

Briefing for the Public Petitions Committee on petition PE2233: Moratorium on planning applications for all hyperscale data centres until their environmental impacts have been fully assessed, lodged by Katherine Jones on behalf of Action to Protect Rural Scotland

Brief overview of issues raised by the petition

A [data centre](#) is a structure, or part of a structure, used to house computing and data storage resources that support many aspects of modern life, including e-commerce, banking, public service delivery, and applications such as cloud computing and artificial intelligence (AI). The key components of a data centre typically include servers, storage systems, networking equipment, power supply, and cable management.

Recent public concerns about data centres are largely concerned with **hyperscale data centres**, very large data centres which require significant energy and water supplies to support their operation.

Data centre policy: The Scottish Government sets out its policies on data centre development in its 2021 [Green data centres and digital connectivity: vision and action plan for Scotland](#), which is supportive of their development and sees green data centres as delivering significant economic benefits. This positive policy approach to facilitating green data centre development is carried through in the Scottish Government's [2026 Scotland's AI Strategy](#). The Scottish Government has not offered a firm definition of what constitutes a “green data centre”.

The [Programme for Government 2026-2031](#) included a commitment to “Publish a strategic approach to attracting and securing responsible green data centre investment in Scotland, with clear expectations around environmental sustainability, resource use, community benefit and the economic and strategic value these developments should deliver.”

National planning policy and data centres: The Scottish Government has designated “green data centres” as part of a national development (National Development 12: Digital Fibre Network) in [National Planning Framework 4](#). National development status is not an award of planning permission but means that the principle of the development cannot be challenged during the planning application process. In practice, this means any objections to a development considered a green data centre must focus on the detail of a proposal rather than the need for the development itself.

Environmental Impact Assessment: Environmental Impact Assessment (EIA) is a standardised process used to assess the likely effect of proposed large-scale

developments on features such as soil, air, water, biodiversity, human health, and the climate. The Scottish Government [issued a Direction](#) on 16 September 2026 requiring any planning application for a data centre with a processing power in excess of 50MW to be accompanied by an Environmental Impact Assessment (EIA). Data centres below this 50MW threshold fall under the standard EIA process, as described below.

The types of development that require an EIA typically fall into two categories. 'Schedule 1' developments always require an EIA, these include developments such as nuclear power stations, steelworks, chemical works, major road or runway projects or large-scale incinerators. Data centres are not considered a 'Schedule 1' development.

An EIA may be required for a 'Schedule 2' development, which includes certain mining, chemical, manufacturing, and other potentially environmentally damaging development types that meet certain criteria defined in regulations.

It is possible that a proposed data centre with a processing power under 50MW could fall within the definition of a Schedule 2 development, but that is dependent on the characteristics of the scheme in question and the view taken by the planning authority.

Moratorium on data centre development: The Scottish Government can introduce what is effectively a moratorium on new data centre development. This would replicate existing policies of “no support” for [new coal mines](#) and oil and gas developments which employ [hydraulic fracturing \(fracking\)](#) in Scotland.

These are not technically “bans” on applications for such developments. A developer can submit a planning application for a new coal mine or fracking development which must be considered by the relevant planning authority, with decisions made in accordance with the development plan (National Planning Framework 4 and the relevant Local Development Plan), unless there are compelling reasons, “material considerations”, which indicate that the decision should be otherwise. A Scottish Government’s policy of “no support” for a particular type of development would likely be a material consideration.

Despite these policies of “no support”, a planning authority could potentially decide to grant permission for a new coal mine or fracking development. However, the Scottish Government has put administrative processes in place that require any authority minded to grant permission for a [new coal mine](#) or [fracking development](#) to first notify Scottish Ministers of their intention. This allows Scottish Ministers the opportunity to “call-in” the application for their own decision which, given their policy of “no support”, would likely be exercised to refuse permission. Scottish Ministers normally only use their power to call-in an application for their own decision where it raises an issue of national importance, as set out in the [Ministerial Statement on circumstances for call-in](#). There is no obvious barrier to the introduction of a policy of no support for new data centres and similar administrative arrangements for the handling of such applications as apply to coal mines and fracking developments.

Further reading: More information on data centres can be found in the SPICe Spotlight post [Data Centres](#), and in the House of Commons Library research service

briefing on [Data centres: planning policy, sustainability, and resilience](#), and the UK Parliamentary Office of Science and Technology (POST) note [What are data centres and how sustainable are they?](#)

Key Organisations and relevant links

- [Royal Town Planning Institute \(Scotland\)](#): Professional organisation for town planners, and the planning profession more generally, in Scotland.
- [Heads of Planning Scotland](#): Organisation representing senior local authority planning officers in Scotland.
- [The Data Centre Alliance](#): Data Centre industry representative organisation.
- [techUK](#): Membership body representing organisations working in the UK technology sector.
- [Tony Blair Institute for Global Change](#): Think tank which has published several reports on Ai and data centres.
- [Friends of the Earth Scotland](#): Environmental campaign group, supports a moratorium on data centre development in Scotland.

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16 September 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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