

Response to Scottish Government's Technical Consultation on proposed policy amendments to Scottish Planning Policy

9 October 2020

About Energy UK

Energy UK is the trade association for the energy industry with over 100 members spanning every aspect of the energy sector – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

We represent the diverse nature of Scotland's energy industry with our members delivering the majority of both Scotland's power generation and the energy supply for 2.5 million Scottish homes and businesses.

The Scottish energy industry delivers around £8.4bn in economic activity through its supply chain and interaction with other sectors, and supports over 46,000 jobs directly and indirectly in every corner of the country.

Executive Summary

- In the context of the Climate Emergency, the 2045 Net Zero target in Scotland and in line with the recommendation of the Committee on Climate Change (CCC)¹ to increase the supply of low-carbon power fourfold by 2050, it is critical that both the National Planning Framework 4 (NPF4) and Scottish Planning Policy (SPP) clearly sets out clear, proactive, policies to support an agreed pathway and specifies how the Planning System can deliver on these objectives.
- Ensuring an efficient planning system in Scotland is essential for the development of a future low-carbon Scotland and supporting a green recovery.
- Our members have been fully engaged with the NPF4 consultative process, and it is therefore disappointing that these proposed interim changes to SPP have been brought forward without prior notice or discussion with industries such as the renewables sector.
- The proposed changes, which would apply over the interim period ahead of the final expected NPF4 publication in 2022, have a broader reach than solely housing, and the energy industry has significant concerns about the implications for Scotland meeting its 2045 Net Zero target.
- The current delays to NPF4 are at a time when industry investment in development is most needed to restart and recover the economy in a green way. Positive interim planning policies are needed now to facilitate renewable projects and wider supporting infrastructure that industry is ready to deliver while NPF4 is awaited.
- A clear, positive vision for the planning framework in Scotland would be welcomed across the energy industry to ensure that climate change mitigation is prioritised, and significant volumes of new low carbon energy infrastructure are delivered in a timely manner to meet Net Zero by 2045.

Please find our response to the relevant consultation questions below.

¹ <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

Response to consultation questions

Question 1: What is your view on our proposal to remove ‘the presumption’ from the SPP, through the changes set out?

It is disappointing that a consultation with such significant impacts outside of the housing industry has been issued with no prior notice or discussion with industries such as the energy sector. Energy UK and its members have engaged constructively with the Scottish Government on the recent Call for Ideas to support the forthcoming National Planning Framework 4 (NPF4), and this seemingly sudden change in national planning policy is at odds with the larger collaborative approach taken for the NPF4.

Removing the presumption in favour of sustainable development across all planning policy is a backward step for the renewables sector in Scotland. The amendments proposed in this consultation appear to go further than the narrow housing interpretation of the SPP put forward by the Scottish Government in the Court of Session. We understand that this consultation and proposed removal the presumption in favour of sustainable development is driven by a housing issue, however, we feel that using what is fundamentally a housing issue to justify significant changes across multiple development types such as onshore wind, is not proportionate and would set a poor precedent.

In our view, abolishing the presumption in favour of sustainable development is inconsistent with Scottish Government’s world-leading climate legislation and risks undermining Scotland’s ambition for Net Zero emissions by 2045. Renewables have been highlighted as playing a key role in securing a green economic recovery, and the proposal to remove a key element of planning policy which will support this aim is extremely concerning. The need to ensure that sustainable development (as quoted in SPP) is enshrined in development planning and management, is pivotal.

While we are understanding of the present challenges faced by government in the current COVID-19 pandemic, and the shift in focus towards public health, the climate emergency must not be forgotten. The planning system is a key vehicle for delivering national emission reduction targets, and the delay of NPF4 just as the Green Recovery is needed is already resulting in lost opportunities for renewable developments. In the interim period before NPF4 is finalised, we would therefore urge the Scottish Government to clarify the importance of climate mitigation in the consideration of planning balance. The NPF4, and any interim measures introduced prior to publication of the final NPF4, should bring forward ambitious proposals to facilitate the deployment of renewables, ensuring climate mitigation is at the heart of the planning system.

The presumption in favour of sustainable development is a relevant and positive planning policy that supports the renewable and wider energy sector when the merits of developments in the right places are being assessed. We therefore ask that either the presumption is retained within SPP or, if it is changed, that some replacement for the presumption (with equal weight) is put in place as soon as possible to ensure no adverse impact on Government’s policy to encourage the further deployment of low-carbon energy development.

Question 4: Do you agree that the proposed amendments will not directly impact on other (non-housing) types of development? If not, please provide evidence to support your view.

We are concerned that the proposed amendments will negatively impact low-carbon energy developments and other infrastructure developments that support the deployment of low carbon energy developments. While the consultation focuses on housing, the proposal to remove the presumption has implications for all types of development including low-carbon energy, whether proceeding under the Town and Country Planning (Scotland) Act 1997 or other legislation, including the Electricity Act 1989. There are a number of renewable energy Section 36 Electricity Act developments coming to local inquiries in the next few months. These projects would be adversely impacted if the proposal in this consultation is taken forwards.

As the First Minister noted in the Scottish Programme for Government in September 2019, planning policy will need to undergo a “fundamental review”, to “more radically reduce emissions.” The First Minister also highlighted that “the global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.” Removing the presumption in favour of sustainable development in Scottish Planning Policy is a clear step away from the Scottish Programme for Government and from the careful consultative process being undertaken to develop a NPF4 that supports Scotland’s climate ambitions.

Question 5: Do you agree that fuller impact assessments are not required? If not, please provide evidence to support your view.

If the proposal to remove the SPP presumption in favour of sustainable development is progressed as a result of this consultation, we would request that a full impact assessment is undertaken to ascertain broader impacts outside of the housing sector, in particular onshore wind, other renewable energy developments and other infrastructure development that support the deployment of low carbon energy developments and in the Scottish Government’s ability to meet net-zero targets.

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