SEPA Interim Position Statement on Planning, Energy and Climate Change

This document is an interim statement of SEPA's role and policy position on energy and climate change relative to land use planning. Energy and climate change policy are inextricably linked as the majority of greenhouse gas emissions stem from energy use. In this position statement we clarify how we intend to engage with the land use planning system on energy and climate change issues to achieve an effective interface with our regulatory and advisory remit, and more widely, to support the Scottish Government's energy and climate change policy priorities.

Introduction

1. As a public body and Scotland's environmental regulator with a remit that strongly connects with climate change, we are already well-positioned and proactive in helping Government deliver its climate change targets[1]. In December 2008, we published A climate change plan for SEPA. This five year plan sets out our strategic vision on how we will embed climate change across the organisation, to help mitigate our impacts and adapt to the unavoidable consequences of climate change.

2. The primary objective of this position statement is to clarify the types of climate change and energy issues we will advise upon in exercising our statutory land use planning function and to highlight areas where an integrated approach with other partners is required. By providing such strategic direction to our staff and key customers, we aim to deliver clear and consistent advice with greater efficiency and effectiveness. Ultimately, this will give greater certainty over the delivery of development on the ground.

3. On 1 May 2009, SEPA, Scottish Natural Heritage, Forestry Commission Scotland and Historic Scotland published a joint statement on our respective roles in mitigating, adapting and communicating climate change. This interim statement builds upon the joint statement by providing greater clarity as to how we intend to engage on climate change and energy issues through our planning service. We hope to explore the merit of a multi-agency statement on planning and climate change as a next step. This position statement will be finalised following consultation with the Scottish Government, agencies, relevant non governmental organisations (NGOs), the Convention of Scottish Local Authorities, National Park Authorities, representatives of the development industry and other key partners.

Unlocking the potential: planning and climate change

4. As one of the main creative driving forces behind the delivery of better places in Scotland, the land use planning system has an important role in mitigating and adapting to climate change and supporting the shift towards a low carbon economy. Spatial planning has a profound influence on whether lifestyles and behaviours are more or less carbon intensive. Initial design and planning considerations can lock us into or out of pathways to a low carbon economy. Climate change is a matter of genuine national interest and will be an important material consideration for planning decisions. The planning policy background to climate change and energy issues is summarised in the Annex to this Statement.

Purpose of our involvement

5. Our role in the modernised planning system is to help enable good development in the right place and of the right design and quality, having regard to national planning policy,

[1] As defined in the Climate Change (Scotland) Act 2009.

so that the environment is suitably protected and enhanced. Our advice on climate change and energy issues will reflect the basic premise that planning can contribute to climate change and energy objectives in three main ways: by influencing development location, design and layout and in some cases, operation and maintenance.

6. Scottish Ministers consider development plans to be absolutely central to the success of the modernised planning system and we share that view. We have recently reprioritised our Planning Service to ensure that we are well placed to engage early in the plan preparation process.

Development plans will have a critical role to play in contributing towards Scotland's climate change and energy priorities. Not least, they have a crucial role to play in promoting a pattern of development which helps to reduce Scotland's greenhouse gas emissions and facilitates adaptation to climate change.

7. By engaging in climate change and energy issues through our Planning Service we will:

- support national priorities to mitigate and adapt to climate change and to deliver energy policy where they interface with our remit;
- help planning authorities better understand and take account of appropriate climate change mitigation and adaptation measures;
- support delivery of the strategic development priorities for energy, waste management, flood risk management and water and drainage infrastructure as recognised in the National Planning Framework 2 (NPF2) and development plans;
- actively collaborate in the preparation of the new generation development plans to ensure that we are in a position to accept the principle of land use allocations; and,
- provide helpful and consistent advice in response to planning consultations.

Scope of our involvement

8. Our planning advice in relation to climate change and energy interfaces with our role as:
   - environmental regulator;
   - coordinator for River Basin Management Plans;
   - statutory consultee on flood risk[2], EIA, SEA (including the consideration of climatic factors under SEA) and Section 36 and 37 applications under the Electricity Act 1989;
   - a key player in implementing the Scottish Government's draft Zero Waste Plan; and,
   - competent authority, with the Health and Safety Executive, of the risk of major accidents at industrial sites (COMAH) and for Pollution Prevention and Control (PPC) licensing.

9. In providing advice we will also be mindful of roles and responsibilities that are arising from new and emerging areas of legislation such as:

   - the Climate Change (Scotland) Act 2009;
   - the Flood Risk Management (Scotland) Act 2009;
   - EU Soils Directive;
   - Marine (Scotland) Bill; and,
   - EU Industrial Emissions Directive.

   This position statement will be reviewed as the implications of these areas of legislation with respect to our roles and responsibilities are defined.

[2] See SEPA's Interim Position Statement on Planning and Flood Risk.

10. Aspects of the advice that we currently provide to planning authorities have a strong link with the Scottish Government's climate change and energy agendas. We will consider ways of ensuring that the link between such areas of advice and these agendas is made more explicit in our responses to planning consultations. Relevant areas of advice include:

    - Achieving the objectives of the National Waste Strategy and Area Waste Plans[3];
    - Flood risk;
    - Sustainable drainage systems (SUDS); and,
    - Sustainable water management.

    We also already provide advice on a range of developments types that will contribute towards these agendas such as energy, water and waste management infrastructure. We will continue to engage early in planning processes to ensure that we provide appropriate and timely advice in relation to these development proposals.

11. Whilst we already contributing to the Scottish Government's climate change and energy agendas we recognise that there are other opportunities for engagement that we need to explore. We have therefore undertaken a review of how our planning function can more effectively engage in these agendas. This has involved a process of scoping the issues where we need to be engaging and then considering whether we have the remit to lead in these areas or if liaison with key partners to define roles and responsibilities is needed.

Our new approach

12. A key element of our approach will be to proactively work with planning authorities and other key partners to ensure that development plans fulfil their potential to facilitate Scottish Government targets for climate change and energy. Our positive early engagement at the development management stage will help to ensure that proposals contribute towards climate change[4] and energy priorities, including those identified in development plans, are progressed effectively and efficiently. This will include an increased focus on pre-application engagement. At the development management stage we will not revisit the principle of development plan allocations assuming due consideration was given to any issues we raised as part of our engagement in the plan-making process. However, at the development management stage, we will seek to influence their design, layout and/or operation where they interface with our interests[5].

13. We recognise a need to constantly review how climate change is factored into our licensing decisions. This may ultimately affect how we comment on planning applications for developments that are also subject to other regulatory regimes within our remit.

Areas where we have a clear remit to engage

14. We will give high priority to the delivery of national developments as identified in NPF2. This will include engaging early and positively in the planning process and providing clear advice in relation to our information requirements as they relate to our regulatory and advisory functions. We recognise that all national developments are affected by and will have implications for the Government's climate change and/or energy agendas.

[3] Until the recently published consultation draft Zero Waste Plan is finalised.
[4] Including emission reduction targets and the Adaptation Framework.
[5] As defined in paragraph 8 of this statement.

15. We will also seek to take an effective lead on achieving high energy efficiencies through heat recovery particularly in relation to energy from waste infrastructure. The Scottish Government recognises the important role of renewable heat in its Renewables Action Plan[6]. This includes a 'headline ambition' of *"having heat from renewable sources recognised as the first choice option for new developments in areas off the gas grid and maximising opportunities for retrofitting"*[7]. In addition to woody biomass, waste biomass is now recognised a major contributor to renewable bio-energy in Scotland.

We have an important role to play in helping to deliver the renewable heat aspects of the Renewables Action Plan by actively engaging in the preparation of development plans to help identify favourable locations for thermal treatment of waste infrastructure in relation to potential end users. Maximising the energy efficiency of thermal treatment facilities through heat recovery should be a key consideration in site allocation.

16. As a statutory consultee on development plans and planning applications supported by an Environmental Impact Assessment we will consider whether proposals are in compliance with our Thermal Treatment of Waste Guidelines 2009[8]. Whilst we have a clear remit in this area we are also keen to work with partners to help develop tools that will help planners and developers maximise opportunities to utilise renewable sources of heat[9].

17. *However, it has become apparent that most of the aspects of climate change and energy on which we wish to engage are cross-cutting and interface with the roles and responsibilities of other agencies and organisations.*

Areas requiring liaison with key partners to define roles and responsibilities

Most of the areas where we believe there is a need to engage cannot be taken forward by SEPA alone. If we are to achieve the step change needed in our approach to climate change through the planning system a collaborative approach with key partners is required. Some of these issues need to be taken forward as a matter of highest priority.

18. A key objective of this statement is to highlight areas where we consider an integrated approach with other agencies and partners is needed. Table 1 (page 6) summarises the main areas that we have identified as benefiting from an integrated approach with key partners. Whilst all of these areas are considered to be urgent those highlighted in red are considered to be the most pressing. These include issues that we are aware of that are not being effectively addressed in existing planning processes due to the lack of clarity in relation to roles and responsibilities.

19. *We propose that Table 1 provides the basis for discussions with key partners to agree roles and responsibilities.*

[6] The Renewables Action Plan,sets out what needs to happen and by when to meet the Scottish Government's Renewable Energy targets, with a focus on the next 24-36 months.
[7] See Annex A of the Renewables Action Plan, Scottish Government (July 2009).
[8] Annex 2 of the Guidelines outline our requirements for a heat and power plan that should be submitted in support of planning applications for energy from waste infrastructure.
[9] Such as the heat mapping pilot currently being undertaken by Highland Council and CoSLA.

20. Our role in contributing towards the areas identified in Table 1 will be to provide advice as it interfaces with our responsibilities. We recognise a need to develop our position on the preferred environmental options for renewable and other energy technologies founded upon sound science. We are currently undertaking this work and will present our stance in an Energy Position Statement in due course. This is imperative if we (and other public bodies) are to fulfil new obligations under Section 44 of the Climate Change Act (Scotland) 2009 to exercise our functions (in relation to the Act) *"in way that it considers is most sustainable"*.

Future developments

21. The statutory, policy and technological framework for climate change and energy issues is developing rapidly. We recognise the need to update this position statement to reflect changing circumstances in order to provide up to date guiding principles on emerging issues. Examples of future issues include:

    - The development of renewable energy infrastructure[10] (including onshore assets to support offshore renewable energy development);
    - Development of carbon accounting tools;
    - Development of carbon capture and storage technology and the associated new consenting regime;
    - Tidal barrages/tidal lagoons;
    - Pumped storage hydro schemes;
    - Low carbon waste water treatment assets; and,
    - Local energy distribution networks and energy storage solutions.

The way forward

22. This interim statement is seen as an initial step in providing greater clarity as to how we intend to engage on climate change and energy issues through our planning service. As previously suggested, due to the cross-cutting nature of many of the issues that need to be addressed, we now intend to explore the merit of a multi-agency statement on planning and climate change as a next step. The statement will be finalised following consultation with the Scottish Government, other agencies, relevant NGOs, the Convention of Scottish Local Authorities, representatives of the development industry and other key partners.

23. In the meantime we will produce operational guidance for planning authorities and developers to support those aspects of climate change and energy where they clearly relate to our functions. It will provide practical guidance on the range of issues we intend to engage upon and detail exactly how we expect them to be integrated into strategic development plans, local plans and development management processes. It will also include examples of the representations we will make in different circumstances when responding to planning consultations. This will make our position as transparent and up-front as possible to relevant parties.

24. Ultimately, by engaging early in the modernised plan-led system, we hope to secure agreement on all sides as to where and how the planning system can effectively contribute to the Scottish Government's aspirations in relation to climate change and energy. This will help provide greater investor confidence and a sound basis for decision making at the local level.

[10] As recognised in the Scottish Government's Renewables Action Plan (June 2009)

Table 1: Areas requiring a partnership approach

Area	Key partners
Reduce greenhouse gas emissions	
Application of carbon accounting tools to development plans and planning applications.	• Scottish Government (Energy Consents and Deployment Unit, planning) • Local and National Park Authorities (planning) • SNH • Forestry Commission • Transport Scotland
Protection and enhancement of land uses that act as carbon sinks.	• SNH • Forestry Commission • NFU • Local and National Park Authorities (planning) • Scottish Government (Energy Consents Unit, planning)
Development and implementation of tools to help identify the most sustainable locations for renewable energy technologies.	• Local and National Park Authorities • SNH • Forestry Commission • Scottish Water • Scottish Government (Energy Consents and Deployment Unit)
Development and implementation of tools to help identify the potential for renewable heat use in new development.	• Local and National Park Authorities (planning) • Energy companies
Minimising energy demand through the siting, design and layout of new development.	• Local and National Park Authorities (planning) • Architecture and Design Scotland
Increasing resilience to climate change (adaptation)	
Identification and protection of high quality soils from an increase in sealing, compaction, landslide and flood risk.	• Macaulay Institute • SNH • NFU • Soil Association • Local and National Park Authorities (planning)
Factoring in climate change considerations to flood risk assessments (including strategic flood risk assessments).	• Local and National Park authorities (planning, flood protection) • Flood risk consultancies • Scottish Government (planning)
Development of an integrated catchment based approach to flood risk and water quality including links to River Basin Management Plans /future Flood Risk Management Plans / designated sites.	• Local and National Park Authorities (planning, flood protection, land management) • Scottish Water • SNH • Forestry Commission • NFU
Assessment of the implications for existing and future requirements for water management infrastructure.	• Scottish Water • Local and National Park Authorities (planning, roads) • SNH
Achieving water conservation and water efficiency in new development.	• Local and National Park Authorities (planning, building control) • Scottish Water
Energy	
Identification of the most sustainable options to support decentralised energy generation and distribution[11].	• Scottish Government (Energy policy) • Local authorities (planning) • Energy generation companies • EST/Carbon Trust • SNH • Forestry Commission • Ofgem

[11] Including the provision of onsite low and zero carbon technologies as required (through development plan policy) under Section 72 of the Climate Change (Scotland) Act 2009 and supported by emerging Scottish Planning Policy.

Annex: Planning policy and climate change

1. Planning is fundamentally important in delivering sustainable development in a changing global context and will have a key role in helping to tackle climate change. Climate change should be at the heart of all planning policy and decisions.

2. Draft SPP Part 3 recognises that:

> *"The planning system has a significant role in promoting a pattern of development which helps to reduce Scotland's carbon footprint and facilitates adaptation to climate change, also in facilitating the generation of power and heat from low carbon sources and the achievement of waste management targets".*

The final version of the consolidated SPP will be amended to reflect new duties for public bodies under the Climate Change (Scotland) Act 2009. The consultation draft states that:

> *"The need to help mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system."*

3. The National Planning Framework 2 (NPF2) identifies both climate change and energy as key issues that need to be addressed if Scotland is to respond effectively to the economic, social and environmental challenges of the next 20 years. NPF2 states that:

> *"Key elements of the strategy for achieving a substantial reduction in emissions are energy conservation measures and greater energy efficiency, making the most of Scotland's renewable energy potential and encouraging power and heat generation from clean low-carbon sources."*

4. The Scottish Government also recognises the importance of increasing the resilience of people and natural and economic systems to the impacts of climate change. Scotland's first Climate Change Adaptation Framework will set out a strategic centrally co-ordinated plan for adapting to climate change. This is supported by NPF2 which recognises that:

> *"Planning authorities will need to develop strategies for more sustainable patterns of development which take account of climate change predictions. Measures such as reducing transport emissions and producing heat and power from renewable sources will need to be combined with an understanding of changing development capacity, due to factors such as long-term flood risk, the increased frequency of extreme weather and the need to reduce and better manage demand for energy and water."*

5. This strategic steer from the Government on planning policy needs to be integrated into the planning system on a variety of fronts. We consider that the planning system has the potential to:

- contribute to climate change mitigation and deliver lasting progress against the emissions targets of the UK and Scottish Governments by:
    - o creating an attractive environment for innovation and for private sector investment in the generation of power and heat from renewable and low carbon technologies;
    - o ensuring that the siting, design and layout of new development limits carbon dioxide emissions and facilitates the generation of power and heat from renewable or low carbon sources;

- supporting additional facilities for the treatment and recycling of municipal, commercial and industrial waste to help achieve Government waste management targets;
- securing patterns of development which reduce the need to travel, especially by car, and encourage the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking.

- Increase resilience to climate change by:

  - ensuring that new development is planned to minimise future vulnerability in a changing climate;
  - improving the resilience of existing infrastructure and communities to the unavoidable impacts of climate change; and,
  - identify and facilitate opportunities to achieve other policy objectives created by changes to our climate.

If you have any queries in relation to this Position Statement please contact SEPA's Environmental Strategy Unit:

Email: enviro.strategy@sepa.org.uk
Telephone: (01786) 457700