Renewable Energy Development Planning Process: A Guide for Highland Communities

This guidance has been created to support communities in their understanding of the various processes involved in a renewable energy planning application. It covers local, major and national developments and the steps that are taken for these applications to be submitted and approved or refused. This guidance also includes external links which provide further support around the planning process.

Community Councils are key players in shaping how renewable energy developments, such as wind, solar and hydro, impact their local communities. This guide outlines how Community Councils can engage with planning applications for renewable energy at the various levels.

For supporting information please see Guide to the planning system for Community Councils | Community Councils | The Highland Council

Local renewable energy developments (under 20MW)

Local renewable energy developments cover all onshore developments under20MW capacity. The Highland Council handle these applications; all offshore applications go through Marine Scotland.

An overview of the planning process

- Pre-application discussion with planning authority (not mandatory but recommended)
- Submission of planning application
- Neighbour notifications, publications (typically lasts 21 days)
- Assessment and recommendation
- Final decision

The role of Community Councils

Community Councils are informed of any local development planning applications in their area through an updated weekly list. They are able to comment on applications through The Highland Council's planning portal.

Here are a few steps that Community Councils may choose to carry out during this time.

1. Review the planning application and supporting documents
2. Share the link with residents and community groups in the Community Council area, encouraging them to respond directly via the Highland Council Planning Portal
3. Refer to the Area Place Plan or any Local Place Plans to support comments made
4. Respond to the application via the Portal after engagement with the widest community
5. Represent local views constructively

Major renewable development applications (20MW-50MW)

Major renewable developments are developments between 20MW and 50MW. The Highland Council handle these onshore applications. All offshore renewable applications go through Marine Scotland.

Definition of a major development | Major Developments | The Highland Council

An overview of the planning process

Renewable Developments between 20MW and 50MW are considered major developments, this means they follow the standard planning application process through The Highland Council.

1. Pre application notice
2. Pre application consultation
3. Environmental Impact Assessment carried out if required
4. Submission of planning application
5. Consultations, notifications and publications (typically lasts 21days)
6. Assessment and recommendation
7. Final decision by delegation or committee

The role of the Community Councils

Community Councils have a key role to play in the planning system and provide a link between the planning applications and the communities that are affected.

Here are a few steps that Community Councils may choose to carry out during this period.

1. Responding to consultations with informed community-based feedback
2. Encouraging residents to participate in the planning process
3. Represent local views constructively
4. Ensure the whole community has the chance to have their say and ensuring the feedback given to the planning application captures the views of the community as broadly as possible
5. Community Councils may remain neutral throughout the process while gathering the views of their communities to submit with the response.

When can Community Councils get involved?

Pre-planning Consultation (PAC)

Public Consultation and Engagement | Major Developments | The Highland Council

Under Scottish legislation, applicants of major developments must submit a pre-application notice at least 12 weeks before applying for planning permission. This outlines the proposed development, site details, contact information and a plan for public consultation including two public events spaced at least 14 days apart, Statutory consultation requirements, as per the Town and Country Planning regulations 2019, mandate newspaper notices and accessible information formats. The pre- application consultation report must accompany the planning application, detailing all consultation activities, the feedback received and how public input influenced the proposal.

Here are a few steps that Community Councils may choose to carry out during this period.

1. Promote any public engagement events that the developer has organised
2. Gather and share community views with the developer
3. Use local knowledge to highlight environmental, visual or infrastructure concerns

National developments 50MW and over including offshore developments 1MW above.

National renewable developments are developments that exceed 50MW such as a wind farm or large hydro scheme. The Scottish Government are the deciding body for these applications.

Any offshore developments go through Marine Scotland and are also decided by the Scottish Government.

Overview of the planning process

Projects over 50MW are determined by the Scottish Ministers under the Electricity Act 1989 (section 36), this changes the planning process slightly from those under 50MW.

1. Pre-application notice
2. Pre-application consultation and engagement, and Environmental Impact Assessment if required
3. Submission of application to ECU
4. Processing of application
5. Public enquiry
6. Determination by Scottish Ministers

The role of the Community Councils

Community Councils are key consultees in the section 36 process. While they are not statutory consultees under the Electricity Act, they are routinely consulted, and their input is valuable for hearing the collective voices of the community. Their role includes as follows:

1. Reviewing scoping reports and environmental impact assessments (EIA's)
2. Responding to formal consultations
3. Representing community concerns and aspirations
4. Encouraging local participation in the planning process

Community Councils have the right to become statutory consultees in the planning process; to do this, they must meet specific conditions.

1. Within 7 days of receiving the weekly planning application list, the Community Council must inform the planning authority that it wishes to be consulted.
2. If the proposed development is likely to affect the amenity of the Community Council's area.

When can Community Councils get involved?

Pre application consultation (PAC)

Public Consultation and Engagement | Major Developments | The Highland Council

The pre- application Consultation isn't mandatory for section 36 and 37 (over 50MW) applications. Developers are however encouraged to have open public consultations with the local communities before submitting their application.

Marine Scotland, however, does require a mandatory pre-application consultation to be carried out.

This is the community's opportunity to influence the design and development of the project before it is finalised.

Here are a few steps that Community Councils may want to consider at this stage:

1. Engage with developers at consultations
2. Promote and/or attend public consultations being organised by the developer or planner
3. Gather and share the community's questions, concerns or support.
4. Request additional information from the developer or planning authority for clarity where needed
5. Share any local knowledge around transport routes, environmental concerns, visual impact

Formal consultation on the application

Once the full planning application has been submitted it is published on the Energy Consents Unit portal, and a notice is also published by the applicant in the relevant newspapers and on their website. Community Councils can submit formal representations at this stage; there is usually a 30-day window for these representations.

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Consulting on the planning application

Community Councils are notified of planning applications in their area. Upon receiving a notification, Community Councils are encouraged to:

- **Engage the Community**: Consult the local community to gather broad and inclusive feedback.
- **Use Local Knowledge**: Identify and highlight any environmental, visual, or infrastructure concerns.
- **Reference Local Plans**: Review relevant area place plans or local action plans to inform their response.
- **Submit Responses**: Provide comments via The Highland Council's planning portal within the typical 21-day consultation period.

During the full planning application stage, Community Councils may also:

- Review all submitted documents, including site plans and Environmental Impact Assessment (EIA) reports.
- Host public meetings (in-person or virtual) to ensure accessible and representative community engagement.
- Share links to the application on their platforms and signpost to resources such as the Highland Community Planning Partnership website.

- Submit a detailed response to the relevant planning authority or the Energy Consents Unit (ECU) and encourage community members to do the same.

Encouraging community involvement

Community Councils can help members of the community to understand and engage with planning consultations and applications in the following ways:

1. Keeping their community informed by sharing updates of the process
2. Explaining the process to their community and how the decisions made will impact the community
3. Ensuring that diverse voices are heard such as young people or underrepresented groups
4. Host Q&A sessions with the community and developers/planners

Additional support links

Guide to types of planning permission | Types of permission | The Highland Council

Definition of a major development | Major Developments | The Highland Council

Guide to the planning system for Community Councils | Community Councils | The Highland Council

The Highland Council Planning Portal

Public Consultation and Engagement | Major Developments | The Highland Council

Glossary

Area Place Plan / Local Place Plan
A community-led plan that sets out a vision and priorities for the development and improvement of a local area, often used to inform planning decisions.

Community Council
A voluntary organization set up by statute by local authorities and run by local residents to act on behalf of their area. Community Councils are key consultees in planning applications.

Consultation
A process where the public and stakeholders are invited to comment on planning applications or proposals before decisions are made.

Delegation
A process where planning decisions are made by planning officers rather than by a committee of elected councillors.

Development
In planning, this refers to building, engineering, mining, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.

ECU (Energy Consents Unit)
A Scottish Government body responsible for processing applications for electricity generating stations and related infrastructure.

EIA (Environmental Impact Assessment)
A process that evaluates the likely environmental impacts of a proposed development, considering inter-related socio-economic, cultural, and human-health impacts.

Electricity Act 1989 (Section 36)
Legislation under which applications for electricity generating stations over 50MW are determined by Scottish Ministers.

Local Development
Renewable energy developments under 20MW, determined by The Highland Council for onshore projects.

Major Development
Renewable energy developments between 20MW and 50MW, determined by The Highland Council for onshore projects.

Marine Scotland
A directorate of the Scottish Government responsible for the management of Scotland's seas, including offshore renewable energy applications.

National Development
Renewable energy developments over 50MW, including large wind farms and hydro schemes, determined by Scottish Ministers.

PAC (Pre-Application Consultation)
A statutory process requiring developers of major or national developments to consult with communities before submitting a planning application.

Planning Authority
The local council or government body responsible for making decisions on planning applications.

Planning Portal
An online platform where planning applications can be viewed, tracked, and commented on by the public.

Scoping Report
A document prepared early in the planning process to identify the key issues and impacts to be considered in an Environmental Impact Assessment.

Statutory Consultee
An organization or body that must be consulted on certain planning applications by law.

Once downloaded this is not a controlled document, please refer to website for most up-to-date info.