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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. Our vision is for Scotland leading the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. The sectors we represent deliver investment, jobs, social benefits and reduce the carbon emissions which cause climate change. Our members work across all renewable energy technologies, in Scotland, the UK, Europe and around the world. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can help sustainably heat and power Scotland's homes and businesses.

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.

However, the proposed changes do add costs and increase timescales on renewables projects at a time when industry is working hard to deliver on Scotland's ambitious climate change targets. 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

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## **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?**

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 While we appreciate the requirement for paper copies is not being withdrawn, we would welcome consideration of how the planning system can continue to support the digitalisation agenda.

Digital EIAs 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.

However, we do recognise that some communities/individuals cannot easily access information digitally and therefore developers would need to make both electronic and hard copies of documents available.

**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 virtual events are often better attended, as they can be run over a longer 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 those in rural areas may not be able to travel to attend a physical event. Online events can help to overcome such barriers.

In the future, we would like Government to consider building on this experience to allow a mix of face-to-face and virtual consultations.

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

Yes No No view

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

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 one.

Alternatively, planning authorities should be able to allow applicants to undertake a digital/online alternative for the second public event in such circumstances. This will help 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 No view

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

It is sensible that if applicants are required to undertake a two-stage pre-application consultation process that feedback on the earlier engagement should be reported at the second event. However, if the first public event is very poorly attended or there has been no meaningful feedback, it might not be possible to provide useful feedback at a second event.

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

Yes No No view

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

We agree with a proposed minimum time period between events if a second event is required. However, there should not be a maximum time period between events as developers are best placed to determine appropriate timescales.

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

Yes No No view

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

We do not disagree with the requirement to advertise by newspaper.

We do consider 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 communities' attention, however we recognise that it would be difficult to regulate these.

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

Yes No No view

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

Pre-Application Consultation (PAC) reports are already produced for some of our members' projects and many likely go further than the minimum guidance. It is not envisaged that making the content of PAC 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?**

Yes No No view

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

Yes. However, flexibility should be allowed for developers who may setup different limited companies or joint ventures for individual development projects.

**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 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 No No view

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

As it would be at the discretion of the planning authority to consider whether development is of “the same character or description to which an earlier application relates” the applicant must be able to work with the planning authority at the outset to formally screen whether the second application is exempt from PAC.

For example, where a Proposal of Application Notice (PAN) for the first application has stated a maximum tip height of a proposed wind farm, some planning authorities may take the opinion that a small increase in the height of the proposed turbines is not of the same character or description as the original PAN description. The absence of such a screening mechanism for exemption to PAC would create significant uncertainty for both applicants and communities for second applications.

**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 No view

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

The design and other specifics of a renewables project evolve before an application is submitted, with the PAN being at an early stage of the process.

The consultation should consider greater opportunities for proposals to alter between the 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.

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

Yes 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 a developer would be required to run PAC in full again.

We suggest that the PAC deadline should be extended in these circumstances.

**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 No No view

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

**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.**

**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.**

We have concerns regarding the value of additional community consultation where communities do not demonstrate interest in an initial public event, particularly in areas of significant developer interest where consultation fatigue can be an issue.

We would welcome the scope of the consultation to be broadened to include online/virtual consultation, as well as an assessment to consider whether the proposed changes to PAC are appropriate or beneficial to “national” development.

We would suggest that if the consultation requirements are increased and a project meets all the criteria emerging with little material objections, there should be a fast-track process through determination.

The consultation document states PAC is relevant to national and Major Development but does not specifically mention applications under section 36 of the Electricity Act 1989. While most renewables developers carry out PAC for these applications as best practice, we would ask that the Scottish Government provide guidance clarifying PAC requirements under s36.