

**Economy, Energy and Tourism  
Committee**

**4th Report, 2014 (Session 4)**

**Report on the Proposed National  
Planning Framework 3**

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The Scottish Parliament  
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Published by the Scottish Parliament on 14 March 2014





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## **Economy, Energy and Tourism Committee**

### **4th Report, 2014 (Session 4)**

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The Scottish Parliament  
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## **Economy, Energy and Tourism Committee**

### **Remit and membership**

#### **Remit:**

The remit of the Committee is to consider and report on the Scottish economy, enterprise, energy, tourism and renewables and all other matters within the responsibility of the Cabinet Secretary for Finance, Employment and Sustainable Growth apart from those covered by the remit of the Local Government and Regeneration Committee and matters relating to the Cities Strategy falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Cities Strategy.

#### **Membership:**

Christian Allard  
Richard Baker (from 5 March 2014)  
Marco Biagi  
Chic Brodie  
Murdo Fraser (Convener)  
Alison Johnstone  
Mike MacKenzie  
Margaret McDougall  
Dennis Robertson (Deputy Convener)  
Hanzala Malik (from 3 September 2013 until 26 February 2014)

#### **Committee Clerking Team:**

##### **Clerk to the Committee**

Stephen Imrie

##### **Senior Assistant Clerk**

Fergus Cochrane

##### **Assistant Clerk**

Diane Barr

##### **Committee Assistant**

Alexia Forrester





The Scottish Parliament  
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## Economy, Energy and Tourism Committee

### 4th Report, 2014 (Session 4)

#### Report on the Proposed National Planning Framework 3

The Committee reports to the Parliament as follows—

#### SUMMARY OF RECOMMENDATIONS

##### **Core areas of wild land maps and the impact on economic development projects**

1. The Scottish Government has previously identified the need to safeguard areas of wild land character. It is therefore planning to use the updated Core Areas of Wild Land Map produced by Scottish Natural Heritage (SNH) to inform future planning for wind farm development and to more clearly identify areas to be protected. This attempts to provide developers and planners with information to balance economic development, such as renewable energy projects, with the protection of wild land. This has proved controversial.

2. **RECOMMENDATION 1:** Whilst the Committee understands the reason for further consultation on this controversial issue, the timing of that has impacted on the ability of the Committee to hear the views of stakeholders on the Scottish Government's proposed position on how the Core Areas of Wild Land Map is to be used. This has hindered our ability to scrutinise this area in full. The Committee recommends that for future National Planning Framework (NPF) updates and Scottish Planning Policy (SPP) reviews, all consultations and working group considerations should be completed prior to laying the draft framework so that parliamentary committees have all the necessary information to hand to scrutinise the government's proposals.

3. **RECOMMENDATION 2:** The Committee recommends that the final NPF3 and SPP need to provide greater clarity on how the Core Areas of Wild Land Map is to be used in practice by planners to achieve the required protection for wild land in a consistent and transparent way. At the moment, there is too much uncertainty on whether the designation of an area as wild land prohibits economic development projects.

4. **RECOMMENDATION 3:** Therefore, the Committee recommends that the final NPF3 and SPP provide a clear statement on whether or not the intention is

that development can take place in areas identified as wild land in circumstances, where environmental constraints can be satisfactorily addressed.

5. **RECOMMENDATION 4:** The Committee recommends that the final Scottish Planning Policy contains guidance for planning authorities on the consideration they should give to the impact on the areas adjacent to wild land of their decisions on the siting of onshore wind farms. If land is designated as wild and that prohibits development, then there may be the unintended consequence that development projects become even more concentrated in adjacent areas.

6. **RECOMMENDATION 5:** Finally, the Committee recommends that the final NPF3 and SPP documents contain text on the protection of wild land which makes clear precisely what the Scottish Government's policy intention is and how it is to be implemented.

### **Separation distances for wind farms**

7. As part of its proposals for NPF3 and the revised SPP, the Scottish Government is suggesting that the boundary between communities and onshore wind farms should be extended from 2km to 2.5km. This has also divided opinion.

8. **RECOMMENDATION 6:** It is clear from the evidence we took that there are different interpretations of the term 'community' and uncertainty over how the term 'wind farm' will be interpreted. For example, how many dwellings are required to form a community and how large does a development have to be before it constitutes a wind farm? Consequently, the Committee recommends that the final NPF3 and SPP documents provide much greater clarity on these two issues.

9. **RECOMMENDATION 7:** The Committee welcomes the Minister's commitment to reconsider the evidence received before making a final decision on the original proposal to increase the separation distance from 2km to 2.5km between wind farms and local communities. The Committee recommends that the Minister includes guidance in the final SPP on whether the separation distance is to be applied as a fixed boundary or whether flexibility can be applied by local planning authorities depending on the scale, size and number of wind turbines, the impact on topography and the levels of community support.

### **Development of unconventional gas and the technique of 'fracking'**

10. As part of the Committee's consideration of the Draft NPF3 and the revised SPP, it looked at the development of onshore reserves of 'unconventional' gas, such as shale gas and coal bed methane and compatibility with protection of the environment.

11. **RECOMMENDATION 8:** The Committee recommends that, in the interests of transparency, the final SPP should include an explanation of the different roles and responsibilities of the various agencies involved in the licensing and monitoring of unconventional gas extraction and hydraulic fracturing and that the planning policy outlines the consultation requirement for each process.

12. **RECOMMENDATION 9:** The Committee welcomes the Minister's commitment to consider whether the application processes for unconventional gas extraction and the use of hydraulic fracturing fully involve the communities where the extraction could take place and recommend that both processes should be subject to the same level of community consultation.

13. **RECOMMENDATION 10:** As the possible sites for unconventional gas extraction are often located in urban areas, the Committee welcomes the Minister's commitment to establishing a 'buffer zone' between these developments and local communities. We recommend that the Minister considers the evidence the Committee has received on the possible environmental, tourism and community impacts of such developments and confirms that the final SPP will have a robust separation distance and whether it will be a fixed distance or based on individual circumstances.<sup>1</sup>

14. **RECOMMENDATION 11:** Whilst we welcome the Expert Panel's remit to provide "an independent, impartial evidence base on unconventional oil and gas extraction upon which to inform a robust policy position",<sup>2</sup> we are disappointed that this work was not concluded prior to the Committee taking evidence and that the Minister has not yet confirmed whether the Expert Panel would report within the 60-day parliamentary scrutiny period.

15. **RECOMMENDATION 12:** The Committee recommends that the final SPP provides fuller guidance to planning authorities when considering proposals for onshore oil and gas developments than at present, specifically taking into account the environmental and social impacts on communities.

16. **RECOMMENDATION 13:** Given the controversy and lack of understanding of the nature of unconventional gas extraction processes, the Committee recommends that the Scottish Government consider how SEPA and local planning authorities can work together to ensure that communities are adequately consulted on any applications for unconventional gas extraction and hydraulic fracturing and that the final SPP includes guidance on agreeing sufficient restoration processes.<sup>3</sup>

### **Energy storage projects**

17. **RECOMMENDATION 14:** The Committee understands the importance of energy storage to Scotland in achieving its energy potential and asks the Scottish Government to continue to work with industry and the UK Government to help pumped storage development achieve that potential.

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<sup>1</sup> There was a vote on one amendment to this recommendation, which was disagreed to by division, the proposal was disagreed to on a casting vote: For 4 (Alison Johnstone, Margaret McDougall, Richard Baker and Joan McAlpine) Against 4 (Murdo Fraser, Mike Mackenzie, Chic Brodie and Christian Allard) Abstentions 1 (Marco Biagi). The detail of the vote is included in Annex A.

<sup>2</sup> Independent Expert Scientific Panel on Unconventional Oil & Gas:  
<http://www.scotland.gov.uk/Topics/Business-Industry/Energy/resources/PanelUnconventionalOilGas>

<sup>3</sup> There was a vote on one amendment to this recommendation, which was disagreed to by division: For 1 (Alison Johnstone), Against 7 (Murdo Fraser, Mike Mackenzie, Chic Brodie, Marco Biagi, Christian Allard, Margaret McDougall and Richard Baker), Abstentions 1 (Joan McAlpine). The detail of the vote is included in Annex A.

18. **RECOMMENDATION 15:** The Committee recommends that the Minister considers how the engagement process for future updates to the National Planning Framework and Scottish Planning Policy can be improved to ensure full stakeholder engagement throughout the process, particularly when national developments are added after the formal consultation process has ended, which has been the case in relation to energy storage projects.

#### **Other recommendations**

19. **RECOMMENDATION 16:** The Committee notes that due to the nature of national developments these may not cover all of Scotland and that the focus of investment on the cities network will naturally concentrate on urban areas. The Committee therefore ask the Minister to consider for the final NPF3 and for future updates proposals for other parts of Scotland, such as the south of Scotland and rural areas, such as the Highlands and Islands, to ensure that they do not lose out.

20. **RECOMMENDATION 17:** The Committee commends the new approach taken to aligning the scrutiny of updates to the National Planning Framework with revisions to Scottish Planning Policy and recommends this approach for future updates. However, the Committee also recommend that for future updates, in order to ensure effective parliamentary scrutiny, all consultative and research work is concluded prior to the draft NPF being laid and the 60-day scrutiny period commencing.

## INTRODUCTION

1. This report sets out the Economy, Energy and Tourism Committee's findings on the Draft Third National Planning Framework (NPF3) and the review of Scottish Planning Policy (SPP). These are the two key national planning documents that set the framework for development across Scotland.

2. The Committee would like to place its thanks on record to all those who provided oral and written evidence within what was a tight timescale for its consideration of these key planning documents. Annexe A contains the minutes and the Official Reports of the meetings and Annexe B sets out the full details of the written submissions received.

### **Background**

3. The Planning etc. (Scotland) Act 2006<sup>4</sup> provides a statutory basis for the National Planning Framework (NPF). Section 1 of the 2006 Act describes the role of the NPF as "...to set out in broad terms how the Scottish Ministers consider that the development and use of land could and should occur". The 2006 Act also requires that Scottish Ministers review the NPF every five years and revise it or publish an explanation as to why they have decided not to revise it. There is no such statutory requirement for reviewing Scottish Planning Policy.

4. The NPF sets out the Scottish Government's national spatial planning policy, which is incorporated into local authority strategic and local development plans. It also sets out the Scottish Government's strategic development priorities over the next 20-30 years and can designate specific developments as 'national developments'.

5. SPP sets out national planning policies which reflect Scottish Ministers' priorities for the development and use of land. It informs the content of development plans, decisions on planning applications and appeals, and how proposals are developed from conception to implementation.

### **The consultation process**

6. The 2006 Act requires that Scottish Ministers publish a participation statement<sup>5</sup> setting out the consultation process that will be followed throughout the development or review process. As such, the Scottish Government has undertaken a three stage consultation process consisting of:

- a discussion with stakeholders on the scope and methods of engagement;
- engagement on the scope and content of the NPF; and
- publication of a Main Issues Report and Draft Framework<sup>6</sup> for consultation on 30 April 2013, asking stakeholders to provide feedback on the issues

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<sup>4</sup> The Planning (Scotland) Act 2006: [Planning etc. \(Scotland\) Act 2006](#).

<sup>5</sup> National Planning Framework 3: Participation Statement: [Participation Statement](#).

<sup>6</sup> Main Issues Report and Draft Framework: [Main Issues Report and Draft Framework](#).

identified, the preferred options and alternatives, and a preferred list of national developments by 23 July 2013.

7. There were over [550 responses](#) to the Main Issues Report (MIR) and an independent analysis<sup>7</sup> of the responses was published by the Scottish Government on 28 October 2013.

8. The Draft Scottish Planning Policy<sup>8</sup> was published for consultation between 30 April and 23 July 2013 and received 1607 responses. Scottish Ministers undertook a further consultation<sup>9</sup> on the proposal to introduce a presumption in favour of development that contributes to sustainable development. This ran from 28 October to 16 December 2013 and 158 responses were received.

### **Parliamentary scrutiny**

9. The Draft Third National Planning Framework: Proposed Framework<sup>10</sup> was published on 14 January 2014, starting the 60-day parliamentary scrutiny period. The Scottish Government described it as the spatial expression of its economic strategy and its plans for development and investment in infrastructure, indicating that planning decisions are to support its delivery.

10. The Scottish Government also laid before Parliament the SPP Position Statement<sup>11</sup> on 14 January 2014, which outlined the 10 key issues that it had identified as significant in terms of the number of consultation responses received, topics of prominent interest or complex issues to address.

11. Four parliamentary committees scrutinised the NPF3 and SPP. The Local Government and Regeneration Committee took a strategic overview of the planning process and the NPF3 as a whole; the Rural Affairs, Climate Change and Environment Committee considered the impact on land use, climate change and waste; and the Infrastructure and Capital Investment Committee considered the planning implications on transport, housing, water services and broadband.

### *The Committee's scrutiny*

12. The Economy, Energy and Tourism Committee focussed its scrutiny on the following five areas within its remit:

- The use of the Core Areas of Wild Land mapping produced by Scottish Natural Heritage (SNH) as a key tool to inform future planning for wind farm development and to more clearly identify areas to be protected;
- The proposal to extend the boundary between settlements and areas of search for wind farms from 2km to 2.5km;

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<sup>7</sup> National Planning Framework 3: Main Issues Report: Analysis of Consultation Responses: [independent analysis](#).

<sup>8</sup> Draft Scottish Planning Policy: [Draft SPP](#).

<sup>9</sup> Consultation paper setting out proposals for a revised section on 'Sustainability and Planning' in Scottish Planning Policy: [Further Consultation](#)

<sup>10</sup> Draft Third National Planning Framework – Proposed Framework: [Draft Third National Planning Framework – Proposed Framework](#).

<sup>11</sup> Scottish Planning Policy: Scottish Government Position Statement: [SPP Position Statement](#).

- The proposal to develop the capacity for storage of energy to be exported;
- Initiatives to consolidate and develop emerging opportunities to utilise onshore reserves of 'unconventional' gas, such as shale gas and coal bed methane, in ways which are compatible with the protection of the environment; and
- Views on the proposed national developments.

## THE CORE AREAS OF WILD LAND MAP

### Consultation

13. The Scottish Government identified the need to safeguard areas of wild land character and their sensitivity in 1999 and in subsequent Scottish Planning Policy documents. In its response to this policy, Scottish Natural Heritage prepared a preliminary search areas map for wild land in 2002, which although incomplete and not detailed was thought to show most of the significant and valued areas of wild land at that time. The Core Areas of Wild Land 2013 Map<sup>12</sup> replaces that map.

14. The Scottish Government consulted on the proposed use of the SNH mapping work to identify more clearly those areas which need to be protected. The SPP Position Statement states that the consultation responses indicated that a majority of respondents did not agree that the proposed approach to spatial frameworks achieves the right balance between supporting onshore wind development and protecting the natural environment and managing visual impacts on communities.

15. Due to the high number (221) of responses received and the concerns raised about the quality of the Map and how it is to be implemented, the Minister for Local Government and Planning launched a further consultation on SNH's Map of Core Areas of Wild Land 2013<sup>13</sup> to determine whether the Map effectively assessed and identified wild land areas. The consultation ran from 1 November to 20 December 2013 and 402 responses were received. The analysis of consultation responses<sup>14</sup> was published at the end of February 2014. The Minister is to consider the analysis report before deciding what the final policy position will be on using the Map.

16. A number of witnesses told the Committee that whilst they welcomed the consultation, undertaking it earlier in the process would have allowed more effective engagement and suggested changes to be incorporated.

17. David Bell of Jones Lang Lasalle said that "I think that there should have been earlier consultation; it came rather late"<sup>15</sup> and Brian Galloway of ScottishPower agreed adding that "...it would have been useful—given that each of us has highlighted various methodological issues—for the process to have allowed SNH to consider such matters further and to revise its work as appropriate".<sup>16</sup> Joss Blamire of Scottish Renewables told the Committee that

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<sup>12</sup> Scottish Natural Heritage's Core Areas of Wild Land Map 2013: [The Core Areas of Wild Land 2013 Map](#).

<sup>13</sup> Scottish Natural Heritage's Wild Land Map Consultation: [Consultation on SNH's Map of Core Areas of Wild Land 2013](#)

<sup>14</sup> Scottish Natural Heritage's Core Areas of Wild Land 2013: Analysis of Consultation Responses: [Analysis of consultation responses](#)

<sup>15</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3870.

<sup>16</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3870.

“...we are yet to understand the timescale over which the SNH advice will be made public, and whether it will be made public before the SPP is published”.<sup>17</sup>

18. However, others such as Helen McDade of The John Muir Trust told the Committee that the consultation had been adequate, saying that “SNH consulted on the core areas of wild land map for two years ...There has also been a further consultation”.<sup>18</sup>

19. In response to these concerns, the Minister told the Committee that additional consultations were undertaken to ensure that the Scottish Government gets its policy right. In his evidence, he stated—

“Why were those consultations undertaken? Because the views that came back from the original consultation suggested that more work should be done, so we did it. I think that we have shown that we are adaptable, and we have updated the plans in line with circumstances.”<sup>19</sup>

20. **RECOMMENDATION 1:** Whilst the Committee understands the reason for further consultation on this controversial issue, the timing of that has impacted on the ability of the Committee to hear the views of stakeholders on the Scottish Government’s proposed position on how the Core Areas of Wild Land Map is to be used. This has hindered our ability to scrutinise this area in full. The Committee recommends that for future National Planning Framework updates and Scottish Planning Policy reviews, all consultations and working group considerations should be completed prior to laying the draft framework so that parliamentary committees have all the necessary information to hand to scrutinise the Scottish Government’s proposals.

### **Quality of the Core Areas of Wild Land Map**

#### *Methodology and the type of land included*

21. The Scottish Government intends that the Core Areas of Wild Land Map be used as a key tool to inform future planning for onshore wind farm development and to more clearly identify areas to be protected. The Committee considered whether the current Map provides sufficient certainty and clarity for users.

22. Whilst it was clear from the consultation responses and from the evidence received that Scotland’s wild land areas should be offered some protection from development, there were a wide range of views on whether SNH’s Map provided the right amount of protection. The consultation responses to the Main Issues Report indicated that both the definition used to describe wild land and the extent of area that the Map covered were controversial.

23. A key issue for a number of witnesses was the methodology that SNH used to create the Map and the resulting increase in the area of land covered. The Minister told the Committee that—

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<sup>17</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3870.

<sup>18</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3874.

<sup>19</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3906.

“I think that it was a desk exercise, but it was informed by GIS data and other samples. I do not think that SNH went out and did surveying and sampling in every part of the country, but I think that the result is far more robust than what we had before.”<sup>20</sup>

24. With 42 per cent of the Highlands area covered by the Map, Malcolm MacLeod of The Highland Council told the Committee that it took issue with the methodology used and the results produced. He stated—

“In particular, there are issues around the inclusion of areas of plantation forestry and how existing consented wind farms have been treated within the sieving exercise ... the extent of the areas, particularly given that the areas as currently shown include areas of lower wildness qualities.”<sup>21</sup>

25. The Committee heard that due to the methodology used there was a lack of confidence in the Map amongst some witnesses. For example, David Bell of Jones Lang Lassalle stated that this was the view of Scottish and Southern Energy. He said, “It is essential that, if a mapping exercise is to be relied upon for development management activity, it is based on fieldwork and everyone can have confidence in it ... At present, that confidence is not there.”<sup>22</sup>

26. Brian Galloway of ScottishPower told the Committee that “...there is room for improvement”, as “there is no real differentiation as regards the extent of wildness ... some of the assumptions have not yet been sufficiently rigorously tested, and to some extent they are based on perceived naturalness, which is by its nature subjective”.<sup>23</sup>

27. Malcolm MacLeod said that The Highland Council was looking for the Wild Land Map to provide clarity on the core areas to be protected, saying that “...we should be absolutely clear about what core wild land is, with the highest levels of wildness, to allow us to make a judgment in the debate on areas of less wild land”.<sup>24</sup>

28. In its written evidence, West Coast Energy Limited questioned the increase in land coverage from 13 to 20 per cent, indicating that the Map does not “... have any detail on the wildness qualities that each core area has that would warrant policy protection” and asked that it be “...remapped according to a robust methodology that focusses on the areas with highest wildness qualities”.<sup>25</sup>

29. However, Helen McDade told the Committee that the John Muir Trust thought that the methodology was robust, adding that—

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<sup>20</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3897.

<sup>21</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3872.

<sup>22</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3854.

<sup>23</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3854.

<sup>24</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3885-6.

<sup>25</sup> West Coast Energy Limited, *written submission*, January 2014, page 2.

“We absolutely think that SNH has done a major job on the mapping. A huge amount of technical detail has gone into it.”<sup>26</sup>

30. In response to these concerns, the Committee wrote to the Minister<sup>27</sup> and SNH<sup>28</sup> to seek an assurance that the methodology used to create the Core Areas of Wild Land Map was scientifically robust and had been rigorously tested.

31. In his reply, the Minister indicated that whilst he believed the Map had been compiled in a thorough manner, he was awaiting further advice from SNH. He said—

“I believe that this map is a significant improvement on previous versions and I understand that SNH has used their expertise to prepare the map in a thorough manner. I am currently awaiting advice from SNH following the recent conclusion of their consultation on the mapping.”<sup>29</sup>

32. In its response, SNH stated that their view was that the “...methodology is both robust and fit for purpose”, explaining the three-step method that they had used to create the Map as—

“ ... the systematic analysis of existing data using a Geographic Information System (GIS) by applying defined rules; the statistical analysis of the results to identify areas with the highest relative wildness of greatest extent; and informed judgement to select and define areas of wild land indicated by the analysis.”<sup>30</sup>

33. In its letter to SNH, the Committee also requested clarification on whether the Map differentiates between degrees of wildness, to which SNH responded that—

“The method we have applied mapped the variation of wildness across all of Scotland at the outset, producing a map of relative wildness that was consulted on in 2012. This provided the basis of the further analysis undertaken to identify the map of Core Areas of Wild Land 2013.”<sup>31</sup>

## **Interpreting the Map**

### *A barrier to development?*

34. The Committee heard conflicting views on whether the Map would be an aid to planners and developers or whether it would create “no-go” areas for development.

35. Helen McDade of The John Muir Trust, told the Committee that the Map was a necessary aid for planners, stating that “the truth is that it is planners who have asked for the lines on the map, because they do not seem to have been able

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<sup>26</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3887.

<sup>27</sup> Letter to the Minister for Local Government and Planning – 6 February 2014

<sup>28</sup> Letter to Scottish Natural Heritage – 6 February 2014

<sup>29</sup> Letter from the Minister for Local Government and Planning – 17 February 2014.

<sup>30</sup> Letter from Scottish Natural Heritage – 13 February 2014.

<sup>31</sup> Letter from Scottish Natural Heritage – 13 February 2014.

to get to grips with doing the environmental assessment in a way that does not lead to us all sitting at public inquiries on developments in core areas of wild land”<sup>32</sup>.

36. Aedán Smith of Scottish Environment LINK suggested that the Map could be used to help avoid conflict at the individual application stage. He said—

“The strategic spatial mapping serves to highlight sensitivities, as much as anything else. It is not that there are no-go areas ... It provides a steer to highlight to developers and decision makers the need for various factors to be considered.”<sup>33</sup>

37. However, whilst RTPI Scotland stated in its written evidence that the Map provided “...a clearer definition of areas which should be protected”, they asked for greater clarity for planners, such as—

“...a more effective and explicit spatial strategy for onshore wind developments which clearly sets out those areas where they cannot be built, those where may need to be discussion and those where they would be welcomed, perhaps through a ‘traffic light system’.”<sup>34</sup>

38. Conversely, the Committee heard from some witnesses that the Map would hinder development and that decisions should continue to be made by local authorities on a case-by-case basis. Malcolm MacLeod of The Highland Council said that the increased area being designated as wild land could reduce the ability of local authorities to make a judgement on planning applications on a case-by-case basis, warning that—

“Our concern about extensive areas of wild land is that, depending on the policy that is finally agreed in the approved SPP, there will be a presumption against development in those core areas of wild land. That would apply not just to renewable energy projects but to other forms of development.”<sup>35</sup>

39. In its written submission the renewable energy company, RES UK and Ireland Limited described the Map as “...a broad exercise that indicates generalities and should not dictate hard boundaries” and agreed that assessments should be made on a case-by-case basis, with “...the determining authority to carry out a balancing exercise to determine if the effects are acceptable or not”.<sup>36</sup>

40. Joss Blamire of Scottish Renewables agreed, recommending “...developers being allowed to perform on-the-ground assessments”<sup>37</sup> as did David Bell of Jones Lang Lasalle who advocated that mandatory “field based assessments”<sup>38</sup> be carried out by developers.

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<sup>32</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3881.

<sup>33</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3882-3.

<sup>34</sup> RTPI Scotland, *written submission*, January 2014, page 3.

<sup>35</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3877.

<sup>36</sup> RES UK and Ireland Limited, *written submission*, January 2014, page 1.

<sup>37</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3855.

<sup>38</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3858.

41. Whilst Brian Galloway of ScottishPower thought that current practices such as environmental impact assessments already provided sufficient protection, he stated that “we do not need a quasi-designation because we already operate in many of the areas that have been highlighted with no adverse effects”.<sup>39</sup>

42. **RECOMMENDATION 2:** The Committee recommends that the final NPF3 and SPP need to provide greater clarity on how the Core Areas of Wild Land Map is to be used in practice by planners to achieve the required protection for wild land in a consistent and transparent way. At the moment, there is too much uncertainty on whether the designation of an area as wild land prohibits economic development projects.

*Impact on renewables*

43. Some witnesses told the Committee that the cumulative effect of an increase in the areas of land where onshore wind farms could not be sited, at the same time as the proposal to increase the separation distance between wind farms and communities to 2.5km, would impact on the Scottish Government’s ability to meet its renewable energy targets.

44. The Scottish Government has previously stated that to achieve its target of 100% of Scotland’s electricity demand being met from renewable resources by 2020, the market would need to deliver approximately 15-16GW of installed capacity.<sup>40</sup> The recently updated [2020 Routemap for Renewable Energy](#) provided a breakdown of installed, under construction or consented capacity as: 6.5GW operational; 0.8GW under construction; 3.8GW consented and 9.4GW in planning.

45. Assuming that some installations that have been consented will not be built, and that some will not receive planning permission, there is a potential shortfall of 4.9GW.

46. David Bell of Jones Lang Lasalle warned the Committee that not everything that is consented will be built and therefore “...there remains, in the relatively short time until 2020, a significant shortfall against the 16GW target”.<sup>41</sup>

47. Brian Galloway of ScottishPower agreed and highlighted the cumulative impact of the Scottish Government’s proposal for onshore wind farm developments, saying that—

“When we layer on top of that the increased restrictions involving wild land designation and the separation distance and consider the remaining land mass that is available for development, we find that the situation is very restricted indeed. In our view, it is unlikely that there would be sufficient projects to meet the targets.”<sup>42</sup>

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<sup>39</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3858.

<sup>40</sup> [Energy in Scotland: A Compendium of Scottish Energy Statistics and Information, March 2012.](#)

<sup>41</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3853.

<sup>42</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3853.

48. In its submission, RenewableUK agreed, stating that the Map "...could also act as a barrier to well-sited, responsible developments which could be of great benefit locally and nationally".<sup>43</sup>

49. Whilst in its evidence Friends of the Earth Scotland recommended maintaining local flexibility when using the Map, to avoid impacting on community-owned energy developments, it stated—

"The map should not become a rigid tool that enables those who do not reside locally to discriminate against rural communities who wish to decrease their dependence on fossil fuels and therefore accept renewable energy as part of *their* landscape."<sup>44</sup>

50. In response to these concerns the Minister confirmed that the Map was not a designated area where wind farms will not be acceptable and that local planning authorities would have flexibility in its application. He said—

"We should do some things such as setting parameters and stating the position of the Government and Parliament. In many respects, determination is best left to those at the most local level who can apply the policies appropriately and proportionately."<sup>45</sup>

51. On the issue of the Map hampering other types of development, the Minister clarified that "...we are quite clear that we are talking specifically about onshore wind energy policy in relation to the wild lands analysis".<sup>46</sup>

52. **RECOMMENDATION 3:** Therefore, the Committee recommends that the final NPF3 and SPP provide a clear statement on whether or not the intention is that development can take place in areas identified as wild land in circumstances where environmental constraints can be satisfactorily addressed.

#### *Impact on surrounding areas*

53. In its written submission, Dumfries and Galloway Council point out a possible side effect of the proposed reforms and how they may impact on landscapes around the wild land areas. It said—

"...protecting the most extensive 'high value' wild land areas could lead to an increase in pressure from wind energy development within less-extensive upland areas which have wild land characteristics but were not included in the mapping. Wild land within settled lowland areas can be more readily accessible for local residents and visitors. The potential loss of such high value areas to development could be a highly unfortunate 'side-effect' of what is clearly an important and timely initiative."<sup>47</sup>

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<sup>43</sup> RenewableUK, *written submission*, January 2014, page 1.

<sup>44</sup> Friends of the Earth Scotland, *written submission*, January 2014, page 4.

<sup>45</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3904.

<sup>46</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3896.

<sup>47</sup> Dumfries and Galloway Council, *written submission*, February 2014, pages 2-3.

54. This view was supported by Malcolm MacLeod of The Highland Council, who told the Committee that “given that areas of wild land cover such a wide part of our region, developments will be pushed closer to our populated areas”.<sup>48</sup>

55. The Scottish Council for Development and Industry agreed that there could be a possible impact on communities and development, stating that—

“The majority of areas outlined in Group 1, 2 and 3 will be relatively remote from communities, and discouraging or not enabling development to take place here will push applications towards settlements and locally valued landscapes, which may result in greater numbers of objections to applications, slowing development and representing a burden to the planning system.”<sup>49</sup>

56. **RECOMMENDATION 4:** The Committee recommends that the final Scottish Planning Policy contains guidance for planning authorities on the consideration they should give to the impact on the areas adjacent to wild land of their decisions on the siting of onshore wind farms. If land is designated as wild and that prohibits development, then there may be the unintended consequence that development projects become even more concentrated in adjacent areas.

*The omission of wild land protection from the draft NPF3*

57. Some witnesses questioned why the protection of wild lands was included in the consultation document and the MIR, yet did not appear in the draft NPF3, and suggested that this had caused some confusion about the Scottish Government’s policy position.

58. In its written evidence, Scottish Environment LINK expressed disappointment at the omission, saying 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”.<sup>50</sup>

59. Helen McDade of the John Muir Trust agreed and asked that the final NPF3 include a term similar to that used previously, such as the Scottish Government’s support for “strong protection for wild areas”.<sup>51</sup>

60. When asked about the omission from the draft NPF3, the Minister reassured the Committee that the Scottish Government’s position had not changed and that wild land protection may appear in the final documents. He said—

“First, some of the issues that relate to wild land may be more appropriately addressed in the SPP than in NPF3 ... Secondly, we have not referred to wild land in NPF3 because the SNH consultation on its maps is live and current.”<sup>52</sup>

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<sup>48</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3872.

<sup>49</sup> SCDI, *written submission*, January 2014, page 2.

<sup>50</sup> Scottish Environment LINK, *written submission*, January 2014, page 3.

<sup>51</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3879.

<sup>52</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3896.

61. **RECOMMENDATION 5:** Finally, the Committee recommends that the final NPF3 and SPP documents contain text on the protection of wild land which makes clear precisely what the Scottish Government's policy intention is and how it is to be implemented.

## SITING ONSHORE WIND FARMS AND THE PROPOSAL TO INCREASE SEPARATION DISTANCES

### **Community separation distance of 2.5km**

62. In the Consultation on the Draft Scottish Planning Policy<sup>53</sup> the Scottish Government asked whether a proposed increased distance between communities and wind farms of up to 2.5km was appropriate, explaining that the reason for the proposed increase from 2km was a response to advances in wind turbine technology leading to larger tower heights and turbine blade sweeps, which have increased the prominence of wind farms in open landscapes.

63. The analysis report<sup>54</sup> on the Draft SPP consultation indicated that the proposed change to the community separation distance was largely opposed by respondents, particularly the energy sector, which supported a lesser distance. However, respondents from some in the third sector, environmental and conservation groups, community councils and individuals supported a greater distance.

#### *A fixed boundary or a useful guide?*

64. The Committee heard from a number of witnesses that the current practice of using the 2km separation distance as a guide only and not as a fixed boundary was the preferred approach and that the Scottish Government had not provided any evidence to support an increased distance or a move away from this approach.

65. Joss Blamire of Scottish Renewables told the Committee that currently the 2km distance is used as a guide and that this was "...preferable to introducing a one-size-fits-all approach".<sup>55</sup> Brian Galloway of ScottishPower agreed, describing the existing 2km guide as "adequate and proportionate".<sup>56</sup>

66. David Bell of Jones Lang Lasalle said that this approach meant that individual developments could be judged on their potential impact, explaining that—

"In Scotland, the practice is that, if an application is made for a site that would be closer than 2km, a reporter or a planning officer judges that application on its merits. It might be refused or approved."<sup>57</sup>

67. In its written submission, RenewableUK indicated that they "...consider the combination of EIA and pre-application consultation to be the most appropriate methods of creating well designed developments in the most appropriate locations".<sup>58</sup> RES UK and Ireland Limited agreed, stating in its submission that

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<sup>53</sup> Consultation on the Draft Scottish Planning Policy: [Consultation on the Draft Scottish Planning Policy](#).

<sup>54</sup> Analysis of the responses submitted on the Consultation Draft Scottish Planning Policy: [Analysis Report](#).

<sup>55</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3857.

<sup>56</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3856.

<sup>57</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3856.

<sup>58</sup> RenewableUK, *written submission*, January 2014, page 3.

siting of wind farms is "...a matter for Environmental Impact Assessment (EIA) and subject to the balancing exercise by the appropriate decision-maker".<sup>59</sup>

68. In its written evidence The John Muir Trust argued that the Scottish Government should err on the side of caution and agreed with the proposed increase to 2.5km, calling it "...both a reasonable and prudent suggestion".<sup>60</sup>

#### *Impact on communities*

69. The Draft SPP consultation proposed that a 2.5km separation distance between wind farms and cities, towns and villages should be identified in local development plans, as a means of protecting communities from the unacceptable visual impacts of wind farms.

70. Some witnesses told the Committee that the lack of clarity on the type of residences and areas that the separation distance would apply to, together with the lack of a wind farm definition, caused confusion about how the policy would be applied by local planning authorities.

71. Helen McDade of The John Muir Trust told the Committee that currently single dwellings and small communities are not provided with the same protection as larger communities. She said—

"...the 2km distance from housing does not currently apply to single dwellings or to a small community of houses but applies only when housing is regarded as a settlement ...Many people have turbines less than 1km from them because they live in a single house or because there are just a few houses where they live, and that is an important issue for communities."<sup>61</sup>

72. In its written submission, West Coast Energy Limited interpreted the distance as applying to any community and warned that as there was "...no statutory definition of a town or village", the increased separation distance "...will provide an opportunity to prescribe against development of a large proportion of Scotland's available land area, by attributing the community separation buffer to any settlement, however small".<sup>62</sup>

#### *Wind farm definition*

73. The Committee heard that there was some confusion over whether the separation distance would apply to individual turbines. In its written submission, SCDI requested a definition of the term 'wind farm', stating that "clarity is required over what is considered a 'wind farm' i.e. the number of turbines, as well as what constitutes a town or village, as no statutory definitions currently exists".<sup>63</sup>

74. Dumfries and Galloway Council argued in its submission that there may be circumstances where it is appropriate to locate turbines closer to communities and that the term 'wind farm' gives the impression that "...individual wind turbine proposals would not be subject to the proposed buffer approach" and that an

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<sup>59</sup> RES UK and Ireland Limited, written submission, January 2014, page 2.

<sup>60</sup> The John Muir Trust, written submission, January 2014, page 3.

<sup>61</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3875.

<sup>62</sup> West Coast Energy Limited, *written submission*, January 2014, page 4.

<sup>63</sup> SCDI, *written submission*, January 2014, page 2.

unintended consequence could be "...expectations within communities who may perceive the "buffer" as a "no go zone."<sup>64</sup>

75. In response to these issues, the Minister told the Committee that the evidence suggested that the increase in the boundary did not provide the necessary certainty on the visual impact for communities and he gave a commitment to look again "...at how we can achieve a separation distance that can inspire confidence".<sup>65</sup>

76. In response to a letter from the Committee requesting clarification on when a final decision on the separation distance will be made, the Minister responded that he "...did not expect to make a final decision on this within the 60 day period within which NPF3 is being considered by Parliament", as he wanted to take evidence and research into consideration before coming to a final view. He added that—

"It was clear that interactions between the current guideline 2km separation criterion, the size of turbines, the scale of a wind farm can be explained more clearly. We are currently giving this careful consideration."<sup>66</sup>

77. **RECOMMENDATION 6:** It is clear from the evidence we took that there are different interpretations of the term 'community' and uncertainty over how the term 'wind farm' will be interpreted. For example, how many dwellings are required to form a community and how large does a development have to be before it constitutes a wind farm? Consequently, the Committee recommends that the final NPF3 and SPP documents provide much greater clarity on these two issues.

78. **RECOMMENDATION 7:** The Committee welcomes the Minister's commitment to reconsider the evidence received before making a final decision on the original proposal to increase the separation distance from 2km to 2.5km between wind farms and local communities. The Committee recommends that the Minister includes guidance in the final SPP on whether the separation distance is to be applied as a fixed boundary or whether flexibility can be applied by local planning authorities depending on the scale, size and number of wind turbines, the impact on topography and the levels of community support.

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<sup>64</sup> Dumfries and Galloway Council, written submission, February 2014, page 3.

<sup>65</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3902-3.

<sup>66</sup> Letter from the Minister for Local Government and Planning - 17 February 2014.

## ONSHORE GAS EXTRACTION AND THE USE OF UNCONVENTIONAL GAS AND FRACKING

79. The Draft SPP<sup>67</sup> states that in considering proposals for onshore oil and gas developments, account should be taken of the potential effects on neighbouring uses and that directional drilling should be used wherever feasible, mindful of the mitigation benefits in terms of minimising impacts. It adds that consideration should also be given to the transport of the end product by pipeline, rail or water rather than road where possible.

80. In the Draft NPF3<sup>68</sup> the Scottish Government states its belief that reserves of coal bed methane (CBM) in the Central Belt could contribute to secure energy supplies in the medium term, but cautions that this will require careful planning to avoid negative environmental and community impacts from extraction activities.

81. The Scottish Planning Policy Position Statement<sup>69</sup> indicates that there were a total of 609 respondents to the consultation opposed to the potential extraction of coal bed methane by hydraulic fracturing (fracking). They raised health and environmental concerns, as well as the need for a buffer zone and for communities to have an input to applications. Respondents also requested a specific policy position from the Scottish Government on the extraction of gas through geological fracturing. In light of these concerns, the Committee considered the guidance for planning authorities that should be included in the final draft NPF3 and SPP.

### **Guidance for planning authorities**

82. The Committee heard calls for the current procedure for planning permission for the extraction of unconventional onshore gas to be more transparent and inclusive. In its submission, Canonbie Residents Against Coal Developments cautioned that there were "...failings and limitations in the current planning framework" in relation to unconventional gas extraction, and it cited a lack of consultation. It stated—

"Unconventional gas extraction has been approved at more than 20 sites around this village, most under delegated authority, and consequently without any consideration of the real scale of the project, and without adequate community consultation."<sup>70</sup>

83. Dumfries and Galloway Council stated in its evidence that whilst the planning consent for Canonbie did not initially entail hydraulic fracturing, the use of fracking to extract coal bed methane would introduce potentially different extraction production methods, and it requested clarity on the roles of the agencies involved. It said that—

"The methodology would require to be licensed by SEPA rather than the Planning system and the respective roles of SEPA, the Planning Authority

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<sup>67</sup> Scottish Planning Policy Consultation Draft: [Draft SPP](#).

<sup>68</sup> Scotland's Third National Planning Framework: Proposed Framework: [Draft NPF3](#).

<sup>69</sup> Scottish Planning Policy Position Statement: [Scottish Planning Policy Position Statement](#).

<sup>70</sup> Canonbie Residents Against Coal Developments, *written submission*, page 1, February 2014.

and the UK Government which licenses exploration should be referred to within SPP in clarifying the role of the Planning system.”<sup>71</sup>

84. In its written evidence, COSLA requested that the final Scottish Planning Policy should include clear planning policy on this issue. It said—

“COSLA would be interested to learn more about the conclusions of this Panel given the concerns of many communities regarding shale gas extraction, the lack of clear planning policy on this issue, and the economic incentives which developers are being offered in other parts of the UK.”<sup>72</sup>

85. In answer to the question of whether planning authorities currently had sufficient guidance to make decisions on unconventional gas extraction applications, the Minister told the Committee that whilst there are safeguards within the planning system at present, the recently convened [Independent Expert Scientific Panel on Oil & Gas](#) would advise on a suitable approach to be included in the SPP. He said—

“The planning process would be relatively new, but we have set out in our proposed policies in the SPP the kinds of things that would need to be considered, such as protection for the environment, on which we have quite a stringent position. All that would have to be considered if an application was received.”<sup>73</sup>

86. On the question of whether a further application should be submitted to the planning authority for permission to extract gas by hydraulic fracturing, if it was not being used in the first instance, the Minister said that he and the Expert Panel would consider the issue, clarifying that—

“...the permission given for land use is quite different from some of the licences that are given for a particular type of extraction. If such a licence changed, I would be interested in understanding what that meant for planning or for other licences. I will ensure that the matter does not fall between the cracks in policy support. That is why the expert group will be helpful.”<sup>74</sup>

87. **RECOMMENDATION 8:** The Committee recommends that, in the interests of transparency, the final SPP should include an explanation of the different roles and responsibilities of the various agencies involved in the licensing and monitoring of unconventional gas extraction and hydraulic fracturing and that the planning policy outlines the consultation requirement for each process.

88. **RECOMMENDATION 9:** The Committee welcomes the Minister’s commitment to consider whether the application processes for unconventional gas extraction and the use of hydraulic fracturing fully involve the communities where the extraction could take place, and recommend that both processes should be subject to the same level of community consultation.

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<sup>71</sup> Dumfries and Galloway Council, *written submission*, February 2014, page 2.

<sup>72</sup> COSLA, *supplementary written submission*, February 2014, page 3.

<sup>73</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3911.

<sup>74</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3916.

## **Impact on communities**

89. A key issue for a number of witnesses was whether there should be a specified separation distance between unconventional gas extraction sites and the surrounding communities. Whilst the SPP Position Statement mentions the need for a buffer zone, it does not specify a proposed distance.

90. The Scottish Government convened an [Independent Expert Scientific Panel on Oil & Gas](#) to look at the evidence on unconventional oil and gas and to provide it with an evidence base upon which to further develop policy. Its remit includes advising on a separation distance, engaging with communities and environmental groups and considering whether the current regulatory framework is adequate. The Group had not reported in time for its recommendations to be considered by the Committee.

91. The Committee heard conflicting views on a suitable separation distance. Whilst opposing unconventional gas extraction, if it was to be given planning permission, Friends of the Earth Scotland<sup>75</sup> recommended a 2km community buffer zone whilst Scottish Environment LINK<sup>76</sup> thought a 2.5km buffer zone, similar to that being proposed for wind farms, more appropriate.

92. Others favoured a more flexible approach, dependent on the specific circumstances of each site. Ken Cronin of the United Kingdom Onshore Operators Group told the Committee that there was not a “one-size-fits-all solution”, adding that—

“We have sites in the UK that are as close as 500m to homes and sites that are further away than that. It really depends on the site’s location, geology and topography.”<sup>77</sup>

93. On the question of whether a 2km buffer zone would be appropriate, David Bell of Jones Lang Lasalle, advocated a flexible approach in general, saying that “the planning system will have a real problem if there is a non-flexible approach to buffer zones”.<sup>78</sup>

94. Joss Blamire of Scottish Renewables warned that creating a fixed boundary line, whether for onshore wind farms or unconventional gas extraction sites, “...can result in yes/no decisions based on that line without the experiences of people in the area or any environmental experiences being taken into account”.<sup>79</sup>

95. The Minister told the Committee that whilst there must be “...some sort of buffer environmental protection”, a decision would be made after the Expert Panel had reported, and he explained that—

“Unconventionals are one of the areas in which it is possible that we will have a distance, unlike most other applications. Generally speaking, there needs

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<sup>75</sup> Friends of the Earth Scotland, *written submission*, pages 7-8.

<sup>76</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3891.

<sup>77</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3861.

<sup>78</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3861.

<sup>79</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3861-2.

to be some sort of separation and some sort of natural buffer between developments and communities. Exactly what that distance is remains to be determined.”<sup>80</sup>

96. In response to a letter to the Minister seeking clarification on whether the Expert Panel would report within the 60-day parliamentary scrutiny period, the Minister responded that he expected the Panel “to report later this year”.<sup>81</sup>

97. **RECOMMENDATION 10:** As the possible sites for unconventional gas extraction are often located in urban areas, the Committee welcomes the Minister’s commitment to establishing a ‘buffer zone’ between these developments and local communities. We recommend that the Minister considers the evidence the Committee has received on the possible environmental, tourism and community impacts of such developments and confirms that the final SPP will have a robust separation distance and whether it will be a fixed distance or based on individual circumstances.<sup>82</sup>

98. **RECOMMENDATION 11:** Whilst we welcome the Expert Panel’s remit to provide “an independent, impartial evidence base on unconventional oil and gas extraction upon which to inform a robust policy position”,<sup>83</sup> we are disappointed that this work was not concluded prior to the Committee taking evidence and that the Minister has not yet confirmed whether the Expert Panel would report within the 60-day parliamentary scrutiny period.

### **Environmental concerns**

99. The Draft Scottish Planning Policy Consultation<sup>84</sup> states that “where a PEDL licence (Petroleum Exploration and Development Licence) and Coal Licence (issued by the Coal Authority) are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of hydrocarbon extraction”.<sup>85</sup> The Committee considered whether the draft Scottish Planning Policy provided adequate environmental protection for communities.

100. Some witnesses were sceptical about onshore unconventional gas extraction, such as RTPI Scotland who said it “...remains to be convinced of the benefits of ‘unconventional’ gas”, and we feel that this requires further evidence”<sup>86</sup> and RSPB Scotland who asked the Scottish Government to take “...a more precautionary approach to all unconventional gas developments”.<sup>87</sup>

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<sup>80</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3914-15.

<sup>81</sup> Letter from the Minister for Local Government and Planning – 17 February 2014.

<sup>82</sup> There was a vote on one amendment to this recommendation, which was disagreed to by division, the proposal was disagreed to on a casting vote: For 4 (Alison Johnstone, Margaret McDougall, Richard Baker and Joan McAlpine) Against 4 (Murdo Fraser, Mike Mackenzie, Chic Brodie, Christian Allard) Abstentions 1 (Marco Biagi). The detail of the vote is included in Annex A.

<sup>83</sup> Independent Expert Scientific Panel on Unconventional Oil & Gas:

<http://www.scotland.gov.uk/Topics/Business-Industry/Energy/resources/PanelUnconventionalOilGas>

<sup>84</sup> Draft Scottish Planning Policy Consultation: [Draft Scottish Planning Policy Consultation](#).

<sup>85</sup> Scottish Planning Policy Consultation Draft, page 42, paragraph 179.

<sup>86</sup> RTPI Scotland, *written submission*, January 2014, page 5.

<sup>87</sup> RSPB, *written submission*, January 2014, page 3.

101. In its written evidence, SEPA provided an assurance that it, along with other regulatory bodies, "...has a wide range of regulatory tools that can be used effectively to control and mitigate the environmental impacts that may be caused by unconventional gas activities". SEPA added that "should further evidence demonstrate that this is not the case and more protection is required, we will support the Scottish Government in bringing forward further measures".<sup>88</sup>

102. Ken Cronin of United Kingdom Onshore Operators Group explained that the procedure for unconventional gas extraction involves removing radioactive water only during hydraulic fracturing. The water is then treated in line with SEPA regulations. He clarified that coal bed methane does not use water in the same way. He told the Committee that—

"Water is used in unconventional only in shale gas extraction; coal-bed methane does not use water in the same way. It is used only during the hydraulic fracturing phase. Between 25 and 75 per cent of the water that is used during the hydraulic fracturing phase comes back within the first week or two, directly after the drilling phase. Once you get into the production of gas, truck movements go down to a minimum."<sup>89</sup>

103. He added that similar environmental issues which had arisen elsewhere could be avoided by starting the process from a "...scientific basis of monitoring"<sup>90</sup> and that community fears could be alleviated through "... a very strict community engagement charter that starts off well before the planning process, so that all the fears can be talked through".<sup>91</sup>

104. The Minister reiterated to the Committee the Scottish Government's cautious approach to onshore unconventional gas extraction, asserting that—

"Clearly, the planning system, together with other regulatory regimes, has a role to play in balancing that [energy supply diversification] with the needs of the environment and communities. A careful approach, informed by evidence, is required."<sup>92</sup>

105. **RECOMMENDATION 12:** The Committee recommends that the final SPP provides fuller guidance to planning authorities when considering proposals for onshore oil and gas developments than at present, specifically taking into account the environmental and social impacts on communities.

### **Restoration of sites**

106. The Draft NPF3 includes a commitment from the Scottish Government to continue to address the impacts of past uses of land, including minerals extraction, through restoration and enhancement.

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<sup>88</sup> SEPA, *written submission*, page 4.

<sup>89</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3864.

<sup>90</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3867.

<sup>91</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3870.

<sup>92</sup> Economy, Energy and Tourism Committee, Official Report, 5 February 2014, Col 3895.

107. As part of the consultation [on opencast coal restoration and effective regulation](#) which ran from 5 December 2013 until 27 February 2014, consultees were asked whether Scottish Planning Policy could be strengthened to provide for more effective regulation of restoration. Whilst responses were not available for the Committee to take into consideration for this report, the issue of restoration was raised by a number of witnesses during evidence taking.

108. In its submission, Friends of the Earth Scotland said that agreeing restoration and monitoring prior to planning permission being granted was key and that—

“...full restoration and protection of the environment after operations are finished are key issues to be discussed and agreed before any planning permission is granted ... and the need for long-term monitoring and management of any pollution which may make its way to the surface or into water course long after the developer has left.”<sup>93</sup>

109. COSLA highlighted in its evidence the need to be aware of risk in relation to ongoing liabilities that may arise from other potential industry collapse in future and asked that the SPP “...specify similar bond requirements for these industries to safeguard and mitigate potential future risk to the public and the public purse”.<sup>94</sup>

110. The Minister confirmed to the Committee the Scottish Government’s intention to use the outcome of the current consultation to improve planning policy.

111. **RECOMMENDATION 13:** Given the controversy and lack of understanding of the nature of unconventional gas extraction processes, the Committee recommends that the Scottish Government consider how SEPA and local planning authorities can work together to ensure that communities are adequately consulted on any applications for unconventional gas extraction and hydraulic fracturing and that the final SPP includes guidance on agreeing sufficient restoration processes.<sup>95</sup>

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<sup>93</sup> Friends of the Earth Scotland, *written submission*, pages 7-8.

<sup>94</sup> COSLA, *supplementary written submission*, February 2014, page 3.

<sup>95</sup> There was a vote on one amendment to this recommendation, which was disagreed to by division: For 1 (Alison Johnstone), Against 7 (Murdo Fraser, Mike Mackenzie, Chic Brodie, Marco Biagi and Christian Allard, Margaret McDougall, Richard Baker), Abstentions 1 (Joan McAlpine). The detail of the vote is included in Annex A.

## ENERGY STORAGE

### **Developing the capacity for storage of energy to be exported**

112. The Main Issues Report noted that whilst national locational priorities for storage projects are not yet clear, it is important that the NPF3 reflects the importance of existing and emerging technologies to support the development of the energy sector as a whole.

113. The analysis of the consultation responses indicated that one of the most frequently raised issues was the importance of increasing Scotland's energy storage capacity, with some suggesting that NPF3 could go further in relation to pumped storage hydro-electricity.

114. The Draft NPF3 takes this into account by including an updated national development focussing on enhancing the high voltage transmission network to facilitate offshore renewable energy developments and the inclusion of pump storage which exceeds 50MW as a new national development. It focusses on the Cruachan hydroelectric site as a location for further pumped storage development.

115. The Committee heard that the late inclusion of Cruachan as a national development did not enable stakeholders to provide a view. For example, Aedán Smith told the Committee that Scottish Environment LINK were "pretty disappointed" at the late inclusion of two national developments as—

"...time is tight for any concerned members of the public to get a handle on the issues. In fact, it has been difficult even for some LINK member organisations to assess what the implications for their interests might be."<sup>96</sup>

116. Helen McDade of The John Muir Trust agreed that the process was a concern and asked for clarification of where the hydro developments will be sited. She said—

"The Government says that the need for pumped storage has been proven, yet we do not know where the development will be. It is hard to understand why the NPF does not specify Balmacaan and Cruachan."<sup>97</sup>

117. The Minister acknowledged that the late inclusion of Cruachan was not ideal, but clarified that it was in response to the outcome of the consultation, saying that "...ideally the projects would have been in the original consultation document, the proposals and the main issues report, but it is surely a good thing that we are able to show that we have listened to bids and those who are engaging with the system, that we have changed our position and that we have done all that in a transparent and public way".<sup>98</sup>

118. Whilst there was general support for the inclusion of pumped storage, the Committee heard of cost challenges and unknowns, such as the impact of the Electricity Market Review (EMR) capacity mechanism.

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<sup>96</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3888-9.

<sup>97</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3890.

<sup>98</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3906.

119. Joss Blamire of Scottish Renewables requested clarity on how pumped storage would be supported by the UK and Scottish Governments and indicated that "...a lot of uncertainty remains with the end of the EMR process this year and we are yet to find out whether pump storage will be supported through that mechanism and the current Energy Bill or through some other mechanism".<sup>99</sup>

120. Brian Galloway of ScottishPower highlighted economic concerns relating to pumped storage proposals in Scotland, saying that "...any economic assessment needs to take into account the fact that, under the current locational transmission charging arrangements, such projects in the north would suffer a cost disadvantage".<sup>100</sup>

121. **RECOMMENDATION 14:** The Committee understands the importance of energy storage to Scotland in achieving its energy potential and asks the Scottish Government to continue to work with the industry and the UK Government to help pumped storage development achieve that potential.

122. **RECOMMENDATION 15:** The Committee recommends that the Minister considers how the engagement process for future updates to the National Planning Framework and Scottish Planning Policy can be improved to ensure full stakeholder engagement throughout the process, particularly when national developments are added after the formal consultation process has ended, which has been the case in relation to energy storage projects.

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<sup>99</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3859.

<sup>100</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3860.

## OTHER ISSUES

### Location of national developments

123. Given that there are no proposed national developments to be located in the south of Scotland and it is not included in the city region strategy, some Committee members expressed uncertainty on how the draft NPF3 would impact on planning and development in that area.

124. In response to the concerns expressed, the Minister explained that whilst the analysis showed that every area was covered, he appreciated this may not be clear in the draft NPF3 and gave a commitment that for the final version he would "...look again at ensuring that every part of the country feels included".<sup>101</sup>

125. **RECOMMENDATION 16:** The Committee notes that due to the nature of national developments these may not cover all of Scotland and that the focus of investment on the cities network will naturally concentrate on urban areas. The Committee therefore ask the Minister to consider for the final NPF3 and for future updates proposals for other parts of Scotland, such as the south of Scotland and rural areas, such as the Highlands and Islands, to ensure that they do not lose out.

### Parliamentary scrutiny

126. Whilst co-ordination of scrutiny and publication of the Draft NPF3 and the review of Scottish Planning Policy was widely welcomed by witnesses, some questioned the effectiveness of the engagement process. In particular, the extent of the changes between the Main Issues Report and the Draft NPF3 along with the number of on-going work streams during the 60-day parliamentary scrutiny period meant that some felt the time for scrutiny was inadequate.

127. In its submission, Friends of the Earth Scotland highlighted that the difference between the Main Issues Report and the draft NPF3 was "considerable" which made "...scrutiny of the framework even more challenging for both stakeholders and MSPs in the context of the extremely limited 60-day scrutiny period".<sup>102</sup>

128. In response to a question on whether the 60-day scrutiny period is sufficient when significant changes are made, the Minister said that in this case it was as he expected the changes to be supported, telling the Committee that—

"I suppose that your point is that the pumped hydroelectric storage development was not covered in detail ... If Parliament or the public were so opposed to the project, I am sure that that will feature in the next 60 days and I would have some difficulty in sustaining its retention as a national project. I suspect that that will not be the case."<sup>103</sup>

129. When asked about the impact on parliamentary scrutiny of key areas of work on-going during the 60-day period and when final decisions had not yet been

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<sup>101</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3914.

<sup>102</sup> Friends of the Earth Scotland, *written submission*, page 1.

<sup>103</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3907.

made, such as advice on the outcome of the consultation on the Core Areas of Wild Land Map and the Independent Expert Scientific Panel on Oil & Gas report, the Minister responded that—

“We want to consider how the process is aligned, and that might require further thinking. You are considering NPF3 but you are looking more widely than that and, as other committees have done, you have gone on to the SPP. I will give further thinking to how information on the SPP is shared at the same time.”<sup>104</sup>

130. **RECOMMENDATION 17:** The Committee commends the new approach taken to aligning the scrutiny of updates to the National Planning Framework with revisions to Scottish Planning Policy and recommends this approach for future updates. However, the Committee also recommend that for future updates, in order to ensure effective parliamentary scrutiny, all consultative and research work is concluded prior to the draft NPF being laid and the 60-day scrutiny period commencing.

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<sup>104</sup> Economy, Energy and Tourism Committee, *Official Report*, 5 February 2014, Col 3908.

**ANNEXE A – OFFICIAL REPORTS AND EXTRACTS FROM MINUTES OF THE  
ECONOMY, ENERGY AND TOURISM COMMITTEE**

**3rd Meeting, 2013 (Session 4) Wednesday 5 February 2014**

1. **Decision on taking business in private:** The Committee agreed to take item 3 in private.

2. **Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP):** The Committee took evidence from—

Brian Galloway, Energy Policy Director, ScottishPower;  
David Bell, Director, Jones Lang Lasalle (representing SSE);  
Ken Cronin, Chief Executive Officer, United Kingdom Onshore Operator's Group;  
Mr Joss Blamire, Senior Policy Manager, Scottish Renewables;  
Helen McDade, Head of Policy, John Muir Trust;  
Aedán Smith, Head of Planning & Development, Royal Society for the Protection of Birds Scotland;  
Malcolm MacLeod, Head of Planning and Building Standards, The Highland Council;  
Derek Mackay, Minister for Local Government and Planning, John McNairney, Chief Planner, Graham Marchbank, Principal Planner, and Chris Stark, Head of Electricity Division, Scottish Government.

3. **Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP):** The Committee considered the evidence heard at today's meeting.

**7th Meeting, 2014 (Session 4) Wednesday 12 March 2014**

3. **Draft Third National Planning Framework:** The Committee agreed its report to Parliament on the Draft Third National Planning Framework.

**Record of divisions in private:**

Alison Johnstone proposed the following amendment to paragraph 117. The proposal was disagreed to by division, on a casting vote: For 4 (Alison Johnstone, Margaret McDougall, Richard Baker and Joan McAlpine) Against 4 (Murdo Fraser, Mike Mackenzie, Chic Brodie, Christian Allard) Abstentions 1 (Marco Biagi).

**Delete “and confirms in the final SPP what the proposed separation distance will be and whether it will be a fixed distance or based on individual circumstances.” and insert “The Committee supports a ‘buffer zone’ of at least 2km.”**

Alison Johnstone proposed that the following text be added at the end of paragraph 131. The proposal was disagreed to by division: For 1 (Alison Johnstone), Against 7 (Murdo Fraser, Mike Mackenzie, Chic Brodie, Marco Biagi and Christian Allard, Margaret McDougall, Richard Baker), Abstention 1 (Joan McAlpine).

**Insert at end “The Committee recommends that until an adequate method of securing restoration finance is developed and the Expert Scientific Panel on Oil and Gas has reported no new unconventional gas developments be consented.”**

## **ANNEXE B - WRITTEN EVIDENCE**

Written evidence:

- [Aberdeen City and Shire Strategic Development Planning Authority \(91.5KB pdf\)](#)
- [Aberdeen City Council \(90KB pdf\)](#)
- [Aberdeenshire Council \(101KB pdf\)](#)
- [AES Wind Generation \(222KB pdf\)](#)
- [Badenoch and Strathspey Conservation Group \(96KB pdf\)](#)
- [Canonbie Residents Against Coal Developments \(302KB pdf\)](#)
- [City of Edinburgh Council \(202KB pdf\)](#)
- [Comhairle nan Eilean Sair \(184KB pdf\)](#)
- [COSLA \(224KB pdf\)](#)
- [Dumfries and Galloway Council \(153KB pdf\)](#)
- [Duncan Martin \(72KB pdf\)](#)
- [Falck Renewables Wind \(117 KB pdf\)](#)
- [Falkirk Council, Councillor Joan Paterson \(107KB pdf\)](#)
- [Friends of the Earth \(229KB pdf\)](#)
- [Glasgow Airport Consultative Committee \(110KB pdf\)](#)
- [Glasgow Airport Ltd \(247KB pdf\)](#)
- [Glasgow and the Clyde Valley Strategic Development Planning Authority \(218KB pdf\)](#)
- [John Muir Trust \(327KB pdf\)](#)
- [NAV OV \(11.5KB pdf\)](#)
- [North Lanarkshire Council \(179KB pdf\)](#)
- [Peter Batten \(70KB pdf\)](#)
- [Renewable UK \(215KB pdf\)](#)
- [RES UK and Ireland Ltd \(180KB pdf\)](#)
- [RSPB \(166KB pdf\)](#)
- [RTPI \(299KB pdf\)](#)
- [Scottish Association for Public Transport \(171KB pdf\)](#)
- [SCDI \(142KB pdf\)](#)
- [Scottish Environment Link \(171KB pdf\)](#)
- [Scottish Natural Heritage \(141KB pdf\)](#)
- [Scottish Power \(232KB pdf\)](#)
- [Scottish Renewables \(251KB pdf\)](#)
- [Scottish Water \(6.5KB pdf\)](#)
- [SEPA \(234KB pdf\)](#)
- [SSE \(192KB pdf\)](#)
- [Strathclyde Partnership for Transport \(83.6KB pdf\)](#)
- [Vattenfall \(112KB pdf\)](#)
- [West Coast Energy Ltd \(1.31KB pdf\)](#)
- [West Dunbartonshire Council \(154KB pdf\)](#)

Supplementary evidence:

- [COSLA - March 2014 \(82KB pdf\)](#)
- [Councillor Lesley Laird - Fife Council - March 2014 \(73KB pdf\)](#)
- [John Muir Trust - February 2014 - NPF3 \(232KB pdf\)](#)

*Economy, Energy and Tourism Committee, 4th Report, 2014 (Session 4) —  
Annexe B*

- [Letter to the Minister for Local Government and Planning - 17 January 2014 \[101KB pdf\]](#)
- [Response from the Minister for Local Government and Planning - 29 January 2014 \(174KB pdf\)](#)
- [Letter to the Minister for Local Governemnt and Planning - 6 February 2014 \(53KB pdf\)](#)
- [Letter to Scottish Natural Heritage - 6 February 2014 \(86KB pdf\)](#)
- [Letter from the Minister for Local Government and Planning - 17 February 2014 \(797KB pdf\)](#)
- [Letter from Scottish Natural Heritage - 13 February 2014 \(177KB pdf\)](#)
- [Letter from the Minister for Local Government and Planning - Core Areas of Wild Land Map consultation report - 3 March 2014 \(73KB pdf\)](#)



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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS Group Scotland

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