

## **Written submission from RSPB Scotland**

*[Submitted to Energy, Economy and Tourism; Infrastructure and Capital investment; Rural Affairs, Climate Change and Environment and Local Government and Regeneration]*

### **Summary**

- There are a number of process issues relating to the NPF and the planning system which could be improved. Parliament should consider whether these need to be reviewed to help the planning system guide the future development of Scotland.
- The NPF and SPP need to be adapted to help avoid the loss of biodiversity from development
- The NPF and SPP need to make it a clear requirement to consider the climate change implications of major planning decisions
- The NPF and SPP should include a clearer national spatial steer for nationally important development types, including onshore wind
- The national development description of the Central Scotland Green Network must specifically encourage the development of green infrastructure to benefit biodiversity, giving people in central Scotland a higher quality environment and delivering multiple benefits.

### **Introduction and background**

The RSPB in Scotland (RSPB Scotland) is supported by almost 90,000 members and employs over 200 staff to promote the conservation of birds and biodiversity. Bird populations reflect the health of the planet on which our future depends. Climate change, agricultural intensification, expansion of urban areas, new transport and energy infrastructure and over-exploitation of our seas all pose major threats to birds.

RSPB Scotland's work covers a wide range of issues including planning, climate change, energy, marine issues, water, trade and agriculture. We also have practical experience of managing land and coast for conservation, farming, forestry and other enterprises. The RSPB is unusual amongst UK NGOs in that, as well as commenting on national planning issues, we employ a number of professional planners to support our conservation staff in scrutinising and responding to individual planning applications to ensure that impacts on biodiversity are avoided or are positive wherever possible. Across urban and rural Scotland, RSPB Scotland are involved in several hundred planning applications, development plan processes and other regulatory consent cases each year – far more than any other non-government environmental organisation. As a significant landowner, we are also a regular user of planning systems across the UK in development. We make over 100 applications each year for developments such as engineering works, buildings, car parks roads and bridges to provide wildlife habitats and visitor facilities. In combination with RSPB staff across the UK, and our international partners in Birdlife International, we have cross-cutting expertise and experience of land use and sustainability issues within

Scotland, the UK and internationally. This gives RSPB Scotland a unique perspective on the Scottish planning system.

This response sets out RSPB Scotland's views on the proposed third National Planning Framework for Scotland (NPF3). Where relevant, we also comment on the consultation draft of Scottish Planning Policy (SPP) and wider issues relevant to making Scotland a more sustainable place.

RSPB Scotland has been a long term advocate of a national spatial planning framework for Scotland and also supports the production of a separate, criteria based, government planning policy in the form of SPP. While there is no statutory requirement for parliamentary scrutiny of SPP, given the cross linkages between NPF and SPP and the significant role SPP plays in planning policy and practice in Scotland, we welcome the Scottish Government's decision to consult on both documents simultaneously. It is inevitable that Parliament will also consider aspects of the SPP as part of the NPF scrutiny process and we welcome this approach.

## **NPF Process**

The significance of the NPF, and the broad range of issues it is relevant to, is highlighted by the fact that four Parliamentary Committees are taking evidence on the document. This wide ranging Parliamentary scrutiny is very welcome. However, the significance of the document is not reflected in the relatively short 60 day statutory period for Parliamentary scrutiny. This short period makes it difficult for organisations and individuals to fully scrutinise and comment on the detail of the document. This difficulty has been increased with NPF3 as the document differs fairly significantly in some areas from the MIR document which was consulted upon in 2013. For example, the proposed framework now before parliament includes two additional national developments, not previously proposed for national development status.

We do not wish to comment in detail on the suitability of the appropriateness of either of these two classes of development being given national development status as we have not had a chance yet to fully consider their potential implications. This late addition means that stakeholders have significantly less opportunity to comment on their suitability or any potential environmental impacts they may have. We note, for example, that the Pumped Hydro-Electric Storage national development appears to largely be focused on potential extension of the Cruachan Hydro scheme in Argyll. That scheme is just outwith but almost surrounded by a Special Protection Area designated under European Law for Golden Eagle. We also note that the late inclusion of the Hunterston Powerstation in NPF2 resulted in a legal challenge and significant controversy.

We believe these issues highlight a number of weaknesses in the NPF process which could perhaps be improved and it may be timely for the Parliament to consider whether a range of process matters relating to the NPF, the SPP and the planning process may be made more effective. These may include:

- Does the 60 day period provide adequate time for parliamentary scrutiny given the very broad range of issues covered by the NPF, the public interest

in it and the importance of the document for Scotland's sustainable development?

- Is the process for designating "national developments" fit for purpose, including providing sufficient opportunities for public consultation?
- Are opportunities for challenging planning decisions proportionate and fair, and would there be benefits to introducing an environmental tribunal system?
- Should there be a statutory role for parliament in scrutinising the SPP and the operation of the planning system in general? Given the importance of the SPP alongside NPF, and the planning system in general to Scotland's future wellbeing, we recommend that Parliament takes a more active and regular role in scrutinising the SPP and other aspects of the planning process in future. As SPP tends to be updated more regularly than the NPF cycle, this should be more frequent than each NPF cycle, perhaps including a mid NPF cycle review.

### **Biodiversity and wildlife**

Both the NPF and SPP contain some welcome text on the importance of maintaining and enhancing Scotland's natural environment as part of making Scotland a better place. There is very welcome recognition of the need to protect our designated sites, however, there is little guidance on the need to help stop loss of biodiversity from the majority of development which occurs out with any designated areas. Identification of a national ecological network could have helped here and its absence is disappointing. We comment further on that below. In order to help address this we believe that the NPF and/or SPP should make it clear that all development decisions and development plans must first seek to avoid significant adverse impacts on wildlife and biodiversity. Where adverse impacts can be demonstrated to be unavoidable, measures to mitigate those impacts must be delivered and where it can be demonstrated that mitigation is not possible, compensation must be provided. Our obligations to stop the loss of biodiversity by 2020 are challenging and it is important that the planning system plays its part in helping achieve them by preventing any additional net harm.

### **Climate Change**

Climate change is a major threat to birds and other wildlife. RSPB Scotland therefore works to reduce emissions and to help wildlife adapt to a changing climate. Built development and infrastructure have a major influence on Scotland's climate emissions and the planning system will therefore be an important part of the solution in reducing our emissions. The proposed framework contains some positive statements on the need to reduce emissions and the benefits to be gained from increasing the amount of energy generated from renewable sources. However, the document also promotes some new development which would significantly increase emissions, such as new or upgraded thermal generation and improvements to airports. Continued thermal generation is completely dependent on the success of carbon capture and storage (CCS). We support the development of CCS but its deployment at commercial scale is proving challenging. The NPF should recognise

the risks associated with this reliance and provide a clearer steer as to what would happen should CCS not become viable.

The transport sector is a significant source of emissions but the NPF does not tackle this issue very effectively. The NPF should provide a clearer steer to encourage increases in sustainable transport modes.

The inclusion of a national walking and cycling network is welcome but this is primarily about recreation rather than utilitarian transport and is unlikely to reduce emissions from the transport sector. One of the main ways in which the planning system can reduce emissions from the transport sector is by encouraging patterns of development that reduce the need to travel. It is disappointing that the NPF and SPP do not highlight the importance of considering this.

The continued importance of the fossil fuel sector, particularly oil and gas but in some areas also coal, to the Scottish economy is undeniable. However, given that we know that only part of the world's fossil fuel reserves can be extracted without resulting in unacceptable climate change it seems surprising that the NPF does not provide a strategy for a transition away from fossil fuels. There are welcome positive words about renewables but no consideration of the inevitable need to reduce dependence on sectors resulting in unacceptable carbon emissions.

We welcome the less supportive tone for unconventional gas in the new draft SPP and NPF than has been adopted in some other parts of the UK, but consider that this should be strengthened by taking a more precautionary approach to all unconventional gas developments. Given the need to reduce our emissions, it would seem unwise to begin exploitation of another fossil fuel and its, currently, inevitable carbon emissions.

Given Scotland's excellent and world leading emissions reduction targets, it is surprising that the planning system currently has little specific requirement for the climate impacts of development to be addressed. This needs to be addressed. One of the simplest ways of improving consideration of climate impacts would be for the NPF (or SPP) to specifically require the consideration of the contribution proposed 'major' developments and proposed development plans would make to Scotland achieving its climate targets. This would allow sufficient flexibility for, in exceptional and fully justified circumstances, some high-emission development to proceed but it would ensure that decision makers (and the public) at national and local authority levels are made more directly aware of the climate consequences of major planning decisions. For plans and projects subject to formal environmental assessment, there is already some requirement to consider climatic factors but this needs to become more widespread and be given greater prominence in the decision making process.

It is disappointing that there is little mention of the potential benefits of managed realignment along our coastline or rivers. This is important future green infrastructure which may be vital for creating and protecting sustainable places. We note that the NPF identifies the Forth as an area for co-ordinated action for environmental and habitat improvements. RSPB Scotland is leading some exciting work in this area but this is far from the only potential site for realignment and failure to identify the benefits is a missed opportunity.

Recognition of the benefits of peatland restoration is welcome but it is not clear how this will be delivered. For example, there is no mention of how the £15m promised for peatland restoration in the budget will be delivered. There seems to have been a very disappointing downgrade in the importance of peatlands from the MIR consulted on in 2013, which for example, included a map on peatland depth. There has been a similar reduction in attention given to forestry. These are both RPP2 measures for a low carbon Scotland, impacted on by planning and with a spatial dimension. With regard to peatlands, we also note that commercial peat extraction for horticulture has been all but ruled out in England yet remains possible in Scotland. Horticultural extraction is unnecessary as alternatives exist and it is often carried out at significant scale, in contrast to smaller scale extraction for other purposes. This seems completely contrary to the increasing recognition of the value of peatlands to biodiversity, as carbon stores, and as an iconic feature of many parts of Scotland. This should be addressed in the NPF.

### **Spatial Guidance**

We welcome the identification of areas for coordinated action. A strength of the NPF is its ability to identify areas and issues which require strategic and coordinated input to find solutions. However, we are disappointed that the NPF does not identify strategic mitigation and/or compensation for the adverse environmental impacts that development and other activity is having, for example, on our estuaries. If a development proposal would result in the loss of habitat protected under European law, it is possible that the area of habitat lost may need to be compensated for by delivering new alternative habitat as 'compensation'. In these circumstances the new habitat usually needs to be available before the development can proceed. This is often possible but can take some years. In areas where lots of development will happen during the 20-30 year time horizon of the NPF, such as around the Firth of Forth, it seems inevitable that this will be required at some stage. It would be simpler and more effective to identify and deliver this through the NPF than at the individual project stage, where important development proposals may end up being delayed while suitable sites for mitigation and/or compensation are found or even have to be created.

RSPB Scotland are broadly neutral on the issue of wild land. Many areas that have been identified as core wild land are also of high biodiversity value but some are not; and many areas that have not been identified as wild land are of highly significant biodiversity value. Notwithstanding this neutrality, we do believe it is appropriate for the NPF and/or the SPP to spatially identify areas which are either more, or less, likely to be suitable for certain types of development, particularly if that type of development raises issues of national importance. SNH have already produced national strategic locational guidance for onshore wind, which in addition to identifying areas of wild land, also identifies areas important for their bird and peatland interest. It is disappointing that the SNH guidance is not picked up in the SPP or NPF. The guidance would not prevent development from happening in these areas but would serve as a useful 'flag' to highlight that sensitivities exist in some parts of the Scotland and that this should be a consideration in the decision making process.

## **National Developments**

**Central Scotland Green Network** – We very much welcome the continued inclusion of the CSGN as a national development in NPF3. It was identified in NPF2 but it is very much just entering the delivery phase now. RSPB Scotland are involved in a number of projects which aim to assist in delivering some of the improvements identified when NPF2 was being prepared. However, we are very disappointed that the focus of the CSGN description no longer includes benefits for biodiversity or wildlife. We welcome the inclusion of walking and cycling routes, sustainable drainage systems and allotments in the CSGN but the lack of reference to biodiversity or wildlife in the description of development is very concerning and seems contrary to the original vision for a green network. For example, as currently worded, the CSGN description would support a planning application for development of a new walking route but not for a new nature reserve. If the CSGN is to help deliver the step-change in environmental quality envisaged to help make central Scotland a more attractive place in which to live, work and invest, it is essential that it encourages genuinely green infrastructure that benefits biodiversity and gives people opportunities to connect with nature near where they live and work.

**National Ecological Network** – We are disappointed that our proposal (jointly with the SWT) for a national ecological network has not been adopted as a national development. We believe that national development status would have complimented the CSGN and demonstrated the importance of green infrastructure alongside built infrastructure across Scotland to Scotland's urban and rural communities. We do, however, welcome the commitment given in bullet point 19 on page 46 of the proposed NPF, to implement the provisions of the Scottish Biodiversity Strategy, including completing the suite of protected places and improving connectivity through a national ecological network. Given the need to meet our commitments to stop the loss of biodiversity by 2020, a strong commitment should be given to take early action to deliver the national ecological network.

## **Aquaculture**

We oppose the specific growth objectives for aquaculture set out in the timeline at the end of Annex A. The potential environmental impacts of the industry achieving these growth targets have not been made subject to any environmental assessment. It remains to be understood whether these objectives can feasibly be achieved in Scottish waters, not least in a manner which supports the principles of sustainable development. We understand that Marine Scotland Science has yet to undertake a project to identify areas of opportunity and constraint for both finfish and shellfish sectors so inclusion of these targets is premature.