Planning and Architecture

Scottish Government

Area 2F South

Victoria Quay

Edinburgh

EH6 6QQ

Pre-ApplicationConsultationChanges@gov.scot

02 October 2020

Dear Sir/Madam

**Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning**

Scottish Renewables is the voice of Scotland’s renewable energy industry, working to grow the sector and sustain its position at the forefront of the global clean energy industry. We represent around 260 organisations working across the full range of renewable energy technologies in Scotland and around the world, from large suppliers, operators and manufacturers to small developers, installers and community groups, and companies right across the supply chain.

The renewable energy industry is committed to community engagement and what is proposed in the Scottish Government’s Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning largely reflects what renewables developers already take on as a matter of best practice.

While the proposed changes are not overly concerning to industry, these do add costs and increase timescales on projects. We therefore would argue that any changes to the pre-application consultation process should be proportionate and flexible, and judged on a case-by-case basis.

If you have any questions on the comments set out in this response, please do not hesitate to get in touch.

Yours sincerely

Stephanie Conesa
**Policy Manager - Development, Planning & Onshore Wind**

**Consultation Questions**

**Q1. Do you agree with the proposal to require the PAC information, which is to be made available to the public, to be available both by electronic means and in ‘hard copy’ format?** [x] **Yes** [ ] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

We welcome a shift to electronic documentation and presentation of information. While we appreciate the requirements for paper copies is not being withdrawn, we would welcome consideration of how the planning system can continue to support the digitalisation agenda, including through the support for full digitalisation of the EIA process.

As well as removing the need for developers to print lengthy application documents, a move to digital EIA would benefit local communities and stakeholders alike by offering an increased range of options to view the EIA (e.g. visual or audio) and allow quick identification of relevant topics/information with enhanced search capabilities.

**Q2. Please give us details of your experience using online alternatives to public events during the COVID-19 emergency.**

Our members’ experience of using online alternatives during the COVID-19 emergency period has been that they can be equally, if not more beneficial, than a face to face public event. These experiences have highlighted that online events are often better attended, as they can be run over a longer time period and therefore afford local people a greater opportunity to review information at time that suits them. Some members of the public may also feel more comfortable expressing their views online rather than at a physical event, or in rural areas may not be able to travel to attend a physical event. Online events help to overcome such barriers.

**Q3. Do you agree with the proposal to make a second physical public event a minimum requirement of PAC?**

[x] **Yes** [ ] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

We are generally supportive of the proposals requiring a second public event to enable communities to hear how their views have been taken into account before any formal planning application is submitted. Many of our members already undertake a second event as a matter of best practice.

However, there should be greater flexibility to avoid the requirement for a second public event where it can be clearly demonstrated to the planning authority that there was little or no community interest in the first public event. This will reduce the potential for consultation fatigue, particularly in areas of significant developer interest.

**Q4. Do you agree that a second physical public event required as part of PAC must include feedback to the public on their earlier engagement in PAC?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q5. Do you agree with the proposed minimum time period between the required public events in PAC?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q6. Do you agree with the proposed requirement for an additional newspaper notice for the second required public event?**

[ ] **Yes** [x] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

We do not agree that there should still be a requirement for a newspaper advert for the public events (either the first or the second event). We consider that alternative notification methods, such as letter drops to local residents, notices in local shops and community facilities, and online media to be far more effective tools for bringing a public event to the local communities’ attention.

**Q7. Do you agree with the proposed list of required content for PAC reports?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

PAC Reports are already produced for some of our members’ projects, and many members likely go further than the minimum guidance. It is not envisaged that making the content of these reports a formal regulation will impact existing processes and procedures.

**Q8. Do you agree with the PAC exemption being limited to the same applicant who made the earlier application?**

[x] **Yes** [ ] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q9. Do you agree with the circumstances regarding an earlier application (withdrawn, refused etc.) in which a second application would be able to get exemption from PAC?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q10. Do you agree with the approach to linking the description of the proposal in the earlier application and that in the second application for the purposes of a PAC exemption?**

[ ] **Yes** [x] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

The consultation should consider greater opportunities for proposals to alter between the Proposal of Application notice (PAN) stage and an application being submitted. Examples may include changes to the red line boundary submitted with the PAN to provide compensatory habitat restoration or changes to a wind farm proposal to accommodate additional technologies such as battery storage.

**Q11. Do you agree that the exemption from PAC should be linked to the content of the PAN served in relation to PAC for the earlier application?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q12. Do you agree with the proposed time limit on exemptions from PAC?**

[ ] **Yes** [ ] **No** [x] **No view**

**Please comment on your answer (particularly if you do not agree).**

**Q13. Do you agree with the proposed transitional arrangements for bringing into force the new PAC requirements, including the time limit for making applications to which PAC requirements apply?**

[ ] **Yes** [x] **No** [ ] **No view**

**Please comment on your answer (particularly if you do not agree).**

The potential consequences of an application being submitted just before the proposed 18-month deadline period and then being determined by the planning authority to be invalid need to be clarified. We would particularly seek clarification on whether PAC will require to be run in full again in such circumstances.

**Q14. Please give us your views on the proposed approach to pre-application engagement with disabled people.**

**Q15. Please tell us what issues you think should be covered in guidance for PAC.**

The Scottish Government should provide guidance clarifying the requirements for PAC for planning permission deemed in connection with applications under section 36 of the Electricity Act 1989.

**Q16. Please give us any views you have on the content of these partial BRIA and EQIA/CRWIA.**

**Q17. Do you have or can you direct us to any information that would assist in finalising the BRIA and EQIA/ CRWIA?**

**Q18. Please give us your views on the Island Communities Impact Assessment screening paper and our conclusion that a full assessment is not required.**

**Q19. If you consider that a full Island Communities Impact Assessment is required, please suggest any information sources that could help inform that assessment?**

**Q20. Please give us any general comments on the PAC proposals or related issues not covered by earlier questions.**