

The Scottish Parliament Rural Affairs, Climate Change and Environment Committee (RACCE)

Proposed Third National Planning Framework for Scotland – Delivery for Climate Change and a Sustainable Rural Scotland

Date: 23 January 2014



Summary

- Both the NPF and SPP must have a clear aim to deliver sustainable development
- The NPF and SPP should provide a clear steer for onshore wind development by incorporating SNH's strategic locational guidance in full, not just in relation to Wild Land
- The NPF and SPP should make clear the precautionary principle will be applied to unconventional gas extraction, leaving reserves in the ground until climate and other environmental and health concerns are fully addressed
- There must be greater clarity around the NPF consultation process, particularly relating to the inclusion of national developments and any significant changes to text between the MIR and proposed plan stage.
- Parliament should consider a general review of the NPF process, SPP and the planning system to ensure it remains fit for purpose
- The NPF contains some commendable aspirations, however, the document needs to be clearer on action to deliver climate change obligations
- The NPF appears to pick up arbitrary targets for expansion of the aquaculture industry – this must be justified.

Introduction and background

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for this community in communications with decision-makers in Government and its agencies, Parliaments, the civic sector, the media and with the public.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through Taskforces – groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This response has been prepared by the LINK Planning Task Force.

LINK Consultation Response

This response sets out our views on the proposed third National Planning Framework for Scotland (NPF3). Where relevant, we also comment on the consultation draft of Scottish Planning Policy (SPP). LINK has been a long term advocate of a national spatial planning framework for Scotland and also supports the production of a separate, criteria based, government planning policy in the form of SPP. We support the Scottish Government's decision to consult on both documents simultaneously. There is no statutory requirement for parliamentary scrutiny of the SPP. However, the SPP has such a significant influence on planning policy and practice in Scotland, and has so many cross links to the NPF, it is inevitable that Parliament will also consider aspects of the SPP as part of the NPF scrutiny process.

Scottish Environment LINK will be providing comments to each of the four Committees considering the NPF. In order to simplify our response we have split it into two parts:

- Part one includes general comments which we hope will be of assistance to all Committees and to the Parliament as a whole.
- Part two focuses on the specific areas of interest to RACCE

NPF3 and SPP cover a very wide range of topics. Many LINK member organisations will therefore also be submitting their own detailed responses on a range of additional matters of particular interest to their organisation.

Part 1 – LINK general comments on NPF2 and SPP

Sustainable Development

It is welcome that both the draft SPP and proposed NPF3 state Government's central purpose in full: "to make Scotland a more successful country, with opportunities for all to flourish through increasing sustainable economic growth." This is often misleadingly shortened to simply: "increasing sustainable economic growth". The planning vision set out at the start of the proposed NPF is also very welcome. The vision should be improved by making it clear that transport will be sustainable and that good planning will help reduce the need to travel. This will be critical if Scotland is to meet our carbon emission reduction targets, tackle obesity and heart disease and improve physical and mental quality of life.

Both the draft SPP and proposed NPF3 give undue prominence to the perceived need to increase sustainable economic growth. We recognise the need for economic development as a key component of genuinely sustainable development, but the manner in which this is expressed in the draft SPP and proposed NPF3 heavily implies that economic growth should be given greater emphasis than the environmental and social elements that are essential components of sustainable development and of improving quality of life. We welcomed Scottish Government recognition of the need to address some of these matters and the subsequent supplementary consultation on sustainability and planning. However, while generally welcome, the proposed changes raise some additional concerns. These proposals will inevitably be used in interpreting the NPF so it is important to consider it alongside scrutiny of the NPF. Our key concerns are

- The addition of a presumption in favour of development in the SPP seems unnecessary given that this has effectively always been the case in Scottish planning decisions. We acknowledge that it is clear that the presumption is only in favour of development that contributes to sustainable development but we are concerned that any presumption explicitly in favour of development may give developers a false sense of optimism when proposing inappropriate and unsustainable projects.

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- The list of policy principles starts with “to give due weight to net economic benefit”. We realise that this is not a hierarchical list but it may be interpreted as one. This needs to be clear. To avoid any doubt, the economic benefit principles should follow the environmental management ones and it should be made clear that they can not override the other two pillars of sustainable development namely societal and environmental interests. Short-term economic development is often at the expense of medium to long-term economic development. The major financial shortfalls in the budgets for restoration of open cast coal sites, that have become apparent following the financial collapse of Scotland’s two largest open cast coal operators, is a an unfortunate current example of what can happen when short term economic benefit is allowed to override environmental and community protection concerns.
- We note that the proposed sustainability section of the SPP is intended to form statutory guidance on sustainable development under section 3E of the 2006 Act, to assist in the preparation of development plans and the National Planning Framework. This is welcome but the guidance is very brief. Some local authority planning teams and their staff, as well as other planning system stakeholders, will require additional guidance and training to help in assessing whether development truly contributes to sustainable development.

Wild land

We have commended the Scottish Government for recognising the value of Scotland’s wild land in the SPP draft and we support proposals to clarify and strengthen policies that support its protection. For the first time, this makes it clear that windfarms will not be acceptable in National Parks or National Scenic Areas and it identifies further areas of significant protection including areas of wild land identified by SNH. SNH has done further mapping work to identify other natural heritage sensitivities, including areas of peatland and areas important for birds, in the form of its Strategic Locational Guidance for Onshore Wind. Given that this is produced by Government’s statutory nature conservation advisors, it is very surprising and disappointing that it has not been referenced in the SPP or proposed NPF.

We are very disappointed that, while the NPF MIR identified that SNH mapping could inform future wind farm development, this has not been carried forward into the proposed NPF. LINK strongly supports an increase in the generation of renewable energy to help reduce Scotland’s greenhouse gas emission reduction obligations. This is a national priority. Much of the effort so far has focussed on the delivery of onshore wind. It therefore seems remiss that the national planning framework does not provide a clear national spatial steer as to which areas of Scotland are more and less likely to be suitable for development. This would help reduce conflict and assist in making sure development happens in the right places. The NPF and/or SPP should, at the very least, state that significant weight should be given to SNH’s Strategic Locational Guidance for Onshore Wind when planning authorities are preparing their development plans and in development management decisions.

Unconventional gas and fossil fuels

Unconventional gas extraction, including coalbed methane and shale gas, can result in a wide range of environmental and health impacts. In particular, in the context of our climate targets and the latest climate science, it does not make sense to pursue a new source of fossil fuel. Unconventional gas extraction is energy intensive, and burning the gas contributes to emissions. Moreover, the impact of ‘fugitive emissions’ of potent greenhouse gas methane

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through leaks, flaring and venting has led scientists to argue that the climate impact of unconventional gas could be as much as that of coal. There are also a number of risks in relation to water and soil contamination, air pollution and related health impacts. SEPA currently does not have powers to monitor and regulate methane leakage and air pollution at sites. We are concerned that developments in Scotland are progressing ahead of a thorough review of the full lifecycle environmental and health impacts, and adequacy of the regulatory framework to deal with these new extraction techniques. We welcome the less supportive tone for unconventional gas in the new draft SPP, but consider that this should be strengthened by taking a more precautionary approach to all unconventional gas developments. We support the inclusion of buffer zones in the draft SPP, but recommend that this should be strengthened and specified as at least 2km between sites and communities, which we note could go some way to mitigating against the worst of the potential local impacts, although will not resolve climate concerns. We note that the SPP proposes a buffer distance of 2.5km for windfarms.

We note that the recent regulatory disaster relating to the restoration of opencast coal mines has yet to be resolved and that the issue of bonds to deliver restoration is relevant to many other sectors, particularly fossil fuels but also renewables and waste. This needs to be addressed before new consents dependent on the bonds model are issued.

Historic environment

The SPP should reinstate and extend the wording dropped under Paragraph 124 to read Planning authorities should ensure they have access to expert historic environment advice, working with a properly maintained Sites and Monuments Record / Historic Environment Record.

Aquaculture

We oppose the specific growth objectives for aquaculture set out in the timeline at the end of Annex A. The potential environmental impacts of the industry achieving these growth targets have not been made subject to any environmental assessment. It remains to be understood whether these objectives can feasibly be achieved in Scottish waters, not least in a manner which supports the principles of sustainable development. We understand that Marine Scotland Science has yet to undertake a project to identify areas of opportunity and constraint for both finfish and shellfish sectors. LINK members firmly contend that it is not appropriate for growth targets to be included in the NPF document, until the findings of this project have been concluded. The scale of increase in production is huge. For finfish the target equates to a 75% increase by 2020 & 50% increase for shellfish based on 2011/12 production.

National developments and consultation process

The continued retention of the Central Scotland Green Network (CSGN) as a National Development is very welcome as is the inclusion of long distance walking/cycling routes. It is disappointing that proposals for a National Ecological Network for Scotland national development have not been accepted, even though it is recognised as an excellent long term aspiration in the NPF and is specifically referenced and advocated in the 2020 Challenge for Scotland's Biodiversity. We believe that a National Ecological Network would complement the CSGN and help provide the green infrastructure for Scotland that is as essential as our built infrastructure if we are to make Scotland a world class place in which to live work and invest. National development status should be given to a national ecological network to confirm Scotland's commitment to green infrastructure.

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It is disappointing that proposals for new national parks have not been taken up. Given their national benefits and spatial nature, NPF3 should include a commitment to progress proposals for new national parks.

We are concerned about the last minute inclusion of two additional national development types, Pumped Hydro-Electric Storage and a National Digital Fibre Network. We do not wish to comment in detail on the suitability of the appropriateness of either of these two classes of development being given national development status but this late addition means that stakeholders have significantly less opportunity to comment on their suitability or any potential environmental impacts they may have. We note, for example, that the Pumped Hydro-Electric Storage national development appears to largely be focused on potential extension of the Cruachan Hydro scheme in Argyll. That scheme is just outwith but almost surrounded by a Special Protection Area designated under European Law for Golden Eagle and is on the edge of a core area of wild land. LINK members may well have wished to provide more detailed comment on this proposal if it had been highlighted in the NPF MIR. We also note that the late inclusion of the Hunterston Powerstation in NPF2 resulted in a legal challenge and significant controversy.

The extent of change between the NPF MIR and the proposed NPF submitted to the Parliament for scrutiny is relatively extensive and makes assessing the proposed NPF challenging. We believe this highlights a number of weaknesses in the NPF process which could be improved. Although perhaps outwith the scope of the current NPF scrutiny period, we believe it may be timely for the Parliament to consider whether a range of process matters relating to the NPF and the SPP may be made more effective. These may include:

- Does the 60 day period provide adequate time for parliamentary scrutiny given the very broad range of issues covered by the NPF, the public interest in it and the importance of the document for Scotland's sustainable development?
- Is the process for designating "national developments" fit for purpose, including providing sufficient opportunities for public consultation?
- Should there be a statutory role for parliament in scrutinising the SPP and the operation of the planning system in general?
- Are opportunities for challenging planning decisions proportionate and fair, and would there be benefits to introducing an environmental tribunal system?

Part 2 – additional specific areas of interest to RACCE

Adaptation

As stated above, LINK are very disappointed that neither a National Ecological Network nor new National Parks have been given national development status in the NPF3. Both of these proposals would have potential to assist in delivering adaptation through improved land management.

In general, we welcome Chapter 4 - A natural resilient place. However, while much of the language here is positive, this does not seem to be translated into clear policies or actions.

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LINK have previously criticised the Scottish Government's draft Scottish Climate Change Adaptation Programme for including measures for a 5 year timescale only. The NPF looks forward on a longer timescale, further highlighting the need for the Adaptation programme to consider impacts and actions on a longer timescale.

It is disappointing that there is little mention of the potential benefits of managed realignment along our coastline or rivers. This is important future green infrastructure which may be vital for creating and protecting sustainable places. We note that the NPF identifies the Forth as an area for co-ordinated action for environmental and habitat improvements but this is far from the only potential site for realignment and a missed opportunity.

Mitigation

Recognition of the benefits of peatland restoration is welcome but it is not clear how this will be delivered. For example, there is no mention of how the £15m promised for peatland restoration in the budget will be delivered. There seems to have been a downgrade in the importance of peatlands from the MIR, which for example, included a map on peatland depth. There has been a similar reduction in attention given to forestry. These are both RPP2 measures for a low carbon Scotland, impacted on by planning and with a spatial dimension. This should be addressed in the NPF.

This submission was compiled on behalf of LINK Planning Taskforce

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