

# Petitioner submission of 26 April 2023

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

Scotland Against Spin's reaction to the Scottish Government's response to recommendations made by the Citizen Participation and Public Petition's Committee.

**Recommendation 1** - *the Scottish Government should now undertake work to explore the benefits and disadvantages of altering [the 50MW] threshold. The Committee also recommends that Scottish Government explore the scope for planning authorities to determine more applications for onshore windfarm developments.*

We thank the new Minister for Local Government Empowerment and Planning for his submission of 17 April 2023. SAS welcomes the commitment of the Scottish Government to undertake work to explore the many benefits to communities and government of altering the 50MW threshold and to explore the scope for planning authorities to determine more applications for onshore wind farm developments.

[RTPI's submission of 6 Oct 2021](#), "would welcome the exploration of opportunities and challenges to allow Planning Authorities to determine more applications for onshore wind", with potential for "greater involvement of communities throughout the consenting process."

**Recommendation 2** – *the Committee further recommends that the Scottish Government explore opportunities to ensure that demonstration of local support is a key material consideration in the decision-making process.*

Communities in England are reassured that a proposed development will only succeed if it is in an area identified as suitable in a local plan and the planning impacts identified by the local community have been addressed and there is local support. Scottish communities have no such comfort. They should have, which is what the Committee has recommended.

The response from the Scottish Government avoids the issue of strengthening the hands of local people, preferring instead to hide behind NPF4 which gives scant consideration to public opinion unless it

supports government policy. Local place plans are nothing more than a wish list for local communities which will only come to fruition if they comply with NPF4. This is obvious from the Scottish Government's response. "[...] we continue to ensure that local communities can have a meaningful say **before decisions are made about their areas.**"

There is no definition of what "meaningful" comprises or its significance in the planning process. Community consultations in Scotland are all too often a tick box exercise without meaning.

Who makes the decisions? Our petition requests that communities are allowed to have a greater say in development in their local area, not less.

In response to concerns raised at Holyrood over plans for Highly Protected Marine Areas, the new [First Minister responded](#) by saying:

"A very basic principle that we have always operated by, and I continue to reaffirm and confirm today, is that we are not going to impose these policies on communities that don't want them, so we will work constructively with them."

It seems that the views of coastal communities may be important but not the views of rural communities. This is inconsistent and unfair.

Both the UK Minister of State for Energy, Clean Growth and Climate Change and Secretary of State for Scotland have made it clear in their correspondence dated 5 and 8 August 2022, regarding this Petition, that "the UK Government is willing to engage with and have constructive conversations with the Scottish Government on planning matters" but it appears that the Scottish Government has no interest in doing so. The reasons are unknown. This part of the Scottish Government's response is acutely disappointing.

**Recommendation 3** – *suggests further research into how support could be provided for communities wishing to participate in public inquiries into planning decisions, particularly those related to onshore windfarm.*

We have outlined how this could be achieved in the [Petitioner's submission of 11 June 2021](#).

Four cost effective solutions are proposed.

- Advertise for, and constitute a Panel of contributory lawyers. Appointments would be for a maximum of two years.

- Make required public consultation meaningful, following provision of accurate and detailed information, with required/recorded public comment as required by the Scottish Government's commitment to the Aarhus Convention.
- Impose independent scrutiny, by a legally qualified person, of the content and manner of the public consultation exercise in each case, producing an independent report as part of the Environmental Report.
- Where requested, provide informed advocacy/legal assistance to community groups to help prepare for and participate in public inquiries or hearings.

These suggestions could be easily financed through an increase of planning application fees for major developments which are still much cheaper in Scotland than those in England.

RTPI's submission of the 6 October 2021 agrees that planning fees should be increased.

[Planning Aid Scotland's submission of 6 October 2021](#) states that "they recognise 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."

Their [submission of 9 August 2022](#) also confirms that they "would welcome the Scottish Government undertaking research into how support could be provided for communities participating in public inquiries (on windfarms and any other topic)."

Support is particularly important for people with hidden disabilities such as autism and dyslexia or those without adequate IT literacy or broadband provision. All such groups can experience communication difficulties but wish to take part. The Scottish Government is committed to equality in all areas; their vision being that individuals are respected, accepted, and valued by their communities and have confidence in public services to treat them fairly. Planning inquiries should not be exempt.

An independent advocate appointed to protect and guide any member of the public who wants to give evidence at inquiries would generate greater participation in the planning process, which is what the Government is seeking to achieve.

Without professional help for communities there is no level playing field. Those who can afford to pay for professional services will always have a better chance of having their voices heard while those who cannot pay will give up trying. This is simply not democracy.

Aileen Jackson

On behalf of Scotland Against Spin