

**Citizen Participation and Public Petitions Committee**  
**Wednesday 14 January 2026**  
**1st Meeting, 2026 (Session 6)**

## **Thematic consideration of energy-related issues raised by petitions**

### **Introduction**

1. At its meeting on 10 September 2025, the Committee agreed to invite the Cabinet Secretary for Climate Action and Energy to provide evidence on petition PE1864: Increase the ability of communities to influence planning decisions for onshore windfarms. The Committee subsequently agreed for this to be part of a wider thematic evidence session on energy-related issues raised across the following petitions:
  - PE1864: Increase the ability of communities to influence planning decisions for onshore windfarms
  - PE1885: Make offering Community Shared Ownership mandatory for all windfarm development planning proposals
  - PE2095: Improve the public consultation processes for energy infrastructure projects
  - PE2109: Halt any further pump storage hydro schemes on Scottish lochs holding wild Atlantic salmon
  - PE2157: Update planning advice for energy storage issues and ensure that it includes clear guidance for the location of battery energy storage systems near residences and communities
  - PE2159: Halt the production of hydrogen from freshwater
  - PE2160: Introduce an energy strategy
2. Petition summaries for each of the relevant petitions are included in **Annexe A** and the Official Report of the Committee's last consideration of each petition is included at **Annexe B**.
3. The Committee has received new written submissions from:
  - the Minister for Climate Action on PE1885
  - the Cabinet Secretary for Climate Action and Energy on PE2095
  - NatureScot and SEPA on PE2109
  - the Minister for Public Finance and a submission from an individual for PE2157

- the Cabinet Secretary for Climate Action and Energy, SEPA and the Petitioner for PE2159
- the Cabinet Secretary for Climate Action and Energy and the Petitioner for PE2160.

These submissions are set out in **Annexe C**.

## **Today's meeting**

4. At today's meeting the Committee will hear evidence from:
  - Gillian Martin, Cabinet Secretary for Climate Action and Energy
  - Catherine Williams, Deputy Director, Onshore Electricity, Strategy and Consents
  - Robert Martin, Head of Legislative Change and Governance
  - Antonia Georgieva, Head of Battery Energy Storage Systems.

## **Action**

5. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**January 2026**

## Annexe A: Summary of petitions

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

#### Petitioner

Aileen Jackson on behalf of Scotland Against Spin

#### Date Lodged

24 March 2021

#### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore windfarms by—

- adopting English planning legislation for the determination of onshore wind farm developments;
- empowering local authorities to ensure local communities are given sufficient professional help to engage in the planning process; and
- appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

#### Previous action

We have written to Jamie Greene MSP, Brian Whittle MSP and Willie Rennie MSP. We have also written to Kevin Stewart MSP in his role as Minister for Local Government, Housing and Planning.

Scotland Against Spin has been a member of the Directorate for Planning and Environmental Appeals (DPEA) Stakeholders' Forum since 2013. It has been raising issues to which this Petition relates since 2019.

#### Background information

In 2020 the UK Government announced its intention to allow onshore wind farms to compete for subsidies in the next round of Contract for Difference (CfD) auctions which would allocate market support for projects coming forward towards the middle of the decade. This news was followed by a rapid rise in the submission of onshore wind farm planning applications, particularly in Scotland where National Planning Policy is very supportive of development compared to the rest of the UK.

Onshore wind development is considered, by some, to be particularly lucrative for developers, owing to lower development costs. Some areas of rural Scotland are, we believe, at saturation point with large scale industrial wind power station proposals and developments which have been built or are currently going through the planning process.

In Scotland, wind energy schemes with generating capacity of 50MW or less are determined by Local Planning Authorities (LPA). Local Community Councils are statutory consultees for such planning applications. A refusal of planning permission regularly leads to an appeal by the developer. That appeal, delegated to the Directorate for Planning and Environmental Appeals (DPEA) by Scottish Ministers is often very costly to the LPA, particularly if a Reporter decides that an appeal should be determined by means of a Hearing or Public Inquiry.

Larger wind farms exceeding 50MW are determined at the outset by Scottish Ministers under the Electricity Act 1989, section 36 (s.36) rather than by the LPA. However, the LPA remains a statutory consultee for each s.36 planning application submitted to the Scottish Government's Energy Consents & Deployment Unit. Should an LPA formally object to a s.36 application, a Public Inquiry is automatically triggered. This results in significant expense to the LPA, in order for them to defend their objections. In the majority of cases, the objections of these LPAs and the Community Councils are overruled by the Scottish Ministers, acting on Reporters' recommendations.

In contrast, wind energy schemes in England are determined by the LPA, irrespective of size. LPAs are directed to only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been satisfactorily addressed and therefore the proposal has community backing.

Whether a proposal has the backing of the affected local community is “a planning judgement for the local planning authority.”

If an LPA rejects a planning application, then a developer has a right to appeal to the Secretary of State via the Planning Inspectorate.

This difference in legislation makes it significantly more difficult to obtain planning permission in England, and has led to an influx of developers seeking sites in Scotland, because they believe that the Scottish Government will overrule local decision making and grant consent for planning applications for onshore windfarms.

This has resulted in Scottish rural communities facing multiple applications simultaneously or consecutively. They are left simply overwhelmed and unable to manage, either in terms of the manpower required to scrutinise large technical documents and/or to fundraise in order to employ professional help. In turn, this leaves them particularly disadvantaged in a Public Inquiry situation where they face teams of professionals and the applicant's consultants, who are well able to present windfarm applications in their most favourable light, and at the same time seek to marginalise the evidence from public witnesses.

Live streaming and archived video footage of Inquiries visible on the DPEA website, has resulted in prospective public and lay participants witnessing what they perceive to be personal and vicious attacks on local objectors by experienced lawyers

employing aggressive cross examination techniques. Whilst such techniques might be suitable in a criminal court setting, in those circumstances, the witness would have the protection of counsel or intervention by a judge if there was irrelevant and intimidating questioning. No such protection is provided for a public witness at a planning Public Inquiry; it is seen as a ‘no holds barred’ arena for the appellant’s legal team. Many bona-fide people, giving of their best in the local interest feel they cannot cope with the psychological or financial strain of becoming involved in such a combative and unequal process. It seems to us that the appellant’s legal team frequently seeks to discredit a public witness on a personal basis and, as a consequence, their opinions and evidence before the Inquiry are diminished and ignored. Some Community Councils and members of the public will simply withdraw their representation.

We believe that this is a one-sided process which acts as a barrier to effective public engagement in the planning process; the opposite result to that which the Scottish Government is seeking to achieve.

We believe that the adoption of planning legislation such as that in England where there is strict adherence to local development plans which have previously been the subject of public consultation, would direct developers to suitable sites where there is less likelihood of objection from local planning authorities and communities. Any community which had not had its concerns fully addressed could be confident that proposals would be justifiably refused and an appeal would be unlikely. This would encourage developers to have longer, more meaningful consultation with local communities before finalised plans are submitted. At present, the required community engagement exercise in Scotland seems to be largely a one-way consultation which we believe is regarded by many developers as simply a ‘tick box’ exercise. All parties would benefit as only plans likely to succeed and gain consent would progress to being formally submitted to LPAs.

We call on the Scottish Government to bring planning legislation for the determination of wind farm developments in line with that of England. We also call on the Scottish Government to find a way to restore “equality of arms” in the planning process by equipping LPA’s to give positive assistance in the form of professional help to local communities, and to appoint someone to act as an independent advocate or adviser in public inquiries to ensure that local participants are not bullied and intimidated, and that their voices are heard.

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

**Petitioner**

Karen Murphy

**Date Lodged**

19 August 2021

## **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to make Community Shared Ownership a mandatory requirement to be offered as part of all planning proposals for windfarm development.

## **Previous action**

Residents of Kintyre and Knapdale have engaged with 6 Community Councils who have in turn been in contact with Argyll and Bute Council.

The Cabinet Secretary for Rural Affairs, Fergus Ewing has been approached and representation has also been made to Jenni Minto MSP regarding some of the companies who are refusing shared ownership asking her to email a particular company about their stance. It is understood she is arranging a meeting with Michael Matheson, Cabinet Secretary, to discuss this.

## **Background information**

Currently, Community Shared Ownership is a recommendation of the revised Scottish Government 'Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments' (2019), but many opportunist developers do not offer shared ownership on agreements to offer fair and effective CSO opportunities to impacted communities.

Because of the unprecedented scale of windfarm development, a piecemeal approach to securing CSO is beyond the scope of small communities. Given that development is a national occurrence, a coherent political response is required which mandates that developers must offer and secure 15% CSO investment. Unless this is in place Government will fail local communities, and will not achieve the target for Community and locally owned energy. Increasingly windfarm developers build windfarms to immediately sell them on to Capital Investment Firms, and, with no requirement to offer CSO, it is a seemingly added and unnecessary complication to their ability to sell, so offers are withheld. This is compounded by subsidies no longer being available.

## **PE2095: Improve the public consultation processes for energy infrastructure projects**

### **Petitioner**

Margaret Tracey Smith

### **Date Lodged**

10 April 2024

## **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to:

- review and seek to update section 3.2 of the [Energy Consents Unit: Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989](#) to address the concerns of communities about the lack of meaningful, responsible, and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects
- explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.

## **Background information**

Communities across North East Scotland have serious concerns about the quality and transparency of the public consultation accompanying SSE Transmission's East Coast 400kV Phase 2 project.

SSEN's engagement with communities has been rushed, and insufficient effort has been made to understand and communicate the full impact of the proposals to impacted communities. There have been inconsistencies between information presented in SSE's published material and their contact with community representatives. Many affected residents were unaware of the plans and it has fallen to local campaigners to raise awareness.

These concerns have had a detrimental impact on the wellbeing of residents, who are worried about their health, businesses, property value, cultural heritage, and the loss of prime agricultural land.

The Scottish Government must use all available levers to improve the public consultation processes for energy infrastructure projects and ensure they are carried out with the consent of the affected communities.

## **PE2109: Halt any further pump storage hydro schemes on Scottish lochs holding wild Atlantic salmon**

### **Petitioner**

Brian Shaw on behalf of the Ness District Salmon Fishery Board

### **Date Lodged**

19 June 2024

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to create a moratorium on any further development of pump storage hydro operations on Scottish lochs holding wild Atlantic salmon until the impact of such developments on wild Atlantic salmon migrations is understood.

### **Previous action**

Responded to earlier pump storage hydro (PSH) applications on Loch Ness, staged public meetings and lobbied politicians to raise our concerns about the

environmental impact of PSH. We commissioned the highly respected Norwegian Institute for Nature Research (NINA) to produce a report <https://brage.nina.no/nina-xmlui/handle/11250/3085192>

We have been in correspondence with Kate Forbes MSP, Fergus Ewing MSP and Edward Mountain MSP on this matter. The latter's office facilitated a site meeting to Foyers pump storage hydro scheme in November 2023. Despite all our efforts more PSH schemes are being floated.

### **Background information**

There has been a recent tsunami of interest in pump storage hydro (PSH) in Scotland. The economic case for PSH has been made by the sector but the environmental impacts have been glossed over, denied or ignored.

PSH operations move huge volumes of water and create large variations in loch levels sterilising shoreline ecology. In the case of Loch Ness, if all existing, consented or proposed PSH schemes were approved, the level of Loch Ness will vary by up to 1m daily. Loch Ness would effectively become an inland tidal loch, which would have serious ecological impacts including on the River Ness.

The impact of PSH on salmon smolt migration is not understood but is acknowledged by PSH developers as harmful. Wild salmon in Loch Ness sustain an ecosystem including the famous dolphins at Chanonry Point.

Please note that we are not against PSH per se, but schemes need to be located in the least environmentally damaging locations.

**PE2157: Update planning advice for energy storage issues and ensure that it includes clear guidance for the location of battery energy storage systems near residences and communities**

### **Petitioner**

Ben Morse on behalf of Cockenzie and Port Seton Community Council

### **Date Lodged**

6 May 2025

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to update the advice for planning authorities when considering applications for energy storage, and ensure that it includes clear guidance about the location of battery energy storage systems (BESS) by setting out a minimum baseline level of practice around the location and proximity of BESS in relation to residential properties, public buildings, and community amenities.

## Background information

BESS, especially at grid-scale, are a relatively new addition to the UK ecosystem. [Douglas Lumsden MSP noted in a parliamentary question one developer's view of a 'gold rush' of applications currently taking place](#), which is supported by the number appearing on the Energy Consents Unit (ECU) portal (which only includes those above 49.9MW).

[The UK Government's Clean Power 2030 action plan](#) describes the total UK need for BESS as 23-27GW capacity, with the current queue estimated to have as much as 80-100GW of capacity either under construction, consented or planned.

Recent BESS fires at Rothienorman in Scotland, East Tilbury in England, and Moss Landing in California pose real questions over the safety of the technology, particularly when in proximity to populated areas.

Some developers have in-house rules about proximity to communities, e.g. batteries must be at least 200m from residential properties. We are calling for guidelines that can add consistency to the consenting process.

## **PE2159: Halt the production of hydrogen from freshwater**

### **Petitioner**

David Mackay on behalf of Innes Community Council

### **Date Lodged**

6 May 2025

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to place a moratorium on the production of hydrogen from freshwater until scientific studies are undertaken to understand the impact on the environment, local economies and society.

## Background information

Green hydrogen is touted as a replacement for fossil fuels. Hydrogen production requires extreme and unsustainable volumes of fresh water. Borehole water is seen as a source. Manufacturing takes 25 to 40 litres of desalinated or freshwater to produce 1kg of hydrogen. 1kg of hydrogen will power a class 1 or 2 Large Goods Vehicle for 6 miles. One plant under development plans to use 500,000 litres of water per day to produce 12,800kg of hydrogen. Similar plants are proposed/under development. Water will be extracted from a very wide geographical area depending on ground conditions and regional rainfall. Water is a major element of life and is in short supply in many areas. The volumes to be extracted will adversely impact the countryside, local industries, agriculture, fishing, and households, and possibly affect flooding. Extracting water will cause serious adverse impacts on aquatic life.

Responses to my enquiries show little knowledge of the volume of water used and I have seen no scientific studies to identify possible adverse consequences.

**PE2160: Introduce an energy strategy**

**Petitioner**

Tina Dawn Marshall

**Date Lodged**

8 May 2025

**Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to publish its Energy Strategy and Just Transition Plan to address the environment, infrastructure, and land use.

**Background information**

As windfarms march across Scotland, sending the energy south, we seem to think that wind is the only answer. We have started to look at other technologies such as solar, but again this is problematic as the solar farms in England take up precious agricultural land.

## Annexe B: Extracts from the Official Report

### Extract from Official Report of last consideration of PE1885 on 2 April 2025

**The Convener:** We return to petition PE1885, lodged by Karen Murphy, which calls on the Scottish Parliament to urge the Scottish Government to make community shared ownership a mandatory requirement to be offered as part of all planning proposals for wind farm development.

The petition was last considered on 26 June 2024, and, at that time, we agreed to write to the Minister for Energy and the Environment. We have received a response from the Acting Minister for Climate Action, which states that the Scottish Government continues to explore all avenues to enhance the provision of community benefits and shared ownership.

The response highlights the use of devolved tax powers to provide non-domestic rates relief for renewable energy producers. Under the renewable energy generation relief, up to 100 per cent rates relief is offered for those who provide community benefit.

The petitioner's written submission emphasises that that demonstrates the Scottish Government's ability to use tax powers to increase community shared ownership. However, her view is that it is not an effective scheme. She points out that developments with profits of more than £4 million are offered a 2.5 per cent relief in non-domestic rates, and argues that that is not a sufficient incentive for developers.

The minister's response also states that the Scottish Government continues to engage with the UK Government on a range of measures that support communities to benefit from energy transition, including shared ownership and consideration of mandating community benefits.

**Fergus Ewing:** Gillian Martin has taken a close interest in the petition and, from statements in and outside the chamber, I know that she has a keen interest in pursuing that work.

I am aware of a number of dynamic developments that are taking place at the moment. For example, the Republic of Ireland now mandates community benefit at a rate, in effect, of €8,000 per megawatt. That is compulsory. Here, the £5,000 per megawatt rate is not mandatory because there are no legal powers to mandate it, as has been noted by the Scottish Government.

However, there is movement. Just yesterday, a senior official at Highlands and Islands Enterprise informed me that SSE Transmission is to set up a model of community benefit for upgrades to pylons and infrastructure. That is a new development, and I am keen to find out more about it. In addition, at least one offshore wind developer—BlueFloat Energy, together with Nadara—is considering and promoting community ownership for offshore wind. That is an example that many other projects may wish to follow, so it could have enormous importance.

Finally, coupled with that, I understand that the UK Government is not unsympathetic to some kind of scheme for community ownership, and one wonders whether that might be one of the most practical purposes for funding from Great British Energy, possibly alongside the Scottish National Investment Bank. HIE has a close interest in taking all of that forward, because much of the activity is in the Highlands and Islands.

Although I appreciate that we are moving towards the end of this session of Parliament, all of those developments—and probably others of which I am unaware—mean that I am keen to write again to the Acting Minister for Climate Action to ask for further information as to when the energy strategy and just transition plan will be published and whether, specifically, it will contain proposals for community ownership. We could also ask for some detail of the work that is being done with the UK Government and for a ministerial statement at some point, perhaps in the autumn.

Community ownership is an idea for which the time has come—interest in it is growing throughout the country, and concern is growing about some aspects, including visual impacts, of renewable energy in Aberdeenshire, the Highlands and many other places south of Scotland. If we do not get on with it now, Scotland and Britain will be missing a trick. I am sorry to go on about it for so long, but I think that there are compelling reasons to keep the petition open and to allow the petitioners the full opportunity to benefit from what seems to be a congenial political environment.

**Maurice Golden:** I agree with Mr Ewing. I think that it would be useful to ask the Government to tell us in its response about some of the informal engagement mechanisms—Mr Ewing mentioned some of the formal aspects—to encourage overall community benefit. The petition is relatively narrow, but making shared ownership mandatory, although it could affect the asset base for some wind farm developers, could be in the wider scope of community benefit that would meet some of the petitioner's requests. It would be useful to get on record what the overall approach to community benefit in the round would be, particularly as we do not know when the Scottish Government's energy strategy will be published.

**The Convener:** Mr Ewing and Mr Golden have suggested that we keep the petition open and make inquiries. Is the committee content to keep the petition open on that basis?

**Members indicated agreement.**

## **Extract from Official Report of last consideration of PE2095 on 4 June 2025**

**The Convener:** PE2095 seeks to improve the public consultation processes for energy infrastructure projects. The petition calls on the Scottish Parliament to urge the Scottish Government to review and seek to update section 3.2 of the energy consents unit's "Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989" document to address the concerns of communities about the lack of meaningful, responsible and robust voluntary and pre-application consultation

by transmission operators on energy infrastructure projects, and to explore all available levers to strengthen community liaison and public participation for the lifecycle of energy infrastructure projects.

We last considered the petition on 11 September 2024, when we agreed to write to the Acting Minister for Climate Action, the Office of Gas and Electricity Markets and the National Energy System Operator.

I should have said that the petition was lodged by Margaret Smith, who I understand is with us in the public gallery.

In its response, Ofgem underlines that planning consultation does not lie within its remit. Development of the options, scope, design, planning and delivery of projects are the responsibility of the relevant transmission owner, NESO and other relevant authorities, prior to Ofgem's final decision on cost efficiency. However, Ofgem's expectation is for transmission owners to engage effectively with local communities, and it states that stakeholders who are interested in infrastructure projects are welcome to submit responses to any relevant Ofgem consultations on efficient funding for transmission projects.

The response from NESO indicates that it balances any proposed new network infrastructure against four high-level objectives, one of which is the impact on communities. While NESO puts forward a recommendation, it is the responsibility of the transmission operator, at the next stage of project development, to decide on potential route corridors and types of infrastructure to use. NESO's expectation is that operators will consult with local communities and planning authorities on the proposals.

The response from the Acting Minister for Climate Action highlights that a joint review that was undertaken by the UK and Scottish Governments has concluded, with a consultation expected to launch. He states that proposals include a statutory pre-application community and stakeholder engagement process, which would apply to all transmission infrastructure projects. That consultation was launched, and has closed, since the minister's response was sent in October last year, so it is now historical.

The minister also refers to some additional Scottish Government work on developing guidance for pre-application engagement with communities. The minister says that the Government aims to engage with communities on their views before the guidance is finalised. At the time of the minister's response, which was whenever, that work had just started.

We are joined by two of our parliamentary colleagues: Tess White, who is a veteran of the committee in the early months of this parliamentary session, and Douglas Lumsden. I know that you would both like to say a few words to the committee, which would be gratefully received, although it is not a speech to the chamber. Have you tossed a coin as to which of the two of you feels that they would like to speak first?

You have nominated yourself, Ms White.

**Tess White (North East Scotland) (Con):** Fine—I will go first, convener.

I thank the committee for its consideration of the petition. The petitioner, Tracey Smith, is with us.

As campaigners across the north-east fight tooth and nail to prevent a vast network of super pylons, battery farms and substations from vandalising our countryside, the petition remains vitally important. The community engagement by the monopoly transmission operator, Scottish and Southern Electricity Networks, has been nothing short of disgraceful, especially when the cost to life, land and location for my constituents is so high.

There are huge fears over the loss of productive farmland and farmers' livelihoods, plunging property values and the impact of transmission infrastructure on long-term health, and massive frustration and anger over SSEN's unwillingness to explore undergrounding or offshoring.

Meanwhile, the energy consents unit has given the green light to 236 separate applications for major electricity schemes across Scotland since May 2022, while only eight have been rejected. Scottish National Party minister Gillian Martin has met with SSEN 16 times, but has refused point blank to meet with campaigners.

We still do not know what action the SNP Government will take now that the consultation for reforming the consenting process has ended. In fact, since the petition was lodged, even the right to a public local inquiry and local democratic input is under renewed threat, against a backdrop of the SNP and Labour working hand in glove to strip communities from Kintore to Tealing of their democratic rights. Constituents in the north of Scotland feel that they are bearing the brunt of transmission infrastructure projects and that there is a deeply unjust transition.

As the committee considers the next steps, I urge members to address the wrecking ball that the SNP Government is taking to local democracy in the name of net zero.

**The Convener:** Thank you, Ms White. You referred to the petitioner as Tracey White; I note that the petition has been lodged by Margaret Tracey White, but I take it that Tracey White is the petitioner's given name, so I am delighted that Tracey White is with us in the gallery today.

Mr Lumsden, would you like to say a few words?

**Douglas Lumsden (North East Scotland) (Con):** Just to correct you there, convener, it is Tracey Smith. [Laughter.]

**The Convener:** It is Tracey Smith; you are correcting my correction. That is rarely necessary, Mr Lumsden, but I am very grateful to you for your support and assistance in my senility. Anyhow, please proceed.

**Douglas Lumsden:** I am happy to help in any way that I can, convener. I thank you, and the committee, for giving me the opportunity to speak to the petition today.

11:00

The petition is of huge importance to not just the north-east but the whole of Scotland. In the rush to net zero, our electricity system is changing, in relation to not just offshore and onshore wind but the associated network infrastructure, whether that is pylons, substations or even the dreaded solar battery storage that we see appearing all over the country. A lot of that is appearing without much thought as to capacity and what we need, and little in the way of regulation.

In all those developments, the local communities seem to be ignored. It does not seem to matter how many objections there are to a proposal; there is a feeling that, if the Government wants something to happen, it is going to happen anyway. That is turning the consultation process into a tick-box exercise, especially when we consider the amount of effort and time that our communities have to put into responding to such consultations.

We are moving to a position in which communities think, "Why should we bother?" That happened at the Net Zero, Energy and Transport Committee. When we put out a call for views on the proposed changes to the consenting process that were mentioned earlier, the community groups that we went to responded by saying that they were not going to waste their time, as they would just be ignored, as they always are.

Looking at the specifics of the petition involving SSE, I think that part of the problem is that there is so much work planned that people are genuinely confused as to whether or not it affects them. The campaign groups have been doing an excellent job of finding their own money to compete with companies that have very deep pockets; we really are going down the road of a David-versus-Goliath situation.

We need meaningful consultation, and the Government needs to start listening to communities. The Government will claim, no doubt, that the pre-application changes that are being proposed, which were mentioned earlier, will fix everything, but the truth is that most developers are undertaking such pre-consultation anyway, as per the "Good Practice Guidance".

I note that the minister's May 2024 response to the petition states that new pre-application guidance for electricity lines would be brought forward. It is interesting to hear that that process is only just starting now.

The key change that is being proposed is the removal of the automatic public inquiry, so we are now in a position in which we are weakening, rather than improving, the consultation process. Changes to that guidance are urgently required, and I urge the committee to keep the petition open to try to force the Government to come forward with new guidance, because it is sorely needed.

**The Convener:** Thank you, both. Would anyone else like to comment?

**Maurice Golden:** It might be helpful to set out the context for all that before we actually look at the petition. I want to clarify one point. Tess White said that the consultation was disgraceful, but Douglas Lumsden suggested that the relevant organisations were undertaking pre-application consultation anyway, which would be good practice. Was Mr Lumsden referring to other organisations? If an organisation

is undertaking good practice, that would strike me as not being disgraceful—does that make sense?

**The Convener:** You can put that in the form of a statement rather than a question, because our colleagues are not here to act as witnesses.

**Maurice Golden:** Okay, sorry.

**Tess White:** I am happy to speak to that, convener. I am happy to elaborate—

**The Convener:** No, no—it is okay. I am sure that you are, but that would lead us down the route of goodness-knows-what precedent; I would have every MSP turning up at the committee.

**Maurice Golden:** Quite. With regard to the context for all this, all Scottish Conservatives, in the 2021 manifesto, wanted to showcase Scotland as world leading in tackling climate change, so candidates were very much standing on the agenda of tackling the issue of net zero and being ambitious in doing so.

I appreciate that communities are up in arms regarding the infrastructure. There was a very simple way in which we could have avoided building the infrastructure, and that was by not building the generation at a point where we need to transmit electricity via said infrastructure. That happened under 14 years of UK Conservative Government.

There are ways to unpick that, but it is much more difficult, with regard to the context of the petition, to do it from this point. Nevertheless, there are possible follow-ups with regard to the Scottish Government aspect, which is only a part of the entire project. One would be to ask the Scottish Government what action it will take, now that the consultation on reforming consenting processes in Scotland has closed, specifically with regard to implementing the proposal for a statutory pre-application community engagement process, and what mechanisms it will put in place to strengthen community participation for the life cycle of energy infrastructure projects beyond the pre-application stage.

**The Convener:** As there are no further thoughts, are we content to agree with Mr Golden?

**Members indicated agreement.**

**The Convener:** We are, so thank you very much. We will keep the petition open and progress on that basis.

## **Extract from Official Report of last consideration of PE1864, PE2109 and PE2157 on 10 September 2025**

**The Convener:** I will now leap forward on the agenda to PE1864, which was lodged by Aileen Jackson on behalf of Scotland Against Spin. The petition calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore wind farms by adopting English planning legislation for the determination of onshore wind farm

developments, by empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process and by appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

We last considered this petition on 13 November 2024, when we agreed to write to the Minister for Public Finance. The committee first requested an update on the publication of the guidance, “Effective community engagement in local development planning”, which was published on 20 December last year. The committee then asked for an update on the work to progress proposals for raising the current 50MW threshold, to allow planning authorities to determine more applications for onshore wind farms. The response from the then Acting Minister for Climate Action referenced the consultation, “Investing in planning—resourcing Scotland’s planning system”, but was otherwise vague about further action, stating that the Government continues

“to consider the process and timeline for making any changes to the Electricity Act 1989 threshold”.

Finally, the committee also asked what consideration the Scottish Government gave to ensuring that support was available to members of the public who wished to participate in public inquiries. The minister’s response indicates continued engagement between the planning and environmental appeals division—the DPEA—the petitioner and other stakeholders in relation to their experiences at inquiries. The minister also mentions the planned publication of DPEA guidance in relation to the use of community sessions, which would allow members of the community who might not wish to participate in an inquiry to state their case to a reporter in a less formal environment.?

The committee has also received additional written submissions from the petitioner. Ms Jackson mentions that the “Effective community engagement in local development planning” guidance fails to address the issue of local support becoming a key material consideration in the decision-making process, which has been repeatedly asked for.

The petitioner also states that DPEA has not, in fact, engaged with Scotland Against Spin regarding the concerns raised in relation to support for participation in inquiries. Additionally, she notes that, a year after the publication of the “Investing in planning” consultation, no decision has been made by the Scottish Government on the matter of the 50MW threshold, despite the proposals being supported by the majority of respondents.

As colleagues will know, a joint UK Government and Scottish Government review of electricity infrastructure consenting has concluded. In a submission on a related petition, the Cabinet Secretary for Climate Action and Energy has indicated that reform arising from the consultation is being implemented through the Planning and Infrastructure Bill, which is progressing through the UK Parliament. The cabinet secretary has also committed to publishing guidance for measures to take effect two months after the bill receives royal assent and to consult on any additional measures enabled by Scottish ministers’ new regulation-making powers.

I am aware of the petitioner's call for a whole-Parliament debate on the matter, which is supported by some of our MSP colleagues. I highlight to members the limited time that we have left until the end of the parliamentary session and the number of other petitions that the committee has already agreed or indicated that it would seek time for a chamber debate on.

We have received submissions in support of the petition from several MSP colleagues, and there was a veritable posse of parliamentarians of my colour, who were very excited at the prospect of coming along to address the committee this morning. I have generously invited two of them to represent that extensive desire to perform today. They are Alexander Burnett and Brian Whittle. I wonder who will shout first—it is at their behest who will sing for their supper first and address the committee before we determine how we might proceed.

**Alexander Burnett (Aberdeenshire West) (Con):** In that spirit of excitement, I thank the convener and the committee for the opportunity to speak today.

I speak in support of PE1864, which calls for communities to have a stronger role in planning decisions on onshore wind farms. As the MSP for Aberdeenshire West, I have received more contact on energy infrastructure than on any other issue. Rural communities are powerless when large-scale energy projects are proposed, and areas such as the Cabrach have been devastated by developments that have been imposed on them, despite strong and reasoned objections.

The petition seeks to democratise the planning system by preventing the energy consents unit from overruling local decisions, providing professional support to help communities to make submissions and appointing an independent advocate to ensure that inquiries are fair.

Currently, projects over 50MW bypass local authorities and go to the energy consents unit, which removes much-needed local influence from the decision-making process. That leaves underresourced rural communities with limited support struggling to navigate complex processes against well-resourced renewables companies.

By contrast, in England, developers must align with local plans and secure genuine community backing. In Scotland, engagement is often superficial and even successful local opposition is frequently overturned. Since 2023, despite strong local objections, a number of wind turbines have been approved by the energy consents unit against local community wishes—10 in Caithness, 26 in Aberdeenshire and 97 in Dumfries and Galloway.

The Hill of Fare proposal, which is currently the subject of a public inquiry, at which I spoke on Monday, illustrates the problem. A community survey that was carried out back in 2023 shows that only 11 per cent of residents supported the proposal, and a local group has spent three years preparing a gold-standard case with more than 1,500 objections. All six community councils have resoundingly rejected the proposal, as has Aberdeenshire Council on four separate occasions. At every level of elected representation, the project has been opposed and the community's anger could not be clearer. Although we remain hopeful, the outcome of the inquiry is still uncertain at this point.

Communities should not feel powerless. They deserve to have a planning system in which they have a statutory voice. I urge the Scottish Government to adopt the proposed reforms and restore balance to the planning process. I ask for the support of the Citizen Participation and Public Petitions Committee in advancing the petition.

**The Convener:** Thank you, Mr Burnett. That was commendably concise.

**Brian Whittle (South Scotland) (Con):** Thank you, convener. I will also try to be commendably concise.

**The Convener:** That would be appreciated.

**Brian Whittle:** I begin by commending the petitioners and everyone else who has contributed as the petition has progressed. I am a South Scotland MSP, and, like Mr Burnett, my mailbag and surgeries are full of people who are concerned about the level of development that is happening in their communities. Ultimately, the petition is about how we balance the national imperative to reduce our vulnerability to volatile and finite fossil fuel resources against ensuring that communities who will have to live in the shadow of that infrastructure are not overwhelmed by it.

It is clear to me that we do not have that balance right. As the petitioners have highlighted in their submissions, all too often communities feel that they are fighting an uphill battle to be heard during the planning process. The complex and bureaucratic planning process for such infrastructure is not something that any group of individuals can take on easily. The costs are high, both in time and money, and the return on all that investment can end up being little more than an automated acknowledgement of receipt email from a Government department.

Some developers go above and beyond to engage with communities and alter their plans to try to accommodate local concerns, but that is often the exception rather than the rule. In many cases, people challenge development not because of a blanket opposition to it, but because they want to understand how it will affect them and to be confident that their concerns are understood. The current approach to planning is simply not equipped to offer any of that certainty, and there is no question in my mind about the fact that the planning process could and should be improved. The best day to improve it, of course, was yesterday.

I gently urge the committee to consider holding a debate in the chamber on the petition, which would allow members of all parties who are dealing with these issues to stand up for their constituents.

10:00

**The Convener:** Thank you, Mr Whittle. I commend Tim Eagle, Rachael Hamilton, Douglas Lumsden and Tess White, who all hoped to be able to address the committee. Tim Eagle has tabled a written submission, as have Russell Findlay, Finlay Carson and Emma Harper. There is a considerable degree of interest from colleagues in the matter. It has been suggested that a debate be held in the chamber on the subject, but I wonder whether members have other suggestions for action.

**Fergus Ewing:** The evidence that we have heard from other MSPs but, above all, from people throughout Scotland is that communities feel swamped and overwhelmed. Community councils—although they are statutory consultees—feel that they are ignored, that their voice is not heard and that decisions will be taken by the Scottish Government regardless. That was the predominant view at a meeting in the Highlands in the summer, which was attended by 10 elected parliamentarians and 300 people representing 60 of the more than 100 community councils; many that were not represented are moribund—not functioning. I have no hesitation in saying that the minister must come to the committee to give evidence and explain herself.

I add that, until such time as there is in Scotland an energy policy—at the moment, we lack such a policy—to set out what we need when it comes to a properly balanced grid, including an analysis of the baseload and back-up that are required, it is like trying to wrap a Christmas present without having enough paper. You simply cannot function when the wind does not blow or the sun does not shine. Storage is hopelessly inadequate. The interconnector failed and there was nearly a blackout in Britain on 8 January.

The situation is parlous. There is no energy policy in Scotland. The questions of how much wind energy is enough and how much is too much scarcely ever seem to be asked in this place. We therefore need the energy minister to come here and answer a variety of questions, in what I think would be a very long session.

**The Convener:** Fergus Ewing has proposed that we invite the Cabinet Secretary for Climate Action and Energy to attend a meeting of the committee. Are colleagues content to support that suggestion?

**Members indicated agreement.**

**The Convener:** We will keep the petition open, seek a meeting with the cabinet secretary and make sure that all members who have expressed an interest in the petition are aware of when that session will take place. At my discretion, one or two may be able to put some questions to the cabinet secretary at that time.

### **Pump Storage Hydro Schemes (Impact on Salmon) (PE2109)**

**The Convener:** We will now revert to the original order. PE2109, which has been lodged by Brian Shaw on behalf of the Ness District Salmon Fishery Board, calls on the Scottish Parliament to urge the Scottish Government to impose a moratorium on any further development of pumped storage hydro operations on Scottish lochs that hold wild Atlantic salmon until the impact of such developments on wild Atlantic salmon migrations is understood.

I apologise for the rather long introductory note that I must read out.

We last considered the petition on 27 November 2024, when we agreed to write to the Scottish Government, major developers of pumped storage schemes, including Scottish and Southern Electricity Networks, and the United Nations Educational, Scientific and Cultural Organization centre for water law, policy and science.

In its response, the Scottish Government states that the environmental impact assessment regulations envisage that, for large infrastructure projects, significant environmental effects are more likely to occur, but that the regulations require that ministers must determine the application in the knowledge of what significant effects are likely to occur, taking into consideration any mitigation measures that might form part of the development or be secured by the conditions of any consent. At the conclusion of the EIA process, consideration of any likely significant effects forms part of the planning balance.

In its response, the UNESCO centre for water law, policy and science states:

“While there are some very good reasons to support”

pumped storage hydro,

“there are also grounds to pause and consider alternatives.”

It describes the benefits of PSH, which include grid balancing, reducing the need for carbon emissions, energy security and job creation, but states that

“the proposals ... represent huge interventions in our landscapes and”

rivers, and it considers that

“If any or all of these threaten the dwindling populations of ... Atlantic salmon, the impacts will be cumulative year by year, and could ultimately lead to species losses.”

The centre also states:

“Protected species and habitats will inevitably be adversely impacted by the various PSH proposals under consideration.”

The submission from SSE Renewables provides information about its experience with pumped storage hydro technology through the Foyers power station at Loch Ness. It also highlights research and monitoring that found “no observed impact” on the flow of smolts at Foyers.

In its response, Glen Earrach Energy—I am getting an admonishing look from Mr Ewing in relation to my pronunciation of “Earrach”—shares that it is undertaking relevant work with the petitioners group, the Ness District Salmon Fishery Board; NatureScot; the Scottish Environment Protection Agency; and the Highland Council. That work has included a smolt tracking study to understand smolt behaviour in Loch Ness.

Similarly, in its response, Statkraft highlights work that it is undertaking with the Ness District Salmon Fishery Board on smolt tracking.

I do apologise—this is quite a long introduction. The petitioner has provided a written submission that highlights the findings of the computational fluid dynamics study on Loch Ness, which was set up to examine the cumulative impact of pumped storage on the hydrology and temperature regime. The submission states:

“The effect on Loch Ness is profound with cold water currents crossing the loch, changes to the temperature profile, including at depth, and the formation of a vortex in Dores Bay.”

Edward Mountain MSP has provided a written submission noting his entry in the register of members' interests, which shows that he owns part of a wild salmon fishery. Well, I have to say that we have never seen the benefit of that here. [Laughter.] I shall have to pursue that separately. He also wishes to put on record the fact that he managed fisheries on the Ness and Loch Ness until 2006.

In his submission, Mr Mountain states that

“Wild Atlantic salmon in Scotland are in serious decline”,

and he believes that

“pump storage at Loch Ness has proven that there are real threats to the environment that have not yet been fully evaluated.”

He suggests that,

“as a precaution”

pumped storage hydro schemes

“should not be allowed unless it can be proved that the overall temperature of the loch and indeed the surface temperature does not increase, or affect migratory fish.”

With apologies for that very long preamble, I wonder whether colleagues have any comments or suggestions as to what we do next.

**David Torrance:** In the light of the evidence, I wonder whether the committee would consider writing to SEPA and NatureScot to ask what information they hold on the impact of pumped storage hydro on wild Atlantic salmon and how that is considered when they provide comment on planning applications in their role as statutory consultees.

I also wonder whether the committee would consider writing to the Cabinet Secretary for Climate Action and Energy to note the committee's disappointment with the Scottish Government's recent response, as it fails to address the committee's concerns about how the cumulative impact of pumped storage hydro is monitored and assessed, and to ask for further information on that point.

**The Convener:** Thank you, Mr Torrance. That was very helpful. Do members have any other comments?

**Davy Russell:** This is not new. Pumped storage schemes have been going for 70 years now, especially in the Highlands, Norway and other such countries, so there must be enough data to show whether they are having a damaging impact on the environment and the affected species. As it is not a new issue, there must be enough information there. I am at odds as to why there does not seem to be, given

that, as I said, hydro schemes have been around for 70 years, in various shapes and forms.

**Fergus Ewing:** Mr Russell makes a fair point—these things are certainly not new. What is perhaps a bit different about the situation facing those with an interest in Loch Ness is the cumulative impact of several proposals. If we were talking about just one or two, that would be one thing, but there are several. The companies that have replied have defended their own proposals, but that is not really what the main concern is—it is the cumulative impact of numerous proposals.

I support Mr Torrance's recommendation, but I make the additional request that, as well as the impact on wild salmon, the minister also considers the other potential impacts, including on water levels and on users of the loch and the Caledonian canal.

At the weekend, I heard concerns in the constituency that I represent that water levels could be seriously depleted during certain periods of the operation of the intended pumped storage scheme. I do not know whether that is the case, but if that happens, an awful lot of the existing businesses that survive by providing boat trips in Loch Ness, or fishing and leisure craft, will be affected, as will those who use the Caledonian canal. They were there first, so they are entitled to have their interests considered.

I added that because the petitioners have raised a particular concern, but there are other issues, too. I should declare that I know Mr Shaw. I have engaged with him, and I know that he adopts a very forensic approach.

**The Convener:** How would we accommodate that along with Mr Torrance's recommendation?

**Fergus Ewing:** We could perhaps just add it to the letter to the minister.

**The Convener:** Are members content with that?

**Members** *indicated agreement.*

[...]

### **Battery Energy Storage Systems (Planning Advice) (PE2157)**

**The Convener:** We move to PE2157, which has been lodged by Ben Morse on behalf of Cockenzie and Port Seton community council. The petition calls on the Scottish Parliament to urge the Scottish Government to update the advice for planning authorities when considering applications for energy storage and ensure that it includes clear guidance about the location of battery energy storage systems—or BESS—by setting out a minimum baseline level of practice around the location and proximity of such systems in relation to residential properties, public buildings and community amenities.

The SPICe briefing states that BESS use lithium-ion batteries to store electricity at times when supply is higher than demand. BESS are generally considered to be grid-scale systems, often over 100MW in capacity, which can release electricity

when needed. The briefing also makes reference to the common concern about the potential fire risk of lithium-ion batteries, with a number of examples of BESS fires but with no reliable, publicly accessible record of the number of such fires.

The Scottish Government's response mentions commissioning consultants in April 2025 to produce planning guidance on battery energy storage systems, and it anticipates that that work will be completed this autumn. The guidance is intended to promote good practice in determining BESS applications and to set out information on other relevant regulatory regimes that are applicable to BESS in Scotland.

The Government also makes reference to existing and well-established consenting procedures for renewable energy and electricity grid infrastructure, which include consideration of residential amenity and cumulative impacts. The Government's position is that, although national planning framework 4 stipulates that the potential impacts on communities and nature are important considerations in the decision-making process for energy projects, it is for the decision maker to determine on a case-by-case basis what weight to attach to NPF4 policies, with all applications being subject to site-specific assessments.?

In an additional submission, the petitioner further argues that rigorous guidelines on the suitability of BESS sites would provide immediate clarity to the consenting and planning process and ease the burden on local authorities and communities. The petitioner insists that the Government has not addressed the central question that has been posed by his community, which is to do with the appropriate level of proximity of BESS sites to communities such as his, in light of concerns regarding the lack of safety and emergency procedures, noise and loss of amenity or agricultural land.

Before I invite members to comment, I declare an interest in that I have an active case in my constituency, where I am challenging the criteria by which approvals have been granted. That is very similar to the aims and objectives that have been raised by the petitioner, so I place that interest on record. Do members have any comments or suggestions for actions?

**David Torrance:** I wonder whether the committee would consider writing to the Cabinet Secretary for Climate Action and Energy to ask for an update on the work to produce planning guidance on battery energy storage systems, including the Scottish Government's view on any additional recommendations. I also wonder whether it would ask for clarification by the Scottish Government on its position regarding concerns that were further highlighted by the petitioner's additional submission, particularly the point on the proximity of BESS to communities.

**Fergus Ewing:** I support Mr Torrance's recommendation, and I add that guidelines to assist local authorities would be of clear benefit, because they presently do not have them. There is a degree of concern about the fire risks, but in the absence of the Government providing any guidelines or analysis of the work that is being done, which is to be completed in the autumn, local authorities have one hand tied behind their back and are in a very unenviable position.

I hope that the Scottish Government acts more swiftly than it normally does. You said that the work that Ironside Farrar is doing is to be completed this autumn, which

is around about now, given that the leaves are falling from the trees. Let us see the guidelines and get on with it, because they are required for many reasons that the petitioners have identified.

**The Convener:** I wholly agree with that. There are a lot of live applications around the country, because many developers are seeking to establish sites. There is concern that the volume of sites that are being identified and progressed through the planning process is wildly in excess of the potential immediate requirement. Since most of the sites that are being established will create a new base of energy storage, many of the risks that are associated with them are as theoretical as the practice of the storage itself, which has not been around long enough. However, we know that there have been fires in other parts of the country and the world where such sites have been established.

A framework is needed fairly urgently. As Mr Ewing said, local authorities that are predisposed to look favourably on environmentally friendly forms of future energy generation are erring on that side over the concerns of people in the community and the potential unknown risks that are yet to be properly quantified.

**Davy Russell:** Another thing is that, because most of the sites have over 50MW of storage, local authorities are bypassed. They consult with local authorities, but such sites are primarily placed into the same category as wind farms, so local considerations are not fully taken on board.

**Fergus Ewing:** Also, I do not think that they provide many jobs. I could be wrong, but that is what I have heard anecdotally. Therefore, the benefits are unclear—apart, possibly, from those with regard to storage capacity.

**The Convener:** They are also not lovely to look at. We will keep the petition open and we will seek to expedite Government guidance on all this on the basis that there are many live applications and that we are concerned that, in the absence of guidance, consideration of local concerns and unknown consequences arising from battery storage plants are not being properly accommodated or reflected.

## **Extract from Official Report of last consideration of PE2159 and PE2160 on 24 September 2025**

**The Convener:** The first new petition is PE2159, which was lodged by David Mackay on behalf of Innes community council. The petition calls on the Scottish Parliament to urge the Scottish Government to place a moratorium on the production of hydrogen from fresh water until scientific studies are undertaken to understand the impact on the environment, local economies and society.

The SPICe briefing explains that all hydrogen production technologies require water as an input. Green hydrogen production is the process of separating the hydrogen atoms from the oxygen atom in water via electrolysis. Blue hydrogen production involves steam methane reformation and, thus, also includes H<sub>2</sub>O as a fundamental part of the process. The briefing notes that there are different conclusions about how much water is required for different methods of hydrogen production, meaning that there is no single view on which method has the lower water footprint.

The Scottish Government's response to the petition states that regulations are already in place for any activity that may affect Scotland's water environment including the use of water for hydrogen developments, which require authorisation from SEPA. The submission also highlights the mechanisms in the planning process, stating that it will be for the relevant authority to interpret and implement relevant planning legislation and guidance in each case as it deems appropriate.

The petitioner's written submission notes that SEPA is reporting that there are longer, hotter and drier periods in Scotland. The petitioner believes that it will take longer and more rain will be required for groundwater levels to recover. He states:

"any process that abstracts additional groundwater will exacerbate the situation and will have major impacts on the ecology, the environment and the economy."

The submission goes on to say that the Scottish Government's response demonstrates a lack of understanding and knowledge of the production requirements for hydrogen and that neither the Government nor the hydrogen industry has calculated the total volume of water that will be required to produce the hydrogen that will be needed for domestic and export markets, nor how groundwater will be replenished.

Do members have any comments or suggestions for action? Mr Mountain is waving at me. I did not know that he had an interest in the petition, but in for a penny, in for a pound.

**Edward Mountain:** As the petitioner lives in Speyside, I remind the committee that I have an interest as I have a freshwater fishery on the River Spey. I have responded to a particular application related to Storegga's proposed project at Marypark, which is in Speyside.

I will draw the committee's attention to one or two matters that I think are critical in relation to the petition.

**The Convener:** If you can do that adroitly, it would be helpful.

**Edward Mountain:** I have never known what that means, convener.

**The Convener:** It means as quickly as possible.

**Edward Mountain:** I am not sure that politicians know what that means.

I understand how important water is across the River Spey and every other catchment. The water levels in the River Spey have not been so low since 1975. It is phenomenal—there has been no increase in the water level since February. All other abstractions on the river have been halted except for the one to Lochaber. SEPA is allowing water to be taken from the top of the catchment, but it is preventing it from being taken from anywhere else. The abstraction that is being proposed is massive: some 500,000 cubic metres would be taken out of the river daily, which would be hugely detrimental to any river. As a Parliament, we need to consider how those applications are considered.

11:45

I understand that the committee is running out of time in the current parliamentary session. However, what happens is that SEPA says that it is doing river basin management planning, but it is absolutely not. It is considering each application as it arises, and the cumulative effect of all those applications will be hugely detrimental to every watercourse. That is especially true in this case in Speyside, because it will increase the temperature of the water, and the water will be taken from substrate that has a high mineral content, which will be discharged back into the river. That is bad for mussels and it creates algae.

I do not think that the petitioner wants to halt all production for ever, but they want some sensible consideration to be taken. I urge the committee, rather than just closing the petition, to consider writing to SEPA to ask how it will consider this application in light of all the other applications that have already been consented to. Adding one more might be the final straw that breaks the camel's back.

**The Convener:** I did not know that we were talking about just closing the petition, Mr Mountain, but thank you.

Do colleagues have any suggestions for action?

**Fergus Ewing:** We are grateful for Ed Mountain's factual input. I represent part of the River Spey, which is in my constituency, and I concur that water levels are at an all-time low. I add that many existing users have already been prejudiced by that, notably distilleries. I do not have a personal interest in the matter, unlike Mr Mountain, other than through being an avid consumer of those distilleries' products. However, it seems reasonable to say that the existing users and businesses that have traditionally relied on access to the water supply should have their interests considered by all those whose job it is to oversee decisions in this regard.

There is an analogy with the pump storage situation, in which there is a plethora of pump storage applications and a lack of joint consideration of the overall impact that those will have on Loch Ness.

We should ask SEPA to comment specifically with regard to Mr Mountain's evidence, which was interesting and, on the face of it, quite compelling. It would certainly be worrying if a massive extraction of water was permitted without consideration of the overall impact. I suggest that we write to SEPA, as Mr Mountain suggested, and that we include the petition as part of the thematic evidence session with the Cabinet Secretary for Climate Action and Energy. I also suggest that, beforehand, we invite the cabinet secretary to respond to what Mr Mountain has said.

The lack of consideration of the cumulative impact of developments across the board—notably renewable developments in the Highlands—is a huge concern at the moment. Mr Mountain and I know that from attending a packed public meeting with Douglas Lumsden—he attended it as well, not as a participant but as a spectator from outwith the Highlands and Islands area.

Without labouring the point—I would never wish to do that, convener—I hope that the cabinet secretary and SEPA will opine on the issue before we hear oral evidence from the cabinet secretary.

**The Convener:** Is that what you were going to suggest, Mr Golden? I see that you are nodding.

The only point that I will add is that I would not want the date on which we will be able to see the cabinet secretary to be conditional on her having responded in advance. We can seek to get that response, or perhaps the cabinet secretary will be in a position to speak to the response that might be made at the point when we have a meeting with her. Do members agree that we should do what has been suggested?

*Members indicated agreement.*

### **Energy Strategy (PE2160)**

**The Convener:** PE2160, lodged by Tina Dawn Marshall, calls on the Scottish Parliament to urge the Scottish Government to publish its energy strategy and just transition plan to address environmental, infrastructure and land use issues. Our parliamentary colleague Douglas Lumsden joins us to speak to the petition. I think that this is a return ticket. Having only just walked out the door, Mr Lumsden has beaten a path back to join us. Good morning—well, almost good afternoon—to you.

The SPICe briefing reminds us that the Scottish Government's first energy strategy was published in 2017. That was followed by a draft energy strategy and just transition plan, which was published for consultation in 2023. The finalised version is still awaiting publication.

In its response, the Scottish Government states that the issues in its draft energy strategy and just transition plan are affected by on-going developments in the UK Government's energy policy, including consultations for which responses have not yet been published, as well as various court cases. It stresses that it is taking sufficient time to analyse those developments and their impact on Scotland.

In terms of alternative action, the Government highlights its 2024 green industrial strategy, as well as its investment in skills development through its just transition fund. It also flags the publication over the course of this year of a bioenergy policy statement, the solar vision for Scotland, the sectoral marine plan 2 and an offshore wind policy statement. It also states that, most important of all, it expects to publish its draft climate change plan later this year, which will be accompanied by a consultation.

We have also received submissions from the petitioner, who mentions a range of on-going concerns in the absence of an energy strategy and just transition plan.

Mr Lumsden, the floor is yours.

**Douglas Lumsden (North East Scotland) (Con):** Thank you, convener. It is good to be back.

I fully support the petitioner's call for the Scottish Government to publish its energy strategy and I hope that the committee has more luck than me in that regard. I checked in the Official Report and found that, in the past 18 months, I have asked the Government about this issue 16 times and have received no answer—perhaps that is a reflection on me.

**The Convener:** So, you did not ask 1,000 times.

**Douglas Lumsden:** No, just the 16 times, convener.

I read the Government's response to the committee with interest. It claims that it is taking time to analyse and reflect on developments, but it has been two and a half years since it published its draft policy. How long does it need? We have had two and a half years of uncertainty, of a presumption against oil and gas and of no just transition plan, while thousands of jobs are being lost in the North Sea.

In all that time, in the absence of a strategy, we have had a vacuum. Perhaps that was the Government's aim, because that vacuum is being filled by a presumption in favour of unlimited and expensive onshore and offshore wind and all the infrastructure that comes with it. We must also acknowledge that generation and demand happen in different regions, so the future will be mega pylons and substations, which will damage much of our beautiful rural areas.

As we heard in relation to the previous petition about hydrogen, there is no plan regarding how much hydrogen will be produced. Further, battery storage is out of control. The sector is often referred to as the wild west, as it seems to be a money-making scheme in which companies buy up cheap electricity in periods when our intermittent supply builds up a surplus and sell it back when prices are high.

We know that the Scottish Government is blocking new nuclear power stations, but we do not know what its stance is on new gas-powered stations, for example. We must presume that, in the future, when the wind does not blow, base load will be met by imports. We should be concerned about grid stability as the inertia from traditional power stations is withdrawn—Fergus Ewing often brings that up in the chamber. All of that matters because we need to plan properly if we are to avoid blackouts such as we have seen in Spain.

I am coming to the conclusion that the reason why the Government is not coming forward with an energy strategy is because that would mean that it would have to be honest with people about its vision, which, I presume, is to have rural communities covered in battery storage, onshore wind farms, substations and mega pylons.

Our rural communities are mobilising against that. We heard earlier about the meeting in Inverness, where the Highlands community councils came together. We have a similar meeting coming up soon in Aberdeenshire, and the same thing is happening in Perthshire and the Borders, where people have the exact same fears. People feel that they are being ignored, and they just want some clarity and honesty from the Government.

For the sake of our rural communities, and for the sake of our oil and gas workers, I urge the committee to again ask the Scottish Government to set out some timescales so that we can have some clarity.

**The Convener:** Thank you, Mr Lumsden. You asked how long the Government needs to reflect on the matter. If you had been with us earlier, during our session with the Cabinet Secretary for Health and Social Care, you would have heard that we have been reflecting on private ambulance regulation since 2012, so two and a half years might not seem so long after all. However, you have raised important issues. Do members have suggestions on how to proceed?

**Maurice Golden:** I am concerned that the Scottish Government has indicated that, due to “on-going developments”, it has been unable to produce its energy strategy. In my entire time working in the energy sector, I do not think that there has ever been a time when there have not been “on-going developments” in some part of the sector. I do not see that as any reason for what has been a two-and-a-half-year stall on the strategy.

I stand to be corrected. If, over the past 15 years, there has been a point when there has been no on-going development in the sector, the Scottish Government will surely write to the committee about that.

Given that two and a half years have passed, with agencies and dozens of civil service staff poring over the strategy, the Scottish Government could, at the very least, provide information on where it is with the strategy, producing an “energy strategy 1.0”, rather than risking further delay, even though the strategy will need to be updated. I would certainly offer my help to the Government in delivering that.

The issue should be added as part of the thematic session with the Cabinet Secretary for Climate Action and Energy, which is looking a lot more interesting after today’s discussion.

**The Convener:** It is certainly looking a lot busier.

**Fergus Ewing:** Mr Lumsden has raised some salient points, many of which I agree with. Those include the threat to the stability of the grid from the impending closure of nuclear stations and the uncertainty surrounding Peterhead. Without base load and back-up, it is more difficult to provide stability and synchronicity—and, therefore, inertia—to the grid. This is a technical topic, where more facts, more scientific analysis and less politics would be extremely useful in Britain.

Aside from that, the Robert Gordon University report, which I think was written by Paul de Leeuw, whom I know, warned that the oil and gas industry in the UK could lose 400 jobs every fortnight, which is a staggering figure. There is a lot more that could be said, in particular that Britain cannot have industry unless energy costs are on a par with those of our European neighbours, at least—which they are not. Therefore, industry is likely to cease to exist in Britain, where it is energy intensive, within the next five years. That is a point that one does not hear very much.

I have raised a few issues, and my suggestion as to what we do with the petition is this. I hesitate to recommend closing the petition, although I know that the pressure

is there. Instead, we should write to the Government, suggesting that there should be a full debate on the matter in the Parliament. I suggest that we have two full days on energy, or at least one day, which would allow us to have a proper debate, with lengthy contributions from people—from all parties—who have an interest in the topic. It is a complicated, wide-ranging debate.

The idea that we cannot have an energy policy because of developments, as Mr Lumsden has described, is absurd. There are developments all the time. That is not a reason for not having a policy; it is a pretext.

It is reasonable for us to suggest that the degree of interest in the matter is such that there should be a parliamentary debate on it. I note that the petitioner is a student studying the economics of renewable energy at Heriot-Watt University, and she has made a lot of useful points to us. We should raise the issues with the Cabinet Secretary for Climate Action and Energy at the thematic evidence session that we will be having soon. That will probably have to be quite a long session. I am sure that many members would wish to participate, and rightly so.

**The Convener:** Two colleagues have suggested that we add the matter to the thematic session. In advance of that, we should write a letter asking where we currently stand with the energy strategy. There is also Mr Ewing's additional suggestion to the cabinet secretary that, in addition to our addressing the subject in a thematic committee session, it would be useful for the Parliament to consider the issues in a chamber debate. We can suggest that accordingly. We will keep the petition open.

**Members indicated agreement.**

**The Convener:** Thank you, Mr Lumsden.

**Douglas Lumsden:** Thank you.

## Annexe C: Written submissions

### Minister for Climate Action written submission, 2 May 2025

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

Thank you for your letter dated 7 April 2025, regarding your meeting on 2 April 2025 to discuss the petition and request for updates from the Scottish Government on the following points:

- a) Information on when the Energy Strategy and Just Transition Plan will be published and whether it will include proposals which build on the approaches being used by offshore wind developers, such as BlueFloat Energy and Nadara, to promote community shared ownership.
- b) Detailed information about the Scottish Government's engagement with the UK Government on community benefit, including shared ownership.
- c) Detail on the Scottish Government's approach to utilising informal mechanisms to encourage community benefit more broadly.

The Scottish Government remains steadfast in our commitment to ensuring that communities, particularly those in rural and island areas, reap the benefits of our clean power revolution across the energy system.

Community benefits and shared ownership opportunities are central to this ambition, alongside the broader economic benefits from the growth of Scotland's renewables and low-carbon industries. These initiatives bring valuable investment into communities from their local renewable energy resources, and the Scottish Government is clear that communities must be supported to seize these opportunities in alignment with their long-term needs and aspirations.

#### Energy Strategy and Just Transition Plan and Shared Ownership

The draft Energy Strategy and Just Transition Plan was published for consultation in 2023, outlining a roadmap of actions to deliver a fair and secure net zero energy system. Since then, significant changes in UK Government energy policy, including the Clean Power 2030 Action Plan in December 2024 and recent court decisions, have emerged. This is a rapidly evolving landscape, and we are taking the necessary time to reflect on these developments before publishing any final strategy.

The Scottish Government continues to advance our commitments to growing shared ownership in Scotland. Enabling communities to invest in commercially owned renewable energy projects supports lasting economic and social benefits. Therefore, we encourage developers to offer shared ownership opportunities as standard on all new onshore renewable energy projects, including repowering and extensions to existing projects. This ambition is supported by Scotland's [Onshore Wind Sector Deal](#) and the commitment to publish a framework of practical approaches to support and encourage community shared ownership models. Our [Community and](#)

[Renewable Energy Scheme \(CARES\)](#) continues to provide support for communities looking to invest in shared ownership, offering free online guidance and resources.

Alongside progress made with onshore wind, the Scottish Government recognises that opportunities for shared ownership of offshore wind developments have the potential to deliver long-term economic and social benefits to Scotland's communities. However, the relative immaturity of the sector, along with the very large scale of many projects, presents challenges around communities' access to finance and capacity to take up potential offers.

In light of increasing interest from both communities and industry in how shared ownership could increase the distribution of wealth generated through offshore wind assets, our recent public consultation on [Community Benefits from Net Zero Energy Developments](#), which closed on 11 April, sought views on the potential for shared ownership opportunities across Scotland's offshore wind pipeline. The evidence gathered through the consultation, and wider work detailed below, will inform a refresh of our national guidance in the latter part of this year.

### UK Government engagement

Scotland's energy system operates within a UK framework of electricity legislation and regulation. We have therefore welcome regular engagement with UK Government Ministers and officials, which ensures Scotland's interests remain in sharp focus as the UK Government considers its approach to community benefits. This has included discussion about new GB-wide guidance on [Community Funds for Transmission Infrastructure](#), and we await further information about the UK Government's plans for an [electricity bills discount scheme](#) for communities living nearest to new electricity transmission infrastructure.

While we await more details on this scheme, we continue to progress actions within devolved powers to raise household incomes and improve energy efficiency across Scotland as well as broader market reform to support consumers and communities. We also continue to press the UK Government to consult on mandating community benefits from onshore net zero technologies.

### Community benefits

Despite powers being reserved to the UK Government, Scotland has made significant progress through a voluntary approach to community benefits, and the Scottish Government continues to leverage all available mechanisms to enhance these opportunities in Scotland to empower communities to benefit from our country's just transition to net zero.

We are reviewing our Good Practice Principles for community benefits from onshore and offshore renewable energy developments to build on this progress. Designed with communities and industry, the current guidance has been instrumental in helping communities secure over £30 million in benefits in the last 12 months alone.

The consultation was supported by a programme of in-person and online engagements with industry, local government, and third sector stakeholders, as well as targeted conversations with communities across Scotland, to ensure we captured

a diverse range of knowledge and experience with these arrangements. We received a high volume of responses to the consultation and will undertake a thorough analysis of the feedback received ahead of publishing a response later this summer.

In addition to the consultation, we have commissioned independent research into the provision of community benefits by different net zero energy technologies. Conducted through ClimateX Change, the research aims to understand the economics of different energy projects and other factors that may influence the delivery of community benefits from our current and future energy system.

I trust the Committee finds this response helpful and are reassured that the Scottish Government places great importance on communities receiving a just and equitable outcome from increased renewables and transmission network development across the UK.

**Alasdair Allan**

**Cabinet Secretary for Climate Action and Energy written submission, 10 July 2025**

**PE2095/E: Improve the public consultation processes for energy infrastructure projects**

Thank you for the letter of 5 June 2025, which highlighted that the Citizen Participation and Public Petitions Committee considered the petition PE2095 at its meeting on 4 June 2025. Please accept my apologies for not meeting the 3 July deadline.

The joint UK and Scottish Government review of electricity infrastructure consenting has concluded, with public consultation completed in November 2024 and the UK Government response published in March 2025. Reform is now being implemented through the Planning and Infrastructure Bill, currently progressing through Parliament in Westminster.

At the earliest opportunity, the Scottish Government will publish guidance for measures taking effect two months after the bill receives royal assent and consult on the additional measures enabled by Scottish Ministers' new regulation-making powers. The Scottish Government is committed to engaging stakeholders during the development of any regulations, ensuring they are practical and proportionate.

The proposals to implement statutory pre-application community engagement processes will require secondary legislation to be laid in the Scottish Parliament. Measures included in the Planning and Infrastructure Bill provide for parliamentary scrutiny of regulations to be made under these powers, with the level of scrutiny tailored to the significance of the regulatory powers.

On 22<sup>nd</sup> May 2024, the then Minister for Climate Action responded to the committee regarding this petition, acknowledging that the scale and linear nature of electricity transmission development may require a more detailed approach to public engagement prior to submission of applications, and that pre application guidance specific to transmission line applications requiring EIA would be taken forward, to

provide that affected communities will have clear and meaningful opportunities to influence the process of developing route options. On 7 May 2025, we published this guidance, known as [Pre-application Consultation and Engagement Guidance for Transmission Line Projects](#).

Beyond pre application stage, it is intended that there will be an application acceptance stage, during which the Scottish Ministers will assess the completeness of an application including whether all pre application requirements to engage with communities have been carried out effectively. This will ensure that only projects which have fully considered the views of communities, as well as consultees in the pre application process, are accepted and processed.

Members of the public will be given notice that representations may be made on any applications that are accepted, and community councils will be consulted. It would be possible to consider in any future consultation whether current public notice arrangements are up to date and provide suitable public awareness of the submission of applications. Material issues raised in representations and consultation responses will be given full consideration before any determination is made, as is the case at present.

The UK Government's Planning and Infrastructure Bill proposes the implementation of a new reporter-led examination process where a relevant planning authority objects to applications within a specified time period. The examination procedure to be adopted by a reporter would be published, interested parties would be notified of the proposed procedure and written representations on it would be invited by the reporter. The reporter may even decide it is appropriate to hold a meeting to hear representations as regards procedure. The reporter would then publish a decision on the procedures to be adopted along with reasons for the decision. This would strengthen community participation in the processes to be adopted for examining the application and would increase transparency of decision making.

The reform provides for a range of options for examining the application and allows for it to be tailored to the development under consideration, while crucially retaining the important option of a public inquiry where this is deemed appropriate.

I hope that this reply is helpful.

**GILLIAN MARTIN**

**NatureScot written submission, 13 October 2025**

**PE2109/J: Halt any further pump storage hydro schemes on Scottish lochs holding wild Atlantic salmon**

The Committee asks two questions:

- 1) what information is held by NatureScot on the impact of pumped storage hydro on wild Atlantic salmon and how this is considered when providing comment on planning applications in its role as a statutory consultee; and

- 2) what are NatureScot's considerations of the cumulative impact of numerous proposals for pumped storage hydro schemes.

NatureScot recognises that Atlantic salmon are ecologically, culturally and economically important and, within the UK, Scotland is a stronghold for this species. Catch data, which has been collected by the Marine Directorate since 1952, reflects an overall decline in the numbers of fish returning to Scottish rivers. This decline has led to the IUCN declaring that Atlantic salmon populations within Great Britain are 'Endangered'. Atlantic salmon are listed in Annex II of the EU Habitats Directive and are a protected feature in a total of 17 Special Areas of Conservation (SAC). Atlantic salmon ascend Scottish rivers in every month of the year and several of those rivers, and others which are not SACs, also contain on-line loch systems through which, at least some of, these fish must negotiate as they make their way to natal spawning locations. It is important to ensure that these fish are allowed to do so, in a way that avoids unnecessary mortality or delay. As with all abstractions and releases of water it is important to design schemes in such a way that they do not attract or impinge downstream migrating Atlantic salmon smolts or create in-loch conditions which cause confusion or disorientation. For adults (both upstream migrants and downstream migrating kelts), whilst impingement is perhaps less likely, it is also important to consider whether changes in the uptake and discharge of water will affect their ability to reach spawning areas. It is also vital to ensure that Atlantic salmon of all life-history stages (particularly smolts and kelts) can successfully exit affected lochs, and that flows from affected lochs to outflowing rivers are sufficient to ensure the upstream migration of adult fish.

**1).** NatureScot's role in relation to pump storage hydro schemes (PSHS) is to advise on the implications of proposals for protected areas. There are currently a range of pump storage hydro schemes at various stages of development in Scotland. In providing advice, specialist NatureScot staff utilise a range of information sources from within the published scientific literature, other studies, developer reports and their own scientific experience to inform our response to any proposal.

Under the Habitats Regulations, all competent authorities must consider whether any plan of project could affect a European site and if so, they must carry out a Habitats Regulation Appraisal (HRA). NatureScot provides guidance to Competent Authorities, on the scope and content of any HRA. For any notified interest, such as Atlantic salmon, this advice is strongly linked to the Conservation Objectives for that feature, and within that site. The Scottish Environment Protection Agency (SEPA) must also authorise and regulate activities associated with PSHS through the Controlled Activities Regulations. These include activities which may impact freshwater fish and their supporting habitats. In line with [our guidance for consulting authorities](#) it is not our role to advise on potential effects on Atlantic salmon that are not connected to protected areas.

**2).** In relation to cumulative effects, before a competent authority can consent or authorise a plan or project that could potentially impact the qualifying interests of a European site, it must first consider whether the proposal is likely to have a significant effect on the qualifying interests of the site, either alone or in combination with other plans or projects (Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended/ Regulation 63 of The Conservation of Habitats and Species Regulations 2017). If so, an appropriate assessment must be carried

out in view of the site's conservation objectives. This assessment should consider the impacts of the proposal on the conservation objectives of the site, and this might also include cumulative effects from other plans and projects. Cumulative effects could include impacts from similar types of proposals, different types of plans or projects, or different elements of the same project. As part of our role described above, we provide advice the Competent Authority on these potential cumulative impacts.

As a statutory consultee in individual Planning and Electricity Act cases we assess each application against its merits according to the nature affected and the relevant policy frameworks. One such policy consideration is National Planning Framework 4 (NPF4) which sets out Scottish Government's national spatial policy: spatial principles, regional priorities, national developments and national planning policy. Within NPF4, Pumped Hydro Storage is the 2<sup>nd</sup> national development listed and is considered accordingly in the planning balance.

Individual case officers consider cases in the context of the following two pieces of internal guidance, to ensure we operate in a consistent and reasonable way:

- [Identifying Natural Heritage Issues of National Interest in Development Proposals](#)
- [Guidance - Development Management and the Natural Heritage](#).

## **Scottish Environment Protection Agency written submission, 14 October 2025**

### **PE2109/K: Halt any further pump storage hydro schemes on Scottish lochs holding wild Atlantic salmon**

SEPA has provided below information on the planning and water permitting contexts of Pumped Storage Hydro.

#### **Planning**

Under National Planning Framework 4 (NPF4), Pumped Storage Hydro (PSH) is explicitly recognised and supported as a national development within the planning system. This designation helps streamline planning processes by giving such projects presumption in favour of development.

NPF4 is designed to align with Scotland's 2045 net-zero target. It aims to support the expansion of renewable, low-carbon, and zero-emissions technologies, and pumped storage hydro is considered a key part of this infrastructure national development. While supportive, NPF4 also acknowledges impacts are expected with large-scale infrastructure like PSH schemes. These impacts are considered acceptable if appropriately mitigated as per NPF4 policy.

Land use planning must consider the potential environmental impacts of proposed developments. When a planning application involves activities regulated by us, we will advise if the proposal is potentially capable of gaining consent. This ensures that environmental protection is integrated into the planning decision-making process. As

the consenting authority for <sup>1</sup>Water Environment (Controlled Activities) (Scotland) Regulations, (CAR), SEPA decide whether the activity itself can go ahead based on potential impacts on the water environment. Whilst we give this advice at the planning stage, we do not grant planning permission. This is done by the planning authority or, in the case of PSH, the Energy Consents Unit (ECU). The ECU is unlikely to consent a project if we have not advised that the proposal is potentially capable of gaining consent

The Electricity Act and the planning system are closely linked through the consenting process for electricity infrastructure, particularly for large-scale projects. Under the Electricity Act, we must be consulted on applications for PSH schemes. We give advice to the consenting authority during the planning process, focusing on environmental impacts related to land use. Developers are responsible for assessing the environmental impact of their projects, including how their scheme might add to the effects of other similar projects (i.e. cumulative impact), both existing and planned. We review this information and, where impacts relate to the water environment, we will provide relevant advice to help mitigate those impacts.

It is important to note that planning and water permitting are separate but interlinked consenting regimes. PSH schemes must obtain both planning permission and CAR consent; neither process overrides the other.

### **Water Permitting**

All abstractions and impounding works, including for PSH developments, require an authorisation from SEPA under CAR. From November, CAR will be replaced by the Environmental Authorisations (Scotland) Regulations<sup>2</sup>. All current applications will be determined under CAR. However, the same considerations will continue to apply when determining applications under the Environmental Authorisations (Scotland) Regulations.

In determining an application for authorisation under CAR, SEPA must assess the risk to posed to the water environment by the proposed development, including cumulative effects with other activities.

If SEPA considers that the proposed development will be likely to have a significant adverse impact on the status of the water environment, SEPA may not grant authorisation unless it is satisfied that:

- the benefits of the proposed regulated activities to sustainable development will outweigh the benefits from protecting the status of the water environment;
- all practicable steps will be taken to mitigate the adverse impacts of the proposed regulated activities on the status of the water environment; and

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<sup>1</sup> <https://www.sepa.org.uk/regulations/water/>

<sup>2</sup> <https://beta.sepa.scot/regulation/authorisations-and-compliance/easr-authorisations/>

- the benefits expected from the regulated activities cannot for reasons of technical feasibility or disproportionate cost be achieved by other means that are a significantly better option.

Details of how SEPA undertakes such assessment is described in its published regulatory methods<sup>3</sup>.

If the proposed development is likely to have a significant adverse impact on a Special Area of Conservation (SAC), SEPA must also carry out the necessary appropriate assessment under the regulation 48 of the Conservation (Natural Habitats, &c.) Regulations, including consulting with NatureScot. SEPA will normally only grant authorisation if it has ascertained that the proposal will not adversely affect the integrity of the SAC.

Large PSH developments will in many cases have a significant adverse impact on the status of the water environment. Their potential to adversely impact Atlantic salmon will depend on the specifics of each development, including its location.

The current scientific evidence regarding some potential adverse impacts of large or cumulative PSH developments in a river catchment on Atlantic salmon, such as the potential effects on migratory behaviour from changes in water levels and water temperatures, is currently relatively sparse. SEPA will:

- continue to review the latest research and evidence as it becomes available to ensure its assessments are based on the best available scientific understanding;
- engage with developers and other interested parties to identify ways in which potential adverse impacts on migratory behaviour can be minimised through the design and operation of proposed schemes. This may include the use of mitigation to regulate the timing of the operation of the scheme; and

in coming to decisions on an application, consider any remaining uncertainties about potentially significant impacts on migratory behaviours, including from the cumulative effects of PSH developments in the river catchment.

## **Minister for Public Finance written submission, 2 October 2025**

**PE2157/D: Update planning advice for energy storage issues and ensure that it includes clear guidance for the location of battery energy storage systems near residences and communities**

Thank you for your letter to Gillian Martin MSP, Cabinet Secretary for Climate Action and Energy, on the above matter. Your letter was received on 11 September 2025 and has been passed to me in view of my portfolio responsibility for planning matters. I have responded to each of your questions below in turn.

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<sup>3</sup> [https://www.sepa.org.uk/media/149762/wat\\_rm\\_34.pdf](https://www.sepa.org.uk/media/149762/wat_rm_34.pdf)

- ***To ask for an update on the work to produce planning guidance on Battery Energy Storage Systems, including the Scottish Government's view on any initial recommendations.***

The Scottish Government has commissioned independent consultants Ironside Farrar to produce guidance to support planning authorities considering BESS applications. This is progressing and once completed we expect to publish the guidance this winter.

Although the guidance is not expected to make recommendations as such, it will provide best practice advice for developers from the earliest stages of siting and design, through to submitting a planning application. It will provide advice to all parties engaged in the application process, including planning authorities, statutory consultees, as well as communities who wish to further understand application procedures. In addition to setting out planning advice, the guidance will also contain information on regulatory controls in place through other statutory regimes including in relation to health & safety, fire risk, and pollution control. This will help to increase clarity for all concerned, and support more consistent decision-making.

The Scottish Government has also commissioned a study on the environmental impacts of BESS, the findings of which will be taken into account in the planning guidance.

- ***To ask for clarity on the Scottish Government's position regarding the concerns further highlighted by the petitioner's additional submission, particularly in terms of BESS proximity to the community.***

We recognise that there is concern in some communities over the scale and location of some BESS development.

Where new development proposals come forward, our [Fourth National Planning Framework](#) (NPF4) ensures the impacts of proposals on communities and nature, including cumulative impacts, are important considerations in the decision-making process. NPF4 Policy 11 (energy) requires that project design and mitigation demonstrate how the impacts of a development proposal on communities and individual dwellings, including through loss of residential amenity, visual impact and noise, will be addressed. All applications are subject to site specific assessments.

BESS projects in Scotland are required to adhere to a range of both devolved and reserved regulations including the following:

- Fire (Scotland) Act 2005
- Health and Safety at Work Act 1974
- Dangerous Substances and Explosive Atmospheres Regulations
- Electricity at Work Regulations 1989

Where the Scottish Fire and Rescue Service receive information about a proposed BESS site, they refer site operators to the National Fire Chief Council's Grid Scale

Planning Guidance. These guidelines detail minimum standards for fire safety systems and design, and water and access requirements for firefighting.

I hope that the Committee finds this response helpful.

Yours sincerely,

**Ivan McKee MSP**

**Minister for Public Finance**

**Andy Hayton written submission, 27 November 2025**

**PE2157/E: Update planning advice for energy storage issues and ensure that it includes clear guidance for the location of battery energy storage systems near residences and communities**

## **1. Introduction**

This submission draws on extensive evidence regarding:

- Procedural failures by the Energy Consents Unit (ECU) in assessing BESS projects;
- Risks posed to public safety and the surrounding environment;
- Lack of adequate guidance on cumulative impacts of clustered energy developments;
- Conflicts of interest in decision-making processes.

## **2. Procedural Failures by the Energy Consents Unit (ECU)**

FOI evidence shows the ECU did not consider scoping-stage representations from local communities<sup>4</sup>. This contravenes Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Multiple FOIs reveal that the Scottish Government and ECU have no record of internal briefings, risk assessments, or ministerial submissions regarding cumulative impact, shared land access, or developer representations for Mey BESS, Rigifa BESS, and related projects<sup>5</sup>.

The ECU has been making legally challengeable decisions on BESS applications without robust safety evidence or transparent consideration of local community interests.

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<sup>4</sup> ECU FOI — 6 Nov 2025 | Highland Council / ECU Portal

<sup>5</sup> ECU FOI — Internal correspondence / briefings request | 2025 and ECU FOI — Safety, Fire, Hazardous Materials | ECU Portal

### 3. Public Safety Concerns

BESS sites store energy equivalent to tons of TNT: the proposed Mey BESS could store energy equivalent to 1,200 tons of TNT, comparable to the Beirut ammonium nitrate explosion<sup>6</sup>.

Published fire safety plans and Health & Safety Executive (HSE) consultation responses exist<sup>7</sup>, but no public robust risk assessment demonstrates that a site-wide fire cannot escalate, especially given proximity to residential areas and heritage sites such as the Castle of Mey.

Letters in the John O'Groat Journal raise concerns that fire suppression plans may be insufficient given the scale of stored energy<sup>8</sup>.

### 4. Inadequate Consideration of Cumulative Impact

The Highland Council Planning Statement for Gills Bay 132kV Switching Station confirms “major adverse” visual impact at nearby locations and notes the cumulative effect of multiple energy infrastructure projects<sup>9</sup>.

FOI evidence shows the ECU did not hold or consider information on developer claims of grid connection dates, pre-2030 readiness, or cumulative infrastructure risks<sup>10</sup>.

National Grid ESO / NESO responses confirm that no Gate 2 offers had been issued to these projects at the time, highlighting uncoordinated planning and risk of speculative approvals<sup>11</sup>.

### 5. Conflicts of Interest and Lack of Independent Oversight

Publicly available evidence shows Highland Council leadership promoting renewable energy investment while serving on planning committees (e.g. Councillor Raymond Bremner)<sup>12</sup>.

Engagement between Ampeak Energy and MSPs (e.g. Gillian Martin visit to Nigg Energy Park) demonstrates close ties between developers and government, which raises questions about impartiality in decision-making.

### 6. Recommendations for Action

1. Update national BESS planning guidance to include:
  - Minimum baseline separation distances from homes, schools, public buildings, and community amenities;
  - Explicit consideration of cumulative impacts from multiple developments;

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<sup>6</sup> John O'Groat Journal — “Explosive potential stored in Caithness” | Sep–Oct 2025

<sup>7</sup> HSE Consultation Responses & BESS Safety Plans | ECU Portal

<sup>8</sup> John O'Groat Journal — “Explosive potential stored in Caithness” | Sep–Oct 2025

<sup>9</sup> Gills Bay 132kV Switching Station Planning Statement | Highland Council Portal

<sup>10</sup> ECU FOI — Safety, Fire, Hazardous Materials | ECU Portal

<sup>11</sup> NESO FOI — Gate 2 / TEC Register | Aug 2025

<sup>12</sup> Highland Council / Public Records — Renewable Investment Engagement | Scottish Government, media reports

- Clear, publicly available safety assessment standards for fire and hazardous materials;
- Mandatory consultation with local communities at the scoping stage.

2. Encourage the Scottish Government to review and audit ECU decisions on BESS to ensure compliance with EIA regulations, particularly Regulation 25 and requirements for cumulative impact assessments.
3. Consider establishing independent oversight for BESS applications to prevent conflicts of interest and ensure impartial, evidence-based decision-making.

## **Cabinet Secretary for Climate Action and Energy written submission, 30 October 2025**

### **PE2159/D: Halt the production of hydrogen from freshwater**

Thank you for your enquiry regarding the use of water in the production of hydrogen. As stated in the response to the original petition PE215 which called on a moratorium on hydrogen production, regulations are already in place for any activity which may affect Scotland's water environment. This includes the use of water for hydrogen developments which will require authorisation [\[P1\]](#) from SEPA under the terms of the [Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011](#) (CAR). The CAR Regulations exist for the protection of the water environment, and the type of authorisation required will depend on the volume and location of the abstraction.

SEPA must consult relevant public authorities about any CAR authorisations under consideration for activities likely to have a significant adverse effect on the water environment - and make the responses of those authorities publicly available during the period in which such authorisation applications are advertised.

The development of hydrogen production projects will also require planning permission from the relevant planning authority. Scotland's planning system includes provisions for communities to contribute views about proposals which may affect them. In line with this, planning authorities front load consultation processes and take into account any comments on a case ahead of a decision being made.

It will fall to the relevant planning authority, in the first instance, to consider whether a proposed development requires an Environmental Impact Assessment (EIA) to be undertaken. Planning authorities already have a well-established general responsibility to consider the environmental implications of developments which are subject to planning control, however, an EIA can provide a more systematic method of assessing the environmental implications of developments that are likely to have significant effects.

Should an EIA be deemed necessary, the EIA regulations require the relevant planning authority to make details of any EIA development public - and provide details of where the EIA report is available for inspection free of charge or how copies may be obtained.

It will be for the relevant authority to interpret and implement relevant planning legislation and guidance as it deems appropriate given the circumstances in each case and to ensure that the provisions of the planning system are applied properly. Planning legislation requires that planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise, each proposal being considered on its own merits.

Our [National Planning Framework 4](#) (NPF4) sets out our strategy for working towards a net zero Scotland by 2045 and directly influences all planning decisions. It signals the key priorities for 'where' and 'what' development should take place at a national level and is combined with national planning policy on 'how' development planning should manage change. NPF4 makes clear our support for all forms of renewable, low-carbon and zero emission technologies, including renewable and low-carbon hydrogen projects. Potential impacts on communities, nature and cultural heritage, including the cumulative effects of developments, are important considerations in the decision-making process.

It may also be helpful to highlight work undertaken by the Scottish Government on the future management of Scotland's water resources. This involved a consultation on the principles and considerations for water, waste water and drainage in developing policy for the future of the water industry in Scotland in response to the climate emergency. A analysis of the consultation feedback can be found on our website: [Water, wastewater and drainage: consultation analysis - gov.scot \(www.gov.scot\)](#)

More information about this and the regulation of the water environment can be found on SEPA's website: [Water | Scottish Environment Protection Agency \(SEPA\)](#)

Yours sincerely,

**GILLIAN MARTIN**

## **SEPA written submission, 3 November 2025**

### **PE2159/E: Halt the production of hydrogen from freshwater**

Thank you for your correspondence dated 2<sup>nd</sup> October 2025 regarding Petition PE2159.

### **Storegga Marypark Proposal (Edward Mountain MSP's reference)**

SEPA has engaged in pre-application discussions with the developer of the proposed hydrogen facility at Marypark. The proposed borehole abstraction is for five hundred cubic metres per day (500,000 litres/day) - not 500,000 m<sup>3</sup>/day as previously suggested. This is 0.1% of the volume stated in the original claim.

A proportion of the abstracted water would be returned to the water environment after undergoing appropriate treatment, to meet the relevant regulatory and environmental standards. SEPA's initial review found the proposed activity to be within the acceptable environmental limits, but a full environmental assessment

would be required before any permit could be issued. No formal application has been submitted to date.

To provide context:

- Agricultural abstractions on the River Spey range from 250 m<sup>3</sup>/day to 1800 m<sup>3</sup>/day.
- Distillery abstractions range from 1200 m<sup>3</sup>/day to 10,000 m<sup>3</sup>/day, with most of the water returned to the river as cooling water.
- The mean daily flow of the River Spey at Grantown is approximately 3,300,000 m<sup>3</sup>/day, highlighting the relatively small scale of the proposed abstraction.

### **SEPA's Permitting Process**

All activities that may impact the water environment require authorisation from SEPA. Hydrogen production is regulated under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) and the Pollution Prevention and Control (PPC) Regulations. From November 2025, these will be replaced by the Environmental Authorisation (Scotland) Regulations (EASR), which streamline regulatory frameworks but do not alter the assessment criteria.

Under the regulations any abstraction exceeding 50 m<sup>3</sup>/day requires a permit. Applicants must submit detailed information, including:

- Hydrological surveys and monitoring data to assess water availability.
- Identification of potential receptors, such as ecosystems and other water users.
- An evaluation of cumulative pressures on the waterbody.

SEPA assess applications using the most current environmental standards, considering the capacity of the waterbody to support the proposed abstraction. In determining an application for authorisation under CAR/EASR, SEPA must assess the risk posed to the water environment by the proposed development, including cumulative effects with other activities. This ensures:

- Protection of the wider water environment.
- No negative impact on existing abstractors.
- No breach of environmental thresholds.

Details of how SEPA undertake such assessment are described in our published regulatory [methods](#).

### **Water Scarcity & Sector-Wide Restrictions**

We have seen unprecedented water scarcity across Scotland's river systems in 2025, and SEPA have exercised its regulatory powers to restrict or suspend abstractions in affected areas. These restrictions apply equally across all sectors and would include hydrogen production where authorised. New permits may include stricter conditions, such as:

- Earlier cessation of abstraction during dry periods.
- Adaptive management clauses to respond to changing environmental conditions.

### **Hydro Licence – Upper Spey Catchment**

The hydro licence referenced allows water to be diverted from the Spey catchment to Lochaber only when water is available. It includes conditions requiring the operator to:

- Release water downstream from Spey Dam to mitigate hydro scheme impacts.
- Scale back or cease diversions during dry weather to prioritise environmental protection.
- Use stored water to maintain river flows during low-flow periods.

### **Hydrogen Plant Discharges**

Discharges from hydrogen facilities are regulated like any other industrial discharge and must meet Environmental Standards. Additionally, hydrogen production is classified as an Industrial Activity, and is subject to:

- Enhanced controls under PPC regulations/EASR.
- Demonstration of Best Available Techniques (BAT), which may impose stricter discharge limits than standard environmental thresholds.

### **Monitoring & Enforcement**

If SEPA grant an authorisation, the facility will be subject to ongoing compliance monitoring. SEPA will:

- Conduct regular inspections.
- Review operational data.
- Take enforcement action in response to any breach or environmental harm, ensuring issues are resolved and do not recur.

I trust the above information is helpful, but should you wish to discuss the above matter further, please do not hesitate to contact [ask@sepa.org.uk](mailto:ask@sepa.org.uk).

### **Data, Environment and Innovation**

## Petitioner written submission, 13 November 2025

### PE2159/F: Halt the production of hydrogen from freshwater

The submissions from the Scottish Government, the Cabinet Secretary and SEPA refer to current legislation and procedures for conventional planning applications for commercial and industrial developments. Hydrogen production is a new industry and requires water abstraction in addition to traditional industry abstractions. Therefore, these freshwater abstractions will require additional rainfall to replenish groundwater levels. Climate change has changed weather conditions in Scotland in recent years. We have lower rainfall and hotter weather conditions, which have reduced groundwater reserves of water. Hydrogen Scotland estimates future production of green hydrogen from freshwater in Scotland at 3 million tonnes. Government figures show it takes 17,000 litres (17 cubic metres) of water to produce 1 tonne of hydrogen. The current planning legislation/ procedures require a complete review and changes for this industry.

Currently, planning consent is applied for before any application is made to SEPA for water abstraction licenses. As the volume of water abstracted is the only requirement for a hydrogen production facility to be successful, the application for water abstraction should be made before any planning application. If SEPA refuse the water abstraction license, then there is no need for a planning application. That would reduce the amount of time and money spent by local authorities in processing any planning application, which would not be required if the water abstraction had been refused.

There appears to be a failure by the respondents to understand the impact of water abstraction on a far wider area. Water abstraction is from groundwater reserves. These reserves can only be replenished by rainfall. Weather patterns are changing with longer dry spells. Overall all precipitation is decreasing. There are now lower groundwater levels throughout the year. Depending on soil structures, geology and landscape, levels of groundwater vary from area to area across the whole of Scotland and within each river catchment. Scientific papers published around the world highlight water abstraction by borehole adversely impacts the landscape and the environment for many miles from the bottom of the borehole. Through FOIs to the various Government bodies and organisations, including SEPA, Scottish Water, Marine Scotland Freshwater Directorate, as well as local authorities, there have been no studies in Scotland into the levels of groundwater, water retention and the replenishment process, nor the impact on environmental diversity.

In their response, SEPA give average figures of the volume of water. They fail to mention that up to 60% of the rainfall of the Upper Spey does not reach Kingussie. They mention distilleries and agriculture industries but fail to mention many other abstractions, including potable water. The volume of water detailed is an average over the full year. Water levels are far lower during the summer months, with extremely high levels during floods. The volume of water as recorded on SEPA river gauges can vary as much as 2 to 3 metres between periods of low water and flood.

Flood events last a little more than a week whereas low water periods can last (as for this year) for over 6 or 7 months. Periods of flooding do not replace all the abstracted groundwater. Average figures are misleading and are computer-

generated. They ignore the impact of water abstraction on the land and environment in the river valley. It appears that the impact of each application is processed on its own without any consideration of the far wider environmental impact. Water abstraction lowers levels above the abstraction point. Discharging of processed water is downstream of the abstraction and does not replenish groundwater levels. Such processes alter the dynamics of any river/stream to the detriment of the aquatic and surrounding ecology, and environmental diversity.

Small businesses, especially angling tourism, rely on healthy river catchment areas. Any reduction in river levels will impact these industries, thus employment and the economy.

Despite issuing large-scale grants to the hydrogen industry in 2022, the Government has not published hydrogen strategy policies. In drawing up a strategy document, they must look at the production of hydrogen from a different perspective to the standard commercial industrialisation process and policies. The industry brings completely different risks to the environment and economy.

The planning process for renewable energies is under scrutiny by communities as it is strongly felt that the current system does not allow full public consultation and participation. We note that SEPA comment that there is a public consultation once they publish their opinion on an application. Surely the correct procedure would be for SEPA to publish an application before they make any decision and act on the responses. Communities understand their areas better than distant officials.

Scientific studies must be carried out to measure the impact of rainfall and abstraction on groundwater levels.

Hydrogen production plants should be located on the coast, where, using salt water, they can produce a large range of byproducts such as ammonia and chlorine gas. The production of these would offset additional production costs and help the national economy by reducing the importation of such products from overseas.

## **Cabinet Secretary for Climate Action and Energy written submission, 30 October 2025**

### **PE2160/D: Introduce an energy strategy**

Further to your letter of 2 October 2025 regarding petition PE2160 on introducing an energy strategy, I am writing to provide an update on the Scottish Government's Energy Strategy and Just Transition Plan, as requested by the Committee.

Since the draft Energy Strategy and Just Transition Plan was published, there have been significant changes in the energy sector across Great Britain. Most notably, this includes the establishment of the National Energy System Operator (NESO), with a clear remit to lead on strategic energy system planning. On 22<sup>nd</sup> October 2024, the Scottish Government jointly commissioned NESO to produce a Strategic Spatial Energy Plan (SSEP) for Great Britain (GB). The SSEP is intended to optimise the transition to clean, affordable and secure energy by providing greater clarity on the shape of our future energy system. This includes setting out a long-term view of what

energy sources are needed to reach net zero, and their most optimal locations across GB.

The SSEP is complemented by NESO's role in providing regional energy strategic planning. I welcomed Ofgem's decision to create Regional Energy Strategic Planners across Great Britain, including a Regional Energy Strategic Plan (RESP) for Scotland, in recognition of the need for democratic decision making in local energy planning and the need to improve understanding of network infrastructure requirements in local areas.

We will continue to work closely with NESO on the SSEP and the RESP as they develop to ensure they align with and respect devolved powers, planning mechanisms and ambitions, deliver real benefits for the people and communities of Scotland, and support our ongoing efforts for a just transition.

A further set of considerations for Scotland's energy strategy is the approach taken by the UK Government in key reserved policy areas for offshore oil and gas, including the regulatory and fiscal regimes for the North Sea. The judgements and issues in the Energy Strategy and Just Transition Plan are, therefore, informed by ongoing developments in the UK Government's energy policy and by recent court decisions.

Whilst many of these key policy levers remain reserved, the Scottish Government remains committed to doing what we can to ensure the skills, experience and expertise of Scotland's valued oil and gas workers can support a just energy transition. More than £120 million has already been invested in the North East through our Just Transition Fund and the Energy Transition Fund to support the region's transition to net zero. This funding has helped create green jobs, support innovation, and secure the highly skilled workforce of the future.

I am also pleased to update you that we have recently published many policy decisions on energy, including publication of our Green Industrial Strategy last year (September 2024) which set out how Scotland can seize the economic opportunities of the global transition to net zero. We have also consulted on: Community Benefits from Net Zero Developments (December 2024); our draft Updated Sectoral Marine Plan for Offshore Wind Energy (May 2025); an Update to the Offshore Wind Policy Statement (June 2025); and the Scottish Marine Recovery Fund (August 2025).

In addition, this autumn we will publish a draft Climate Change Plan outlining how the Scottish Government intends to meet emissions reduction targets up to 2040 across all sectors of the economy, including the energy sector. We will ensure the Plan aligns with our just transition principles. In February, we convened an Offshore Wind Skills Short-Life Working Group with industry and public sector partners to develop an Offshore Wind Skills Action Plan, which will be published imminently.

I note that the petition seeks to address issues related to land use, and I would like to inform the Committee that the Scottish Government is currently developing its fourth Land Use Strategy, due for publication by end of March 2026. This strategy recognises that Scotland's land and the natural capital it supports is one of our most valuable assets. It will focus on the integrated nature of our land and the many demands placed upon it. By understanding the multiple and sometimes conflicting

relationships, we can look to secure the fine balance needed to allow our land to contribute sustainably to multiple long term national priorities. Scottish Ministers' decisions on energy and land use are also guided by National Planning Framework 4 (NPF4), which was approved by the Scottish Parliament in 2023. This ensures that the planning system enables the sustainable growth of the renewable energy sector while continuing to protect our most valued natural assets and cultural heritage.

I understand the continued interest in issues related to energy given its importance to the economy and people of Scotland. I have therefore carefully considered the Committee's request to schedule a Chamber debate on the energy strategy. However, for the reasons outlined in this letter, I do not believe a Chamber debate is required at this time.

I note the Committee's invitation to me to provide evidence on the themes raised in a number of energy-related petitions and would be happy to meet with the Committee as required.

Yours sincerely,

**GILLIAN MARTIN**

**Petitioner written submission, 18 November 2025**

**PE2160/E: Introduce an energy strategy**

The Cabinet Secretary for Climate Action and Energy provided an update on the Scottish Government's Energy Strategy and Just Transition Plan, as requested by the Committee.

The Just Transition Commission has not yet made its determination for the Caithness and Sutherland area, and it will not do so until January 2026.

This matter should be addressed first, followed by a debate on energy.

**Petitioner written submission, 5 December 2025**

**PE2160/F: Introduce an energy strategy**

The petitioner refers to point the following:

1. In addition to the windfarms, there are planning applications for many Battery Energy Storage Systems which should also be taken into account.
2. The matter of the Scottish Outdoor Access Code, which underpins infrastructure for climate change, should also be taken into consideration. There is specifically no provision for disabled access or electric bikes and scooters. The latter which are driven by motors, in contravention of the Land Reform (Scotland) Act 2016.
3. The Aarhus Convention is created to empower the role of citizens and civil society organisations in environmental matters and is founded on the principles of participative democracy.

The Aarhus Convention establishes a number of rights to the individuals and civil society organizations with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities, at a national, regional or local level, will contribute to these rights to become effective. The Aarhus Convention provides for:

Access to environmental information:

- The right of the citizens to receive environmental information that is held by public authorities

Public participation in environmental decision making:

- The right of the citizens to participate in preparing plans, programmes, policies, and legislation that may affect the environment.

Access to justice:

- The right of the citizens to have access to review procedures when their rights with respect to access to information or public participation have been violated.

The Convention's Protocol on Pollutant Release and Transfer Registers (PRTRs) was adopted at the Fifth Environment for Europe Ministerial Conference in Kiev, Ukraine, in May 2003 and entered into force in October 2009. Its objective is to enhance public access to information through the establishment of coherent, nationwide pollutant release and transfer registers (PRTRs). PRTRs are inventories of pollution from industrial sites and other sources.

To date, this has not been permitted.

These points should be taken into account during the evidence session.

I have made it clear to the Enterprise company HIE that I will have no involvement after 14 January 2026, unless I am paid.

Just because I have the experience and qualifications to deal with these matters, does not mean that I am doing it free of charge, especially as the MSPs in the Highlands do not have the courtesy to respond to emails or phone calls.

The information will simply be in Environmental News, which will be published at the end of January.