

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

## **Petitioner written submission, 11 November 2024**

Scotland Against Spin is grateful for the chance to make a further submission on a number of important issues:

The Department for Energy Security and Net Zero published the Energy Infrastructure Consenting in Scotland Consultation only on 28 October 2024. We were unable to scrutinise the content of the consultation before the deadline for our last submission and were therefore unaware of the potential consequences for this petition.

We wish to make the Committee aware that:

The Consultation document contains no mention of nor shows any apparent intention of changing the 50MW threshold, as requested in our petition. Despite the vast majority of respondents to the Investing in Planning Consultation being in favour of an increase (only developers and their agents being opposed), this important issue appears to have been ignored by the Scottish Government.

Whilst the Scottish Government (and UK Government) are evidently able to consider and timetable an imminent change to the Electricity Act and Town and Country Planning (Scotland) Regulations to facilitate faster consenting of large onshore windfarms and new network applications (to comply with the new Labour UK Government targets and imperatives), there is no such imperative to allow communities more say in the consenting process, other than at the pre application stage. This is contrary to what the petition requested.

Our petition has languished for 3 years and 8 months to date and yet legislative changes are potentially being rushed through to facilitate consent of commercial applications in a matter of months. The consultation actually appears to make community influence on the consenting process even more limited than at present.

The consultation also promotes a “watering down” of inquiries, further removing public participation. This would of course avoid expense being incurred by the Scottish Government for the provision of a public advocate to support individuals and communities at inquiries. This element of our petition was of particular importance to our members and was supported by consultees to the petition. We have long argued that funding should be made available to enable objectors to present their objections in a professional way.

Among the proposed changes we find ([on page 22 of the Consultation](#)): “Providing additional specialist support to facilitate the statutory consultees’ ability to respond to the Scottish Government’s consultations, to manage highly technical matters relating specifically to electricity infrastructure”. That has long been a requirement of the Environmental Impact Assessment (EIA) Regulations since 2017 for applicants and

consenting authorities, and this need was reiterated in the UK ‘Finch’ Supreme Court judgement in July 2024. If consenting authorities ensured compliance with existing EIA Regulations which encompass EU Directive 2014/52/EU, there would be no need to implement some of the legislative changes proposed. It is beyond time to provide specialist support (or funding to facilitate specialist support) to third parties as well. It is what the petition requested and that request has also been ignored.

This consultation closes on 29 November 2024. This allows only a mere month for interested parties to respond. [The Scottish Government’s own Guidance on Consultations](#) specifically states that “adequate time for response must be given”. We do not believe adequate time has been given to consultation which will significantly alter public rights of participation and access to justice. The consultation on NPF4 allowed more than 4 months in which to respond, and The Onshore Wind Policy Statement Consultation allowed 3 months. It is irrelevant that this consultation was published by the UK Government; it relates to Scotland and its peoples and environment. We leave the Committee to come to their own conclusions.

**We ask the Committee to continue to support this Petition in the interests of democracy.**