PAS recognises the challenges that community groups and members of the public experience in preparing for and participating in inquiries, especially in areas with multiple and/or repeat applications".

The reality is that communities require expert help to enable them to participate in the planning process and this help must be accessible pro bono. To suggest otherwise is for the Minister to ignore the reality of pleas from beleaguered rural communities, whilst believing that the status quo provides adequate help.

The Minister alluded to the provision of an extra pre application consultation for communities. Some developers already provide two community consultations, but it makes little difference if people are not made aware of the event in the first place or are unable to attend. Most windfarms are in remote rural areas. Many residents living in these areas have poor or no internet, have limited or no IT knowledge, cannot participate in community council meetings, rarely buy local newspapers and rely on the post and a few neighbours for occasional updates. They cannot access public notices online, download documents and are unable to take part in online consultations. These issues have previously been raised by SAS through their membership of the DPEA Stakeholders' Forum. As we heard in Petition PE1845 - *Agency to advocate for the healthcare needs of rural Scotland*, addressing equality and inclusivity for rural inhabitants - these are the same people likely to have to travel the equivalent distance of a return trip to Newcastle from Edinburgh, simply to access health care. Unless they are informed directly of a proposed development in their area, they are likely to miss the opportunity to make a representation. Being able to express their opinion has never been more important given the current trend for applications with increasing environmental and amenity impacts with

turbines up to 260m in height, such as [Dunside in the Scottish Borders](#) which proposes turbines 150m taller than the height of those at the original Whitelee Wind Farm.

As there is currently no requirement for a record of public comments, planners must accept the developer's word of how many people are supportive (or not) of their plans. That, in our view, is unacceptable. Increasing public consultation events will not remove the need for the professional help which communities require to engage effectively in the planning process.

### **Concerning the abuse of community representatives at Public Inquiries:**

During the evidence session, there appeared to be lack of understanding for the remit of Reporters. Ultimately, Reporters are both judge and jury in oral planning procedures and they are unable to informally or formally guide the public. In our experience, many Reporters lack the knowledge or experience to constrain inappropriate cross examination of public witnesses.

Harsh and prolonged questioning of members of the public at Public Inquiries was acknowledged by Brian Whittle MSP who had received many complaints from his own constituents.

As Chair of her Community Council, [Rachel Connor's submission of 11 June 2021](#) describes that before an Enforcement Appeal Inquiry the developer submitted allegations of gross misconduct against her, resulting in a 3-month investigation. She was exonerated and cleared on all counts. Nevertheless, as an individual member of the public, at the end of a four-hour cross examination by the developer's QC, those unfounded allegations were obviously raised in an attempt to impugn her reputation and discredit her evidence. The recording of this Inquiry is available for viewing on the DPEA website.

Other evidence of bullying multiple witnesses, referred to in [Audra MacPhee's submission of 29 September 2021](#), took place before the recording of Inquiries was commonplace. However the intimidation of witnesses described by Ms MacPhee - "As a witness the developers legal counsel did an excellent job of character assassination and branded many of those who fought the development to be suffragette type objectors!" - was witnessed by members of SAS who were present in a support role.

There was much discussion of Petition PE1885 over the rights of communities to have mandatory shared ownership yet there was no thought given to the many communities throughout Scotland who do not want windfarms overshadowing their communities irrespective of the financial benefits on offer; their environment, health and wellbeing meaning more to them than money. That is their prerogative and it is in line with Scottish Government aspirations to give communities a greater say in the planning process and more control over the type of development they believe is acceptable in their own area.

Community benefit has been shown to be deeply divisive, destroying rural community cohesion, with communities distant from the wind farm site suffering no adverse effect but still receiving financial reward and residents who live closest to the site suffering overwhelming impacts and financial loss but receiving nothing. In other words, it is a balanced system of choice, which communities living in England currently enjoy and which, we believe, Scottish communities deserve.

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