

Our Ref: DP/PC/LAD/  
EXT05-F0184385  
Your Ref: -

Local Government and Regeneration Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

30 January 2014

By email: [lgr.committee@scottish.parliament.uk](mailto:lgr.committee@scottish.parliament.uk)

Dear Sirs

**National Planning Framework 3 – Strategic overview**

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to give evidence on certain aspects of the proposed National Planning Framework 3 (NPF3). Our written submission is attached as Annex 1. Within this submission, we cross refer to our recent evidence to the Rural Affairs, Climate Change and Environment (RACCE) Committee. Our full written submission to RACCE is attached as Annex 2 for convenience.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Paula Charleson, Head of Environmental Strategy, SEPA Corporate Office, at the address shown.

Yours faithfully



**David Pirie**  
**Executive Director**

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## **Annex 1**

### **SEPA's evidence on National Planning Framework 3**

#### **1 NPF and SPP review process**

- 1.1 The process of simultaneously reviewing Scottish Planning Policy (SPP) and the NPF has been tremendously beneficial. Within a relatively short and intense timeframe, the process has helped to secure a far higher degree of policy integration between the NPF and SPP, and with wider government policy. Both documents are more outcome based, concise, structured and have a much stronger focus on sustainable development, low carbon economy and placemaking - all of which we commend. For the first time, there is policy coverage on ecosystem services and explicit recognition that the environment delivers multiple benefits for Scotland's people and economy. That is a big step forward in our view, and we are grateful for the opportunities to collaborate with government officials and others in order to arrive at that position.
- 1.2 Aligning the timescales to publish both documents in June 2014 is seen by us a positive move. The table that sits right up front in the document is intended to help align the vision and outcomes for both documents. It revises the table of 'Outcomes for Planning' from the previous draft SPP to try to show how planning policies relate to the SG performance framework and other national plans, policies and strategies. We see considerable value in such a table, but believe it needs further refinement and a brief narrative within the NPF. We would like to see specific reference to Zero Waste in row four of the table which provides an overview of SG national plans, policies and strategies.
- 1.3 Unfortunately the emphasis on quality of life in Outcome 1 of the draft SPP seems not to have carried forward into the revised table, and we believe this should strongly feature as a key strand of the government's decisive shift to prevention. Outcome 2 of the draft SPP usefully referred to valuing our natural environment and to sustainable consumption and production, and both should ideally feature in the revised version. For the first time, the NPF signposts the hierarchical relationships of community planning, strategic development plans, local development plans and master plans. We believe that this may help reinforce the relationship between the delivery of national and local outcomes through community planning and land use planning.
- 1.4 We note from the position statement on the draft SPP that consideration is being given to *"if and how appropriate monitoring can be put in place jointly with NPF"*. We hope that performance on the delivery of the aligned outcomes can be appropriately monitored and worked through for both documents.

#### **2 Focus of the planning system**

- 2.1 The Minister for Local Government and Planning, Derek Mackay MSP, has clearly stated that he wants the planning system to focus on delivering jobs and growth, to facilitate investment in low-carbon infrastructure, and for the planning process to design better places: places that are healthier and more sustainable. SEPA firmly believes that the planning system should contribute to economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim should be to achieve the right development in the right place, not to allow development at any cost.

### 3 Fit between NPF and RPP2

- 3.1 NPF3 has a fundamental role in delivering Scotland's greenhouse gas reduction targets and helping its environment and communities adapt to climate change. We have submitted written evidence to the Rural Affairs, Climate Change and Environment (RACCE) Committee on these matters and gave oral evidence to the Committee yesterday. The proposed NPF provides a reasonably high degree of support to the delivery of Scotland's climate change targets and the Report of Policies and Proposals 2 (RPP2), especially with regards to the energy sector.
- 3.2 We have provided the RACCE Committee with some high level analysis of those aspects of RPP2 relevant to the NPF that are likely to yield the greatest carbon reduction savings. Policies on decarbonising vehicles, renewable heat incentive (non domestic), national retrofit programme: fuel poverty and energy efficiency programmes, and the Zero Waste Plan show the highest potential for carbon savings. Consequently, there is an argument that NPF3 should support ways to prioritise the delivery of these aspects of RPP2. Also, we believe that there may be opportunities to further strengthen the fit between RPP2 and NPF3 in relation to peatland protection and restoration and supporting low carbon patterns of development.
- 3.3 We consider that NPF3 could provide stronger policy support to the delivery of Zero Waste by outlining, in a national, spatial context, the Scottish Government's expectations for the planning system to support sustainable waste management and resource efficiency. We continue to see the potential for NPF3 to facilitate a nationally planned and strategic network of waste/resource facilities across Scotland which would promote a circular economy, be an engine of sustainable economic growth and, at the same time, contribute to significant carbon reductions.
- 3.4 NPF3 and the review of the SPP could go further by providing planning authorities with an incentive to drive down emissions through identifying the most sustainable spatial distributions of proposed development and uses of land through the use of tools such as the Spatial Planning Assessment of Climate Emissions (SPACE) tool<sup>1</sup>.

### 4 Planning's role in delivering public service reform

- 4.1 Ultimately, NPF3 and the review of SPP have very important roles in helping to prioritise prevention, consistent with the Christie Commission Report on the *Future Delivery of Public Services*. The proposed NPF does not make any explicit connection with the Scottish Government's decisive shift towards prevention. In our view, there is an important national spatial planning component associated with that shift which is missing.
- 4.2 For example, NPF3 could usefully signpost the fundamental role place-making has both in terms of supporting health and wellbeing, and helping to tackle persistent health inequality. In 19 December 2012, the current Chief Medical Officer for Scotland, Sir Harry Burns, told the Scottish Parliament's audit committee: *"Health inequalities are the biggest issue facing Scotland just now, because not only are health inequalities a problem but [they] are really a manifestation of social inequality... Social complexity, social disintegration drives things like criminality, it drives things like poor educational attainment, it drives a whole range of things that we would want to see different in Scotland... The more attention we can get paid to the drivers of that situation, the better... Our role—by that, I mean the role of officials and politicians—is to allow an environment that enables people to co-produce better outcomes.*

<sup>1</sup> SPACE Tool: [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/sus-dev/SPACE](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/sus-dev/SPACE)

*They have part of the solution and, by coming together, they can create a different dynamic across the community."*

- 4.3 At the same evidence session, The Auditor General for Scotland, Caroline Gardner, told the audit committee that *"we are now getting to the point at which the big initiatives, such as the smoking ban and minimum pricing for alcohol, and the big programmes, such as keep well, are probably going to be less effective than understanding which communities are the most challenged .. and how the health service can work with partners in the community planning partnership to work more widely on housing, the environment, economic development and all the other things that have an impact on the wider determinants of ill health. Those factors are extremely local and circumstances differ greatly between areas, so it is important to shift the lens and focus on the areas that we know, based on good information, are the ones with the biggest challenges."*
- 4.4 Prioritising prevention should be an overarching principle for national planning policy in our view, and NPF3 can help signpost this as a fundamental issue.

## **5 Supporting climate adaptation**

- 5.1 There are opportunities for NPF3 to closer align with Scotland's adaptation programme, such as stronger alignment with the delivery of sustainable flood risk management, including the need to prioritise flood avoidance.
- 5.2 We would like to see NPF3 help drive positive improvements to urban air quality. The proposed NPF does not explicitly refer to the very real challenge of air quality in Scotland's cities. We consider that this should be addressed, particularly in the context of a changing climate which may exacerbate existing problems.
- 5.3 Both the proposed NPF and the review of SPP highlight the very important role of green infrastructure. We welcome the retained national development status for the Central Scotland Green Network in the proposed NPF. Green infrastructure is an effective way of improving climate resilience, with wider, multiple benefits for the environment and for people, place and the economy. NPF3 should also embrace the resilience of our built environment and infrastructure to future changes in climate.
- 5.4 Retained national development status for the Metropolitan Glasgow Strategic Drainage Partnership is similarly welcomed, reflecting its role as an exemplar of sustainable water management at a catchment scale which strongly links to the delivery of the Central Scotland Green Network.

## **6 Diverse and balanced energy portfolio**

- 6.1 We believe that the proposed NPF has the potential to support delivery of a diverse and balanced energy portfolio to provide Scotland with secure and affordable heat and electricity for decades to come. Chapter 4, *A natural, resilient place*, mentions that reserves of coal bed methane in the Central Belt could contribute to a secure energy supplies in the medium term but will required careful planning to avoid negative environmental and community impacts from extraction activities (paragraph 4.21). Along with other regulatory bodies SEPA 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.

- 6.2 We currently believe that these regulatory tools provide a high level of protection to the environment. 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. SEPA's regulatory role in relation to unconventional gas is summarised in our [Regulatory guidance: Coal bed methane and shale gas](#).
- 6.3 We note that the Scottish Planning Policy Position Statement<sup>2</sup> indicates that: *"requests were made for a specific policy position on extraction of gas through geological fracturing; and SG has convened an Independent Expert Scientific Panel to look at the evidence on unconventional oil & gas. The Panel has expertise across the range of disciplines and will provide the SG with a well researched, peer-reviewed evidence base upon which we can further develop policy."* The Committee may be interested to note that SEPA's Chief Executive, James Curran, is a member of that Panel.
- 6.4 SEPA supports the proposed designation of a Carbon Capture and Storage (CCS) Network as a national development as a means of decarbonising baseload thermal generation. We support the expectation that new build power stations should not be permitted to operate without implementation of suitable CO<sub>2</sub> abatement in the future. SEPA is keen to see demonstration CCS projects rolled-out in Scotland as soon as possible. Such projects will inform our understanding of the economic and technical feasibility of commercial-scale CCS technology. National development status for new and replacement facilities at Peterhead, Grangemouth, Longannet and Cockenzie would help facilitate the alignment of planning and permitting requirements for these proposals. The [SEPA position statement: carbon capture and storage](#) may be of interest to the Committee.

SEPA  
30 January 2014

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<sup>2</sup> outlines the Scottish Government position in relation to key issues relevant to the review of the SPP as of January 2014 <http://www.scotland.gov.uk/Resource/0044/00441852.pdf>

## Annex 2

Our Ref: JCC/PC/LAD/  
EXT05-F0184337  
Your Ref: -

Rural Affairs, Climate Change and  
Environment Committee (RACCE)  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

22 January 2014

By email: [racce.committee@scottish.parliament.uk](mailto:racce.committee@scottish.parliament.uk)

Dear Sirs

### National Planning Framework 3 – Climate change

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to give oral evidence on the climate change aspects of the proposed National Planning Framework 3 (NPF3) at the RACCE Committee meeting on 29th January. Our written submission for this session is attached and key issues are highlighted below.

NPF3 has a fundamental role in delivering Scotland's greenhouse gas reduction targets and helping its environment and communities adapt to climate change. NPF3 can help translate, in national spatial planning terms, the necessary mitigation measures identified in the government's Report of Policies and Proposals (RPP) so that individual decisions on land use can support them. Overall, we consider that the proposed NPF3 provides a high degree of support to the delivery of Scotland's climate change targets and RPP2, especially with regards to the energy sector. Accordingly, there is much in the proposed NPF3 that we welcome and support.

We do believe, however, that there may also be opportunities to further strengthen the fit between RPP2 and NPF3 in relation to other sectors, such as peatland protection and restoration, Zero Waste and supporting low carbon patterns of development. All of these sectors have the potential to generate quite considerable carbon reduction savings.

We have (at a high level) analysed the extent to which we consider the NPF3 could deliver policies and proposals in RPP2, focusing on those aspects that are likely to yield the greatest carbon reduction savings. Of all the committed policies identified in RPP2 that are most likely to have a connection with NPF3, policies on decarbonising vehicles are expected to yield the greatest carbon savings (15.804 mtCO<sub>2</sub>e savings 2013-2027), followed by renewable heat incentive (non domestic) at 9.958 mtCO<sub>2</sub>e savings, national

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retrofit programme: fuel poverty and energy efficiency programmes at 2.745 mtCO<sub>2</sub>e savings, and the Zero Waste Plan at 2.163 mtCO<sub>2</sub>e. With this in mind, there is an argument that NPF3 should support ways to prioritise the delivery of these aspects of RPP2 as these are where the greatest carbon savings can be generated.

An important observation when exploring the extent to which proposed NPF3 fits with RPP2, is that both documents work towards quite different timescales. The NPF has a 20-30 year timeframe whereas RPP2 has a shorter timeframe set by the Climate Change (Scotland) Act. In its lifetime, NPF3 could therefore also have a significant role in supporting practical delivery of the Scottish Government's post 2027 greenhouse gas reduction target projections.

We welcome that Chapter 4 places strong emphasis on the role of green infrastructure and retains national development status for the Central Scotland Green Network. We see both as effective ways of improving resilience. Green infrastructure delivers multiple benefits for the environment, and for people, place and the economy. NPF3 should also consider resilience within a wider context, to embrace the resilience of our built environment and infrastructure to future changes in climate.

Opportunities for NPF3 to closer align with Scotland's adaptation programme include stronger alignment with the delivery of sustainable flood risk management, and helping to drive positive improvements to urban air quality. The proposed NPF3 should in our view be strengthened to ensure a stronger alignment with sustainable flood risk management, signalling the need to prioritise reducing the overall flood risk. The proposed NPF3 also omits any explicit reference to the very real challenge of air quality in Scotland's cities and we consider that this should be addressed, particularly in the context of a changing climate which may exacerbate existing problems.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Paula Charleson, Head of Environmental Strategy, SEPA Corporate Office, at the address shown.

Yours faithfully



**James C Curran**  
**Chief Executive**

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**Rural Affairs, Climate Change and Environment Committee evidence session, 29 January 2014**

**SEPA's evidence in response to questions posed by the Committee on the proposed National Planning Framework 3**

**1 Extent to which the proposed NPF3 will help deliver Scotland's climate change targets and the policies and proposals in RPP2**

- 1.1 Overall, we consider that the proposed NPF3 provides a high degree of national spatial planning policy support to the delivery of Scotland's climate change targets and RPP2 policies and proposals, especially in relation to many of the energy sector aspects of the proposed NPF3. However, we believe there may also be opportunities to further strengthen the fit between RPP2 and NPF3 in relation to other sectors.
- 1.2 We consider that the spatial priorities and national developments in *Chapter 3: A low carbon place* will support delivery of a decarbonised electricity supply and the heat vision for Scotland. Further, we consider that the NPF3 will support the delivery of RPP2 emission reduction actions for the energy sector through an enabling planning framework for the delivery of renewable energy infrastructure, a High Voltage Electricity Transmission Network and upgraded fossil fuel thermal generation capacity fitted with Carbon Capture and Storage, all of which are set out as national developments in the proposed NPF3. NPF3's role in delivering heat networks, informed by a national Heat Map, will also be key in assisting the delivery of Scotland's renewable heat targets.
- 1.3 We consider that the proposed NPF3 could also strengthen its contribution to the delivery of Scotland's greenhouse gas reduction targets via closer alignment with other aspects of RPP2 as outlined below:

*Peatland protection and restoration (RPP2 section 9.4.9 - Protecting and restoring peatland)*

- 1.4 Section 4.19 of the proposed NPF3 recognises the role of *peatland restoration* in building Scotland's long-term resilience to climate change and reducing our national greenhouse gas emissions. Restoration is an important policy objective, but a preventative approach would be to prioritise the protection of peatland from development. It is far easier and cheaper to protect pristine peatlands and thereby ensure that their carbon remains locked up and they continue to sequester more, than to try to re-capture the amount of carbon that is lost once peatlands are disturbed or drained. The effectiveness of the proposed NPF3 in assisting delivery of Section 9.49 of the RPP2 could be strengthened by highlighting the importance of prevention. A parallel could be drawn here with the preventative approach to flooding under the Flood Risk Management (Scotland) Act 2009.
- 1.5 Based on our experience in validating carbon assessments for section 36 onshore wind farm developments on peat, we believe there may be scope to significantly reduce emissions resulting from disturbance and drainage of peat through the sensitive siting of wind farm proposals. Furthermore, we consider that there may be merit in broadening out the assessment of greenhouse gas emission impacts across a wider range of development proposals, so that this practice becomes more of a routine part of planning and development consenting processes.

*Delivery of the Zero Waste Plan (RPP2 Section 8.4 - Waste and resource efficiency)*



- 1.6 RPP2 identifies significant future carbon emission reductions from Zero Waste Policies and the Zero Waste Plan. Whilst the time line on page 59 of the proposed NPF3 identifies the 2020 target for at least 70% of waste to be recycled, planning's role in assisting in the delivery of that target is not reflected in NPF3's future scenarios, or spatial priorities for a low carbon or a successful sustainable place. NPF3 could provide stronger policy support to the delivery of Zero Waste by outlining, in a national, spatial context, the Scottish Government's expectations for the planning system to support sustainable waste management and resource efficiency. We continue to see the potential for NPF3 to facilitate a nationally planned and strategic network of waste/resource facilities across Scotland which would promote a circular economy, be an engine of sustainable economic growth and, at the same time, contribute to significant carbon reductions.
- 1.7 *Section 3 - A low carbon place* could broaden its focus on emission reductions from the energy sector to also include emission reductions from the delivery of zero waste plans. This could still augment the government's preferred position of maintaining a flexible, market-driven approach to provision for the waste and resource management sector, as signposted in the Main Issues Report and as set out in the draft Scottish Planning Policy. Jointly considering emissions reductions from the energy and zero waste sectors could achieve multiple benefits for Scotland's environment, people and economy. Directing planning authorities on such an approach would also support the delivery of the Waste (Scotland) Regulations 2012, in particular the reprocessing of materials separated for recycling, safeguarding the reuse of resources and supporting decarbonisation as outlined in RPP2 Section 8.4.
- 1.8 Using surplus heat from waste management facilities for local district heating schemes is an example of where Scotland can promote transformational change, taking the lead from countries such as Sweden. In the last decade, Sweden has made substantial reductions in its CO<sub>2</sub> emissions by deploying District Heating and Cooling. City-wide district heating and cooling networks can make use of surplus heat from thermal power generation, waste incineration or industrial plants. These networks are also adaptable to all types of low-carbon fuels, such as biomass, solar, geothermal energy and cold seawater. District heating and cooling is a technology available today and can bridge the gap to a low carbon future.

*Achieving low carbon patterns of development (RPP2 3.6.3 – The role of land use planning)*

- 1.9 *Section 3 - A low carbon place* focuses on energy supply considerations, but it could also usefully provide stronger national spatial policy direction on promoting sustainable patterns of development more generally in order to reduce emissions, further support a low carbon economy and facilitate low carbon lifestyles.
- 1.10 In our response to the RPP2 we suggested that planning authorities could be set carbon or climate change targets when preparing Development Plans, so that future development is planned within the context of substantially and continually reducing emissions, and with resilience to future climate change firmly in mind. NPF3 could perhaps provide a platform for this, providing planning authorities with an incentive to drive down emissions through identifying the most sustainable spatial distributions of proposed development and uses of land through the use of tools such as the Spatial Planning Assessment of Climate Emissions (SPACE) tool<sup>3</sup>.

<sup>3</sup> SPACE Tool: [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/sus-dev/SPACE](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/sus-dev/SPACE)

**2. Extent to which the proposed NPF3 will help deliver Scotland's climate change Adaptation Programme**

2.1 Ultimately, NPF3 has a very important role in helping to prioritise prevention, consistent with the Christie Commission Report on the *Future Delivery of Public Services*. Our first observation is that the proposed NPF3 does not make any explicit connection with the Scottish Government's decisive shift towards prevention. The government has identified a four-pillar approach to public service reform (prevention, partnership, people and performance). In our view, there is an important national spatial planning component associated with the shift towards prevention. The proposed NPF3 could explicitly highlight this, providing a useful and important overarching principle for wider national planning policy.

2.2 The proposed NPF3 recognises that if we are to achieve successful, sustainable places then developments must facilitate adaptation to climate change, and this is reflected in *Section 4: A natural resilient place*. Affording strong emphasis to the role of green infrastructure and retaining the national development status for the Central Scotland Green Network are both seen as an effective approach to improved resilience given their multiple benefits including sustainable drainage, natural flood management and ability to improve air quality in urban areas, whilst delivering wider benefits for people, place and the economy. However, NPF3 should also consider resilience within a wider context, to embrace the resilience of our built environment and infrastructure to future changes in climate.

2.3 Opportunities for NPF3 to closer align with Scotland's adaptation programme are outlined below:

*Sustainable flood risk management*

2.4 In its response to the draft Adaptation Programme SEPA highlighted its desire to see an action relating to the role of land use planning in the delivery of sustainable flood risk management in Scotland. A key outcome of *Delivering Sustainable Flood Risk Management (Scottish Government, 2011)* is 'Flood management actions being undertaken that will stand the test of time and be adaptable to future changes in the climate'. Land use planning decisions are recognised as one of the most powerful tools available to manage flood risk, with the national, spatial context set by the NPF.

2.5 Whilst we support the recognition of the increased importance of catchment-scale flood risk management in rural areas in response to changing weather patterns (paragraph 4.20) this represents just one element of the concept of sustainable flood risk management. The proposed NPF3 should in our view be strengthened to ensure a stronger alignment with the delivery of sustainable flood risk management. As a minimum, it should signal the need to prioritise reducing the overall flood risk within Scotland, supporting delivery of other flood management actions that arise from the Flood Risk Management Planning process.

*Air quality, human health and climate change*

2.6 The proposed NPF3 does not explicitly refer to the complex issue of urban air quality, although there are implicit links with the planning outcomes relating to successful, sustainable, low carbon and natural resilient places. SEPA made a very similar observation in responding to the NPF3 Main Issues Report, and we provided robust evidence to support our case.

2.7 Whilst there have been significant improvements and a long-term trend of general improvement, urban air quality continues to impact on the environment and human health, and

further action is needed, particularly in response to increasing evidence of diverse and significant health impacts at relatively low levels of air pollution . In our opinion NPF3 should more explicitly highlight its role in driving positive change.

*General comment*

- 2.8 It is worth noting too that in the proposed NPF3 *Chapter 4: A natural resilient place* highlights that rural areas will provide important ecosystem services. We would emphasise that Scotland's cities and urban areas *also* provide major ecosystem services. There is an unfortunate disconnect between paragraphs 4.7-4.8 and 4.17 of Chapter 4 in this regard. We believe that paragraph 4.7 makes the very important point that we must all recognise that the environment is a functioning ecosystem and take into account the opportunity costs arising from poor decisions on land use.

SEPA  
22 January 2014