

Electricity Infrastructure Consenting in Scotland

Proposals for reforming the consenting processes in Scotland under the Electricity Act 1989

A joint response from Foundation Scotland and Corra Foundation

This response is submitted jointly by two Scottish grant-making charities that have a shared commitment to supporting community-led change and ensuring communities are at the heart of decision making about their places, spaces and services.

Foundation Scotland manages charitable funds and provides grants to community organisations across Scotland. This includes extensive work on community benefit funds flowing from renewable energy projects in Scotland across different technologies.

Our Communities team currently administers over 100 community benefit funds of varying scales and reach, benefiting many different communities across Scotland.

This significant volume of experience and operational activity has enabled us to cultivate strong relations with communities and developers/asset owners, test different approaches and practice and use learning to influence policy and practice.

In our work to support communities and developers with community benefit opportunities from net zero infrastructure, Foundation Scotland favours a long-term view, promotes and harnesses community strengths and supports decision-making processes that are inclusive, accountable and community led.

Corra is a Scottish grant-making charity that is about strengthening and amplifying people's voices and their power to make change.

In 2020 Corra launched a ten-year strategy. It is long term because making a difference on the big challenges will take time. At its heart is the strong belief that when people find their voice, they unlock the power to make change happen. Listening, participation and human rights run through everything we do.

Corra provides grants to charities, social enterprises and community groups across Scotland. We fund programmes from our own resources and manage funds on behalf of others. Corra knows that funding has an important role to play in making change happen within communities. We also recognise that supporting communities to make big changes needs a sustained and collective effort.

Pre-application requirements

Neighbourhoods, in all parts of Scotland, should be thoughtfully designed to meet the needs of the people who call them home. Any infrastructure development will impact a community of place to some extent and residents will therefore be affected. We agree therefore about the importance of introducing a clear set of mandatory pre-application statutory requirements about consulting communities for applicants of electricity infrastructure projects and for all network projects that require an Environmental Impact Assessment. We would stress however that whilst community councils qualify as a statutory consultee not all communities have operating community councils and therefore there is a risk that communities will not be adequately consulted when this is the case.

Working together creates meaningful and long-term change, and it is essential that consultation processes include all relevant community voices to ensure that developments truly reflect the needs of every neighbourhood.

Therefore, the proposed legislation should make it clear that where a community council does not exist the applicant must evidence their efforts to identify other representative community organisations that can be consulted and/or that can help promote consultation events/platforms.

We would also recommend that any proposals around the pre-application consultation is accompanied by details or signposting to guidance about good practice in consulting communities and that might include Scottish Government's own Consultation Good Practice Guidance, the Local Government Association's Guidance on Consultation and the Scottish Human Rights Commission [PANEL Principles https://www.local.gov.uk/our-support/communications-and-community-engagement/resident-communications/understanding-views-2](https://www.local.gov.uk/our-support/communications-and-community-engagement/resident-communications/understanding-views-2)

Application procedures

We would ask that more clarity to be given to what is meant precisely by 'a statement of benefits and needs'. If 'benefits' includes community benefit funds we would welcome a requirement that this statement includes reference to the value of the community benefit fund and whether it will be index linked or not. In line with Scotland's Good Practice Principles, we would expect it to be.

We are comfortable that the statement should not include a precise reference to the area of benefit as determining this can be influenced by many factors, some of which the applicant may not have control over and which may evolve over time, pre and post consent. It may be helpful if the statement also included reference to any non-financial benefits the project could bring.

Application impact from statutory consultees

Foundation Scotland and Corra are both keenly aware that communities can sometimes struggle to respond adequately to planning applications of any kind, not just those that are energy related.

Community Councils are not resourced to have paid staff though sometimes other types of representative community organisations do. However, if a community had access to a budget from which they could secure some paid support that could unlock significant gains both in terms of the quality and timeliness of responses.

Both Corra and Foundation Scotland bear witness to the significant pressures many community councils are under to respond to multiple energy related infrastructure projects in their areas. This is putting significant strain on busy volunteers and for whom the often frequent and multiple energy planning applications are only one agenda item they are dealing with.

Impartial facilitation may be useful in navigating what can sometimes be difficult local relations and networks. This includes both intra and inter community working; between community members, between different communities and also in exploring and realigning power dynamics with communities and organisations/services. Corra and Foundation Scotland - and other organisations working in place across Scotland - play a significant role in facilitating participation of different community members and often act as a go between for challenging or difficult relationships.

One of the challenges the proposed changes do not address is the inherently competitive nature of the renewables industry. This means that, in the most extreme cases, a Community Council is

constantly dealing with requests from different developers to attend Community Council meetings and squeezing them into already busy agendas. We would suggest that the any proposed changes take account of the pressures on Community Council agendas if time limits are set for each stage of the application process.

The package of reforms

We understand there is a balance to be struck between accelerating net zero projects to meet climate targets, ensure energy security and protect communities from the growing impacts of climate change - whilst also ensuring communities are meaningfully engaged in the process of considering those projects.

The importance of community involvement cannot be overstated, especially when considering the powerful impact that can happen when communities feel listened to. From our collective work alongside communities we know that investing time in building trusting relationships delivers better outcomes for people, partners and places. This commitment to shared decision making and resource allocation is at the heart of the [Place Principle](#) (Adopted by Scottish Government and COSLA) which seeks to encourage better collaboration and community involvement, and improve the impact of combined energy, resources and investment. It would be encouraging to see the Place Principle – or at least the principles behind it - reflected in any new legislation around the consenting process in Scotland.

Consulting communities, with care and commitment, takes time. And whilst we understand the value in making the consenting process more predictable and efficient as part of a wider modernisation drive, timescales may shorten. Without adequate time for consultation, there is a danger that developments may proceed without fully understanding or addressing concerns, issues and needs raised by communities. Therefore, undertaking robust and inclusive consultation processes is essential to ensure that any changes or developments truly benefit the communities they are intended to serve. Otherwise there is a significant risk of consenting infrastructure projects that compromise or harm the community's interests and leave a legacy of distrust and disempowerment.

Rachel Searle, Head of Communities & Impact, Foundation Scotland
rachel@foundationscotland.org.uk

Shelley Gray, Head of Policy & Communications shelley@corra.scot