

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

## Petitioner written submission, 16 January 2026

The petitioner thanks the Minister for the reply. The petitioner would point out to both the Minister and the Petitions Committee that once again the Scottish Government has obfuscated, rather than answer the question, which was “when such changes, as outlined in the submission, to the devolved tax/rate system will be made by the Scottish Government in order that Communities will be able to benefit from the increase in Community Shared Ownership that results”.

Over the **almost 5** years that this petition has been heard, the Scottish Government has admitted that, **contrary** to its repeated mantra that “energy is a reserved matter for Westminster”, it does have the powers to make Community Shared Ownership (CSO) mandatory – specifically:

1. Under its Section 36 powers – in the same way that the English and Welsh Governments used their Section 36 powers to refuse planning permission for any turbine developments over a specified height, it could refuse planning permission for any development that didn’t offer a Scottish Government approved CSO.
2. The Scottish Government has already used these powers when it banned fracking for shale gas in 2017 (even though energy is a reserved policy) and is considering using these powers to similarly block the building of new nuclear reactors in Scotland – counter to the current Westminster energy policy (as suggested in the BBC article “The nuclear power station on the front line of an election battle” from 12/12/2025). Thus it could use these powers to refuse planning permission for any development that didn’t offer a Scottish Government approved CSO.
3. Under its devolved powers to raise new land taxes, via the Scotland Act Part 4A chapter 3 and the Land Registration etc. (Scotland) Act 2012 (see earlier petitioner replies for details, such as PE1885/N) whereby it could mandate that any new title sheet at the registers of Scotland for leases between 3rd party wind farm developers and landowners are required to offer CSO.
4. Under the Renewable Energy Generation Relief (REGR) it could offer a negative tax that via incentives effectively makes CSO mandatory.

To paraphrase Oscar Wilde’s character Lady Bracknell, “To lose one set of powers, Minister, may be regarded as misfortune, but to ‘lose’ all three looks like deliberate carelessness”.

The petition’s hearing by the Committee on April 2<sup>nd</sup> 2025 was supported by Community Energy Scotland (CES). CES not only agree that the Scottish Government has the powers to make CSO mandatory, they also point out that the Scottish Government doesn’t even follow its own ‘best practice’ or ‘advice’ - that when it leases its own land (e.g. FLS) to wind farm developers it often fails to ensure

that there is an obligation to offer CSO written into the lease. “Do as I say, not as I do”.

Given the support from Community Energy Scotland and the Scottish Government’s prior admissions to this committee that it does have the powers to mandate (see above), the petitioner asks that the Committee require the Scottish Government to answer categorically how it will use some, or all, of its powers to mandate CSO. The petitioner would also ask the Committee to make clear to the Scottish Government that an answer that just obfuscates again isn’t acceptable (e.g. ‘we await the Westminster Government’s review of CBF and CSO’). The Petitioner would ask the Committee to seek an assurance from the Scottish Government that **all** leases of public land (FLS etc.) to renewables developers will contain a requirement to offer CSO to the community.

Finally, we’d ask the Committee to ensure that the Petition PE1885 isn’t kicked into the long grass by the Scottish Government by the dissolving of Parliament in April.