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Dear Jackson,

Many thanks for the opportunity to discuss a wide range of energy-related petitions on issues which I know matter greatly to our communities on 14 January 2026. As I set out during the evidence session, renewables represent a huge economic opportunity for Scotland and can provide future energy security in a world where this is an ever-present risk. At the same time, it is essential that communities can have their say in proposed development and benefit directly from it. I hope that the information I provided on steps my government has taken and is taking, including in relation to both mandatory community engagement on large-scale projects and our work on the Good Practice Principles, have helped illustrate this commitment.

At the session, I took away a number of issues to get back to you on, and I have set these out below.

### **Renewable energy applications**

As you know, Scottish Ministers are responsible for deciding applications to build, operate or modify onshore electricity generating stations with capacities exceeding 50 MW under powers contained in the Electricity Act 1989. Applications concerning onshore electricity generating stations with capacities of 50 MW or less are largely decided by planning authorities under the Town and Country Planning (Scotland) Act 1997, as amended.

In committee, I noted that I cannot recall calling in a decision made by a local planning authority. Whilst I have not myself called in any decisions, it is the case that Scottish Ministers have a general power to intervene in the determination of a planning application and to call in an application to take on the decision-making role themselves. In practice, it is expected this power would be exercised very sparingly and would usually be a matter for the Minister for Public Finance who has portfolio responsibility for the planning system. Further information on the circumstances in which Ministers may consider it appropriate to call in an application are set out in the [Ministerial statement – 28 June 2023](#).

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## Planning applications (energy) called in by Scottish Ministers since 2021

CASE REF.	Council	Called in	CASE DETAILS	CASE STATUS
CIN-330-001	Orkney Islands Council	21/09/2021	Six Wind Turbines (Maximum Height 149.9 Metres, Maximum Wind Farm Capacity 50Mw) with An Indicative Capacity Of 28.8 Mw, Erect a Meteorological Mast (Maximum Height 90 Metres) and a Substation	Granted 21/02/2022
NA-330-001	Orkney Islands Council	27/01/2025	Four Wind Turbines (Maximum Height Of 180 Metres, Maximum Generation Capacity 26.4 Mw Total), Substation and Maintenance Building	Live
NA-340-008	Perth and Kinross Council	21/10/2025	Formation of a 30Mw Battery Energy Storage Facility Comprising Battery Storage Units, Ancillary Buildings and Equipment, Access Road and Associated Works	Live

In certain cases where an application for planning permission has been refused, or not decided within statutory timeframes, developers have the right to appeal to Scottish Ministers. The vast majority of appeals are considered and decided by reporters working in the Scottish Government's Department for Planning and Environmental Appeals (DPEA). A very small number of appeals are not delegated to reporters for decision but instead are 'recalled' by Scottish Ministers who will then make the final decision themselves. In those cases, the appeal will still be examined by a reporter, who will then write a report and make a recommendation for Ministers to consider before they make their decision. Ministers do not have to agree with the reporter's recommendation.

I have set out the number of DPEA Delegated Appeals in the period 2021 to 2026 below.

### DPEA Delegated Appeals 2021 – 2026

Case Type	Reason for Appeal					Grand Total
	Conditions Imposed	Failure to give a decision	Refusal of Application	Other		
<b>Battery Storage</b>		5	13			<b>18</b>
Appeal Allowed		4	8			12
Appeal Dismissed		1	5			6
<b>Hydro/Solar Power</b>			1			<b>1</b>
Appeal Allowed						
Appeal Dismissed						

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Application Refused			1		1
<b>Wind Farm (two or more turbines)</b>	<b>1</b>	<b>9</b>	<b>15</b>	<b>1</b>	<b>26</b>
Appeal Allowed	1	7	10	1	19
Appeal Dismissed		2	5		7
<b>Wind turbine (single)</b>			<b>3</b>	<b>2</b>	<b>5</b>
Appeal Allowed			2	1	3
Appeal Dismissed			1	1	2
<b>Grand Total</b>	<b>1</b>	<b>14</b>	<b>32</b>	<b>3</b>	<b>50</b>

## Cumulative impacts

As I set out on 14 January and in my previous responses to this committee on matters of cumulative impacts in relation to pumped storage hydro (PSH) developments, Scotland has some of the most stringent environmental impact regulations anywhere in the world.

Our Fourth National Planning Framework (NPF4) ensures potential impacts on communities, nature, and cultural heritage, including the cumulative effects of developments, are important considerations in decision making, with all applications being subject to site-specific assessments.

In determining the application, the decision-maker will consider responses from statutory consultees, including the Scottish Environment Protection Agency (SEPA) and NatureScot, in respect of impacts considered through the statutory Environmental Impact Assessment (EIA) process.

In addition to being a statutory consultee as part of planning and consenting applications, SEPA are also responsible for licencing under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (also known as CAR regulations). In determining this, SEPA will also conduct their own environmental impact assessments. This is a separate process to consenting.

At the session, I highlighted the internal work SEPA are currently doing to consider a range of PSH-related issues. SEPA is currently assessing the impacts of PSH, including potential effects on fish populations, and is developing internal guidance on how to address cumulative impacts. This guidance will shortly be shared externally with key stakeholders for consultation.

In addition, SEPA has recently established a dedicated PSH short-term task and finish group to explore issues such as cumulative impacts and identifying gaps and ways to strengthen current guidance.

Scottish Government officials will continue to work closely with SEPA and will consider any recommendations the Agency provides. We have been clear that this work must move at speed to ensure we can address any gaps, if identified by SEPA, promptly. We welcome ongoing efforts to strengthen the evidence base that can support the preparation of Environmental Impact Assessment (EIA) reports.

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## **Wider topics**

Due to the time constraints of the evidence session, I note we did not have an opportunity to discuss Battery Energy Storage Systems (BESS) in any detail so I would like to share some further information relevant to petition PE2157.

We will publish a call for evidence on BESS later in 2026 which will help inform a future policy statement on the technology. This is in recognition of the rising contribution of BESS to the energy transition. So far, BESS has had a small role within our energy system with only 0.5 GW currently operational. However, Scotland has a strong pipeline of projects which will help enhance stability, reduce the operability risk of the electricity system and eliminate constraints.

One of the key themes during the evidence session was the importance of transparency and community involvement in decisions – the call for evidence is an opportunity for everyone, including communities hosting this infrastructure, to share their experiences and suggestions. We will consider the issue highlighted by the above petition as part of the call for evidence.

In the meantime, and as you know, we have commissioned independent consultants to produce planning guidance on BESS and work on this is well underway. While new guidance will not alter our existing statutory or policy frameworks, it will help to increase clarity for developers, and support more consistent decision-making.

Finally, this committee's work is invaluable in ensuring people across Scotland who are impacted by these issues can be heard and I appreciate the time this committee has taken to consider the petitions discussed during the session.

**GILLIAN MARTIN**