

Petitioner submission of 27 November 2023

PE1885/N: Make offering Community Shared Ownership mandatory for all windfarm development planning proposals

I thank the Minister for answering the Section 36 question and for outlining her Community Shared Ownership (CSO) plans. However her response is deficient and insufficient in a number of ways.

Her plans, as given in her response, are insufficient to ensure CSO and a Just Transition for communities – neither the Onshore Wind Sector Deal nor the Energy Strategy and Just Transition make CSO mandatory. But the evidence is unequivocal – the industry is happy to sign up to non-mandatory CSO commitments and then ignore them. In Kintyre of the 15 onshore windfarm developments that are within, or recently progressed through, the planning process, only 2 have offered CSO to the Community. To be blunt, the industry signed up to the 2019 Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments and then flouted them, putting their own profitability ahead of all other considerations. **The industry will ignore her plans and commitments, unless CSO is made mandatory.**

Her response is deficient in two ways – A) in that it does not (**yet again**) answer the petition's main focus that a mandatory CSO offer for onshore windfarms could be implemented through the devolved Land & Tax powers as detailed in the petition (in order to assist the committee, these are detailed below), and B) the Minister has still not indicated how she intends to dialogue with the Petitioner, the Community and the Committee on the possible use of the devolved Land and Tax laws to make a CSO offer compulsory for all new windfarm developments (as per her response of 6 April 2023).

I would humbly request that (once again) the Committee seeks an answer from the Minister to these 2 questions.

In order to assist the Committee, here are the specifics of the devolved powers that could be used to make CSO mandatory:

- the Scottish Government has the power to raise new land taxes on any transactions & transfers involving interests in land, (Part 4A Chapter 3 of the Scotland Act).

- the Land Registration etc (Scotland) Act 2012 (and the concomitant 2012 Act Registration Manual of the Registers of Scotland) defines 'transfer' as being any 'transfer of whole' or 'transfer of part' which requires the creation of a new title sheet with the Registers of Scotland – this includes the creation of leases between 3rd party wind farm developers and landowners.
- thus the Scottish Government has the power to legislate for a new 'tax' – one that would require all developers who don't own the land to make a CSO offer that fully meets the criteria of the Good Practice Principles.