



Briefing for the Public Petitions Committee

Petition Number: [PE1469](#)

Main Petitioner: Aileen Jackson

Subject: Calls on the Scottish Parliament to urge the Scottish Government to consider a change in planning regulations to enable an increase in the current neighbour notification distance of 20 metres in relation to wind turbine planning applications.

Background

There are two separate authorisation processes for wind farms, which have separate neighbour notification systems. Which authorisation process applies depends on the generating capacity of the proposed wind farm development. Proposals for wind farms with an installed generating capacity above the following thresholds are considered and authorised by Scottish Ministers under the provisions set out in Section 36 of the Electricity Act 1989:

- in excess of 50 megawatts (MW) for onshore wind farms, power stations that are not wholly or mainly driven by water (such as coal/gas fired or nuclear plant) and hydroelectric generating stations
- in excess of 1 MW for offshore wind farms and generating stations wholly or mainly driven by water, such as wave or tidal generating stations, but not including hydroelectric generating stations.

Notification and publicity arrangements for such applications are set out in the Electricity (Applications for Consent) Regulations 1990, as amended. These Regulations require a notice of the application for consent to be published for two consecutive weeks in one or more local newspapers circulating in the vicinity of the application, and a similar notice to be published in one or more national newspapers and in the Edinburgh Gazette. Scottish Ministers can also direct the applicant to notify any other person they consider appropriate.

Applications for wind farms with a generating capacity of 50 megawatts and under are considered and authorised by planning authorities under the provisions of the Town and Country Planning (Scotland) Act 1997. A planning authority is required to notify those with an interest in "neighbouring land" of a planning application under the provisions of Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2009. Regulation 3 of the 2009 Regulations defines the term "neighbouring land" as "an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed."

Further information on neighbour notification can be found in paragraphs 4.15 to 4.35 of [Planning Circular 4/2009: Development Management Procedures](#),

Scottish Government Action

Responsibility for neighbour notification under planning legislation switched from the developer to the local authority in August 2009 under the provisions of the The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. However, the 20 metre threshold was not affected by this change.

Scottish Parliament Action

The Scottish Parliament considered the issue of neighbour notification as part of its consideration of the Planning etc. (Scotland) Bill, which became the Planning etc. (Scotland) Act 2006. In addition it also considered the proposals relating to neighbour notification in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. However, the issue of the 20m metre threshold did not feature in these considerations.

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