



Fears: Iain Milligan, left, and Liam Kerr

Ministers accused of 'power grab' over turbines

By Gavin Madley

MINISTER have been accused of a planning power grab after dozens of controversial wind farm applications were decided by unelected officials instead of by local authorities.

Cash-strapped local councils have failed to meet strict deadlines for approving or refusing a host of contentious wind farm proposals, leaving civil servants in charge of the outcome, officials say.

When a local authority runs beyond its permitted six-month timescale, the plans are automatically refused - known as a 'deemed refusal' - which means a developer can simply bypass local government and appeal directly to Scottish ministers.

In the past decade, local planning procedures have been bypassed on 45 occasions due to deemed refusal - with 12 applications obtaining permission on the recommendation of a single civil servant, according to data released by the Scottish Government.

Campaigners and political opponents condemned the practice, and critics of ministers' decisions have urged more local democracy.

Iain Milligan, spokesman for Save Our Hills, said the public would be astonished to learn that sizeable projects can be signed off by a minister on the say-so of a reporter from the Government's Directorate for Planning and

'It's extremely unfair on rural communities'

Environmental Appeals. He added: 'When these proposals are lodged, the public expectation is that they will be thoroughly scrutinised. But we can see much of this has been bypassed because local authorities are too stretched to deal with all these enormous applications.'

The end result is Scottish Government approval for a highly controversial project. That is extremely unfair on the rural communities who have to live with the consequences.'

Plans are in place to rapidly expand offshore wind capacity as part of a blueprint to transform the country into a carbon neutral nation.

Liam Kerr, Scottish Tory spokesman for net zero energy and climate change, said: 'It is alarming to see how round and overreaching councils are not being able to meet timescales, and when they do, they are constantly being overturned by the SNP Government.'

He added: 'The Scottish Conservatives want a law which ensures local planning decisions can never be overturned to respect the wishes of local people.'

A Scottish Government spokesman said: 'As with decisions made by local planning authorities, independent reporters, who make most decisions on planning appeals, are required to do so on the planning merits of the case, having taken full account of all the evidence before them, including any representations from members of the local community.'

From hotels to houses, wind farms to battlefields, plans rejected by Scots councils are being approved by lone civil servants - and there is NOTHING you can do to stop it

STROKE OF A PEN THAT'S KILLING LOCAL DEMOCRACY

SPECIAL REPORT
by Jonathan Brocklebank

Iain's Green Space's concern about the £150million venture, citing loss of trees, biodiversity issues and sites pressure on schools, roads and services. The lone Scottish Government reporter who considered the appeal saw it differently.

In Renfrewshire, a campaign group eager to preserve green space persuaded councillors to block the £63-million Thorlyn Park Village proposed by Bellway Homes, Cala Homes and Barratt Homes. The planning committee backed Barratt

Shire Council's planning committee blocked the proposal in summer 2013, saying the cumulative effect of building and farmland in the Ochil Hills was an issue. But the committee's decision was overturned by the Scottish Government in early 2014. The farm was up and running by 2016.

That is wholly to be expected with wind farm applications. A recent freedom of information inquiry revealed that, of 21 wind farm proposals rejected at planning committee level, 19 of them were later given the go-ahead on appeal by a Scottish Government reporter.

Back in St Andrews, developer Robertson Property applied to build a 90-bed hotel and student hall of residence. After

vehement local opposition, councillors unanimously concluded it should not go ahead. On appeal, a Scottish Government reporter unilaterally concluded it should.

A lot of which begs the question: how does a single civil servant who lives elsewhere know better than councillors who live in and are elected to serve communities?

The growing swathes of community members scandalized by the litany of planning applications waved through on appeal by lone civil servants have another question. Where is the community's right of appeal?

If planning committees approve projects against their constituents' wishes, can they, too, go over their councillors' heads to the Scottish Government reporter? They cannot. That option resides only with the developer, and, in view of its success rate, it would be madness for them not to take it.

The iniquities in the system, which the Scottish parliament had the chance to remedy when the Planning (Scotland) Bill came before MEPs in 2013 but failed to do so, have left few untouched as Scottish Government reporters' objectives have no such right. That is inherently unfair.

Scotland's foremost historian, Sir Tom Devine, goes further. He accuses the Government of 'scandalously excluding' the public from decision making. 'Managing engagement by citizens,' he says, 'is nothing other than a myth.'

The Scottish Government Planning and Environmental Appeals Division makes decisions on just 135 planning appeals a year, and less than half of them resulted in rejections being overturned.

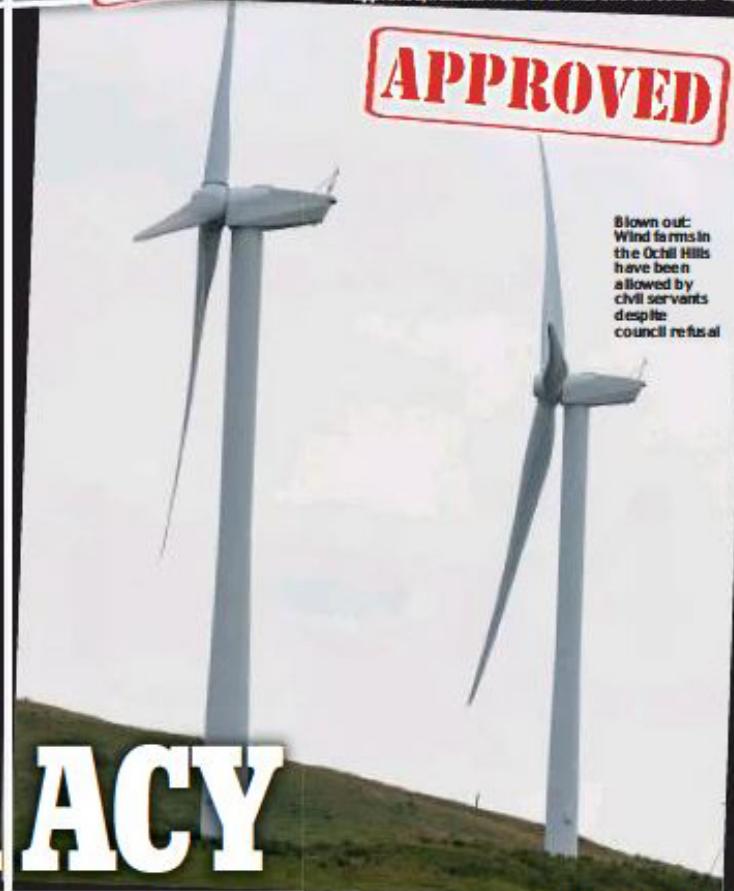
By comparison, less than 8 per cent of criminal appeals in Scotland's High Courts are sustained. These involve two judges when hearing an appeal against sentence, and at least three for an appeal against conviction.

Interestingly, they conclude that the original judgment was sound far more often than the lone civil servant did.

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Winners: From left, Sheikh Mohammed's Inverinate estate, Culloden battlefield where housing has been approved, Rusacks Hotel at St Andrews Old Course



Blown out:
Wind farms in
the Ochil Hills
have been
allowed by
civil servants
despite
council refusal

overnment reporter on appeal. A key argument for refusal was the desire to avoid setting a precedent and encouraging other developments on the land which many see as national treasure.

'The appeal system is crackles, really, because it's left to one civil servant,' said Mr Middleton, chairman of the Confederation of St Andrews Residents Associations. 'That isn't going to Scottish Ministers, but, in fact, it's a civil servant who can formulate the process of councillors.'

The irony, he added, is that many of the reporters are former council planners whose job it was to make recommendations to councillors on major planning applications.

In their new jobs, they leapfrog the councillors and have the power to overrule them unilaterally.

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UT where does that leave democracy?' Brian Thom, St Andrews Labour councillor who proposed the motion to oppose the Rusacks Hotel development, said: 'I do think there is an issue - at least in terms of public perception - with planning decisions being made by a single unelected civil servant. However, at the same time, there does need to be an avenue of appeal for applicants.'

There is no shortage of financial clout on the part of many of the applicants who benefit from a system which many claim favours those with deep pockets.

One is the billionaire ruler of Dubai, Sheikh Mohammed bin Rashid al-Maktoum, who visits Inverinate, his Scottish retreat in Wester Ross, for only a few weeks a year.

He wanted to build another Ptarmigan Lodge to add to the 60-plus bedrooms he already had permission for to accommodate his 12 wives, 23 children and large entourage of bodyguards and servants.

Highland Council refused his application because the lodge imposed on the bungalow home of Roddy MacLeod, 73, and his daughter Tina.

When he appealed, the Scottish Government reporter suggested the billionaire donate £30,000 to affordable homes in the area, and the reporter would then see no barrier to development.

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ODDY MacLeod said: 'I am disappointed, but it's not unexpected - the big boys always seem to win. They have played out the site, and we are just waiting for this skyscraper to go up next to us.'

The build goes on even as the United Nations seeks clarity on the fate of two of the sheriff's daughters - Shamsa, who has not been seen since 2000, and Zafira, who disappeared in 2016.

Last year, a British judge ruled Shamsa's father, who is prime minister and vice-president of the United Arab Emirates, was keeping both captive and had kidnapped the two on separate occasions.

David Middleton, a seasoned observer of planning matters, said formal communities on the wrong end of Scottish Government reporter decisions, the only recourse is the Court of Session and legal battle running into five or six figures - twice that if they lose and are