

SUBMISSION FROM THE SCOTTISH ENVIRONMENT LINK PLANNING TASK FORCE

The Scottish Environment LINK Planning Task Force welcomes in broad terms the current reform of the Scottish planning system, particularly with respect to providing stronger linkage between planning and sustainable development, as defined by the Brundtland Commission.

We welcome the statements for the vision of Scotland in 2030 that identify important aspects of landscape and wild land (NPF2 paragraphs 97 to 99), and for greening the environment through “Green Networks” for wildlife and people (NPF2 paragraphs 91 and 94). High quality natural environments not only benefit biodiversity but improve people’s quality of life and encourage inward investment, thereby increasing sustainable economic growth. Recognition of the value of landscapes for people, and the economic activity that they contribute, is therefore warmly welcomed.

However, whilst the NPF2 has identified these issues, it lacks clarity on the practical implementation which will move Scotland towards a more socially, environmentally and economically sustainable society. Importantly, there appears to be little co-ordination within the NPF2 to link sustainable development with economic growth.

Need For Detailed Planning Framework

It is recognised that the NPF2 is correct in identifying the need for the Scottish Government and planning authorities to contribute to sustainable development. Furthermore, we congratulate the Government for placing the INPF2 in the context of climate change, transport, renewable energy, energy efficiency, waste management and biodiversity. However, we consider that the Framework would benefit from a detailed set of Terms of Reference which sets out clearly the duties and responsibilities at both national government and local planning authority levels. The Framework would be further enhanced by inclusion of what is expected from developers and local communities with regard to planning applications.

The lack of a clear framework demonstrating the administrative hierarchy, division of responsibilities and terms of reference, handicaps the NPF2. The document would benefit from a detailed structure which sets out objectives and actions to frame and enable the development of detailed policy. Therefore, the potential success, or otherwise, of the NPF2 is largely dependent upon how it is interpreted for implementation by planning authorities and developers. We are particularly concerned that the proposed detailed planning reform is to be taken forward by the combined Scottish Planning Policy Guidance (SPP), which has not been presented alongside the NPF2.

The Sustainable Development Contradiction

There appears to be a contradiction at the heart of the NPF2. Whilst defining sustainable development as: “*development which meets the needs of the present without compromising the ability of future generations to meet their needs*”ⁱ, the NPF2 then proposes 12 National Developments, or groups of strategic infrastructure projects. A number of these will lead to increased greenhouse gas emissions and potential loss of natural and cultural resources due to “land take”, therefore these National Developments cannot be defined as genuinely sustainable. We agree with the view of the Sustainable Development Commission that “*the national projects...., while appraised against a range of criteria, are not aligned with sustainability. Investment in such strategic infrastructure could lock Scotland in to a high carbon future, making achievement of the Government’s own targets difficult*”ⁱⁱ.

This contradiction is particularly severe in respect of ‘national development’ proposals for unabated coal-fired power stations¹, and to enable growth in passenger numbers through Scotland’s airports which simply cannot be justified in the light of Scotland’s ambitious climate targets – soon to be given statutory weight in the Climate Bill. Achieving these targets and contributing to a globally safe level of greenhouse gases requires urgent action - within the five year life of this NPF2 – to cut emissions significantly.

Under the Planning etc. (Scotland) Act 2006 the NPF2 is required to contribute to sustainable development. This is a stronger test than a ‘*balancing of economic development and environmental protection*’. It requires an integrated delivery of economic progress, social equity and environmental health. For the duty to be delivered, the policies and proposals in the NPF2 as a whole must contribute to sustainability. It is not adequate for some measures to contribute to sustainability if others of significance detract from it. Moreover, while the statutory requirement does not apply to specific elements of the NPF2, if it is desirable that the NPF2 as a whole contributes to sustainable development, it is clearly also desirable that every policy and proposal in the NPF2 contribute to sustainable development.

We consider that reducing Scotland’s green house gas footprint should be an overriding aim of the NPF2, as it covers the period when the most significant cuts in emissions must be made in order to meet internationally-agreed long-term targets. In particular, National Developments 8 and 9 would effectively establish the principle of new unabated coal-fired power stations. As proposed, although carbon capture is covered by the designation, there is actually no requirement for carbon capture to be installed either initially or at any point subsequently during the lifetime of any new power plant. The huge significance of new coal fired generation without carbon capture and storage from the outset would far outweigh any benefits from renewable energy and public transport enhancement promoted by NPF2.

All proposed developments should aim to reduce energy consumption, together with emissions. The LINK Planning Task Force welcomes the inclusion of public transport related projects, particularly rail, where these are

demonstrated to be of national significance. However, we are concerned that road and airport proposals may lead to increased green house gas emissions.

We consider that this sustainability contradiction undermines the Scottish Government's commitment to sustainable development within the NPF2. We contend that the contradiction stems from the Government's linkage of sustainable development to economic growth. We are concerned that the prominence given to economic growth is placed above that given to environmental and social justice. There needs to be a strong recognition of the need for a healthy environment as a basis for ensuring quality of life. We are sceptical as to whether the Government's pursuit of "sustainable economic growth" will lead to a truly sustainable society.

We welcome the realisation that growth should "*not come at the expense of our environment*"ⁱⁱⁱ, but find little in the NPF2 which sets out how this will be achieved. The NPF2 contains little evidence that work has been undertaken to determine if Scotland's natural and cultural resources have sufficient capacity to allow for the economic growth envisaged in the proposed 12 National Development groups of developments. The LINK Planning Task Force contend that there is a need for analysis of envisaged growth rates to determine if these are truly sustainable.

Protection of the Environment

We welcome the recognition by the Government that Scotland's environment provides important environmental services. We would hope that this will focus upon natural flood defence, flood storage, water resources, recreational landscapes, soils for agriculture, etc. However, we are concerned that the NPF2 does not provide a clear strategic framework or policy on how to safeguard these ecosystem services for our communities and visitors. In addition, we think the NPF2 would also benefit from greater recognition of the intrinsic value of the environment in its own right, for example, in safeguarding water quality and protecting biodiversity and landscape.

We are concerned that whilst the Government is adhering to treaty obligations to protect European and Internationally designated conservation sites, recent planning decisions are leading to a downgrading of national designated conservation sites, resulting in a loss of biodiversity due to development. The NPF2 does not address the detail of this issue, and with the focus on strategic infrastructure and wider planning modernisation leading to the delegation of planning powers to the local level, may even further exacerbate habitat loss and damage to ecosystems in some areas. We contend that failure to build on natural heritage protection beyond the boundaries of designated areas:

- Undermines the EU Habitats Directive, (particularly Article 10);
- Risk leading to ring development around sensitive areas, e.g. National Parks, SACs, SPAs, Ramsar sites, etc., and;
- May cause damage and destruction of valued areas without statutory designation.

It is therefore recommended that the NPF2 is strengthened by recognising the economic and ecosystem service value of Scotland's environment as a whole, and builds on the protection given to designated sites. While the NPF2 goes some way to linking environmental improvement to economic benefit, particularly in paragraph 95, there is concern that this strict focus on International and European designated sites detracts from attention to the wider environment. Greater emphasis should be placed on our natural heritage as an economic asset that should be used as a sustainable resource to safeguard Scotland's future. Whilst the NPF2 recognises the need for sustainable transport networks, the Task Force would contend there is an equal necessity to protect our environment by ensuring the connectivity between habitats, particularly with respect to allowing species to colonise or migrate as a result of Climate Change by using wildlife corridors. Similarly, strong statements and policies on the need to protect our cultural heritage, historic environment, biodiversity and landscape should be explicitly set out within the NPF2. However, whilst wildlife corridors can be an important climate change mitigation measure, it should be noted that the habitats and species at the tops of hills and mountains are particularly vulnerable to climate change, as it is often impossible to create corridors across intervening low ground for upland species. There is therefore a need to safeguard these areas from climate change and development.

In addition to the wider environment, we would emphasise the sensitivity of wild land and the need to recognise the cumulative impact of numbers of smaller developments requires as much attention as large-scale development. As a result, protection and safeguarding wild land outwith designated sites would be welcomed.

We recognise the intention to divide the planning system, with strategic and nationally important projects reserved at the national level and delivery of planning decisions at the local level. We recognise that additional work will be undertaken by the National Performance Framework and associated planning performance indicators. However, we are concerned that the NPF2 does not yet provide clarity on how national targets and strategies will be consistently delivered at a local level across Scotland. The Planning Task Force contends that more work is required to ensure national targets, particularly with respect to sustainable development, greenhouse gas emissions and protection of biodiversity are delivered consistently across the nation. The cascade of powers to the local level may make it difficult to assess the real impact of cumulative developments across Scotland as a whole.

Similarly, to ensure best practice is implemented by developers, the Planning etc. (Scotland) Act 2006 included measures to assist local authorities follow through on planning conditions and enforcement. For example, provision for local authority powers enabled penalties to be levied on developers who failed to meet their planning conditions. The LINK Planning Policy Taskforce considers that NPF2 requires further clarification on how local planning authorities will be resourced to deliver planning reform effectively and how NPF2 will be linked to secondary legislation to enable local authorities carry

out this role. We consider that further work is required to provide a satisfactory administrative structure for local authorities to fulfil their role under the NPF2.

The NPF2 is also an opportunity to take forward the recommendation of the Government's Strategic Environmental Assessment (SEA), of the Scotland Rural Development Programme, 2007 – 2013. This recognised that the "*production from renewable sources will impact on Rural Scotland as many of these facilities are located in rural environments, such as the top of hills and mountains where there are increased winds.*" The SEA then went on to state that: "*Mitigation measures suggested include the development of a National Renewables Strategy for Scotland which would identify those areas where wind farms, hydropower schemes, biofuel plants (and associated biomass cropping sites), and marine and coastal renewable schemes should be permitted.*" The NPF2 provides an opportunity to put in place this recommendation and ensure that environmental impacts of renewables schemes and associated infrastructure are minimized. Despite the recent consultation on a Renewable Energy Framework for Scotland, the Government has yet to produce such a National Renewables Strategy. We note with concern that the NPF2 has included Energy Transmission Infrastructure projects in advance of such a strategy.

Landscape Scale Environmental Enhancement Projects

Whilst the NPF2 does identify National Developments, no corresponding landscape-scale ecosystem or land management projects to promote sustainability or environmental benefit have been included. Given our responsibilities at a global level, we contend that the NPF2 should be a vehicle to ensure this. For example: the NPF2 should be used to safeguard and enhance the nation's natural carbon sinks and stores (e.g. peatlands, forestry, marshland, estuaries, etc.) not only within designated sites but as a nationwide resource which, if enhanced, could contribute toward carbon storage and sequestration.

Vacant and Derelict Land

Similarly a sustainability link can be made with the policy on brown field sites. The NPF2 identifies 10,240 ha of vacant and derelict land across Scotland, correctly described as a "*wasted resource*". Given the former industrial use of such sites, together with their proximity to areas of energy demand, it is suggested that the policy of redevelopment and remediation is closely aligned with the provision of renewable energy to alleviate pressure on green field sites at risk from large scale civil engineering works.

Community Involvement

We welcome proposals to strengthen the competence and capability of planners. However, whilst recognising the need for community involvement at a local level, there is a need for corresponding detail on how to ensure local communities are enabled to contribute. Further work should be undertaken to set out and resource community involvement in the proposed planning framework as planning reform is taken forward. The designation of National Developments within the NPF2 restricts scrutiny to the mere 60 day

parliamentary process. Public engagement on such projects should be reinstated to ensure community involvement. We would also question whether all the proposals are of national significance, or indeed have overriding public interest in being taken forward. The legislative opportunity has passed but we remain of the view that “limited third party right of appeal” would best have ensured satisfactory public scrutiny.

Appropriate Assessment

We are concerned with the grouping of National Development Projects under 12 broad headings within the NPF2 and associated Strategic Environmental Assessment (SEA). cursory analysis of the documents indicates that there are approximately 25 individual projects^{iv}. Many of these projects will require an appropriate assessment, additional to the SEA, particularly in respect to EU Directives. Primarily this is because the SEA process is not sufficient to identify impacts that will only become apparent as developments are taken forward at the detailed planning, design and implementation stages.

In addition, we would question the identification of a number of these projects as being “National Developments”. Reviewing the selection criteria being used, we anticipate an inappropriate application of “overriding public interest” to projects which should be more appropriately decided at local and not national level. Therefore, it is felt that the way may be open to future challenges with regard to “appropriate assessment” and review of the use public interest to justify these “National Developments”.

Marine and Coastal Areas

Similarly, there is little linkage with the planning and management of marine areas, particularly with respect to the transition across the coastal zone to the terrestrial hinterland. The NPF2 indicates that this will largely fall under the remit of the Marine Bill. However, the inclusion of National Developments for coastal and marine facilities and infrastructure prior to completion of the Marine Bill will cause confusion and undermine the objectives for the sustainable use of coasts and marine areas. The NPF2 should provide a detailed framework for the integration of terrestrial planning with sea area planning, including the transition across the coastal zone from the marine area to the terrestrial hinterland.

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1 The NPF only suggests that such power stations will be ‘carbon-capture ready’, not that they will have to actually capture carbon dioxide emissions in practice.

i National Planning Framework for Scotland, 2, 12th December 2008, pp3.

ii Sustainable Development Commission: A review of progress by the Scottish Government, 2008 pp56.

iii National Planning Framework for Scotland, 2, 12th December 2008, pp11.

iv National Planning Framework- pre-publication media briefing. Friends of the Earth, Scotland, 11th December 2008