

## SUBMISSION FROM HEADS OF PLANNING SCOTLAND

### **Scotland's Energy Needs in a changing UK electricity market: Security of Supply**

Thank you for your recent invitation to Heads of Planning Scotland (HoPS) to submit written evidence to the Committee's inquiry into the security of electricity supply. HoPS is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

At the outset we would wish to emphasise, in the context of the inquiry, that the role the planning system in Scotland serves is one of the determination of planning etc. applications and not otherwise determining the supply and demand of electricity, and its related security issues.

Nevertheless, we would wish to draw to the committee's attention the following matters which could impact upon future planning decision-making in respect of applications for energy infrastructure and energy resources.

#### **Planning Background**

The principle interface between the Scottish planning system and the security of electricity supply is the statutory consenting procedures for energy infrastructure and energy resources, and the statutory requirement for the compilation of development plans that set out the spatial framework for future development of this nature. Local planning authorities determine planning applications for the extraction of opencast coal, and for onshore wind proposals, including single turbines under 50MW, and planning applications for a wide range of energy proposals including waste to energy facilities, bio-mass, solar electricity production and domestic scale renewable energy proposals. Additionally, local authorities are statutory consultees on generation proposals in excess of 50MW and if an objection is made, a public local inquiry or hearing is likely to be held prior to deemed planning permission being granted or refused by Scottish Ministers.

Many planning permissions are accompanied by planning obligations that address matters such as decommissioning, restoration and financial guarantees.

In essence the role of the planning system in the security of electricity supply is the determination of these key planning etc. applications. Such determinations require to be in accordance with the development plan unless material planning considerations dictate otherwise.

Any decision on a planning application is a matter of balanced judgment and the refusal of a planning application, and a consequent dismissal of an appeal, will have an impact of the supply of electricity to a greater or lesser extent.

Public concern is a material consideration in the determination of planning applications; SEPA has a regulatory role in emissions control. Other factors to be taken into account in determining or renewing planning applications of this nature

include landscape and visual impact, water environment impacts, air quality, nature conservation, noise and transportation.

## **Surface Coal Mining**

Coal is an important national energy resource and opencast mining is undertaken across the Scottish coalfield. Well published reports on the implications of the collapse of two major developers in 2013 have been published and this has left a legacy of unrestored sites and less than adequate financial provision to restore the disturbed areas. The Government's coal task force is working with HoPS and others to address future financial guarantee mechanisms but planning authorities in the coal field remain nervous about financial risk that may accrue to them in the event of developer default. HoPS is mindful that further applications to work indigenous coal are likely to be forthcoming, although the timing of this is very dependent on world coal prices. Irrespective of the future of Scottish based coal-fired power stations, using traditional or clean coal technologies, coal is likely to remain an important energy resource.

Whilst HoPS is working on the issue of financial guarantees, irrespective of the land use implications of opencast mining, further consents may well be dependent upon assurances that local authorities are not exposed to financial risk in their determination of applications. Without such guarantees there may be uncertainty about the rate of indigenous coal extraction that is consented through the planning system.

Opencast coal mining can be environmentally disruptive and significant public concern about the land use and environmental effects of proposals may cause planning permission to be withheld. Stricter limits on impacts such as noise, dust and blasting, compliance monitoring and guarantees on developer default may help the passage of a planning application through the planning system.

The inability of developers to secure consents for surface coal mining could impact upon the availability of indigenous resources, causing negative impacts on the supply and cost of electricity and balance of payments factors, as foreign imports come to be relied upon.

## **Renewable Energy**

HoPS understand that the Scottish Government's targets for renewable energy are being satisfied; hence the planning system has enabled the consenting of extensive onshore wind developments.

As the roll-out of onshore wind continues the identification by developers of future suitable sites without landscape, cumulative or community impacts becomes increasingly more challenging. Cumulative landscape impacts with consented or operational sites and proposals within areas currently not characterised by onshore wind developments may become more challenging and the consenting of further development may become constrained by the capacity of landscapes.

The ability of existing sites to accommodate further extensions could be looked at from a strategic perspective, it being arguably better in land use planning terms to

extend existing sites rather than consent new sites which are not currently subject to large scale renewable energy development with adverse landscape impacts.

The terms of reference for the inquiry specifically seek to identify the role that will be played by new generation currently consented or under construction in a decarbonized electricity system by 2030.

It is a matter of fact that many schemes for onshore wind are proposed, and consented, for a limited period which is typically 25 years. Many such consents for onshore windfarms date from the mid 2000's. In the context of the current inquiry, it is likely that consents for an increasing number of onshore wind developments will lapse from the late 2020's, requiring the decommissioning and restoration of the sites or further applications for the retention or repowering of the site.

Mindful of the lead in time to ensure continuity of consent, and whilst there may well be no impediment to the re-issuing of further planning permissions, there can be no certainty that additional consents would automatically follow, and the committee may wish to consider that this may be a risk to the continuity of supply of renewable electricity beyond 2030.

It is important to note that HoPS are also currently looking at alternative means of provision for decommissioning guarantees for onshore wind. The future consenting or renewal of permissions for this form of energy supply may require to be subject to financial guarantee schemes that place no risk on a local authority, in the event of a developer or landowner failing to decommission a windfarm and restore the site.

### **Unconventional Gas**

HoPS is aware of the energy potential from unconventional gas and that it may be a component in the overall energy mix to 2030. The current moratorium on applications for this form of development makes it difficult to speculate on the contribution this form of energy will play in the short and long term. Nor is it clear on the precise regulatory role of the town and country planning system. Sensitivities in host communities could well give rise to consenting uncertainties.

### **Other forms of renewable energy schemes.**

Such schemes will continue to be subject to the scrutiny of the planning system. Typically public concern and environmental impacts will require to be balanced against energy demand. The controversial nature of many such facilities, justified or otherwise, could mean that hurdles lie ahead in the consenting process.

Planning applications for energy infrastructure including the extraction of energy minerals, power stations, renewables, waste to energy schemes, unconventional gas and transmission networks can be controversial locally and the national energy need will continue to require balancing between national interest and local impacts.

### **Development Planning**

HoPS consider that a clear link exists between development plans, the national planning framework and regulatory decision making. The land use implications and spatial planning consequences of this national need, in the context of demand

predictions, is very important. It ought to be considered well in advance of future major infrastructure investment like future non-carbon generating capacity and transmission lines.

I trust that you find these comments helpful and HoPS would be happy to expand upon the issues so raised, should you so wish.

Yours faithfully

Chris Norman MRTPI

Chair

Heads of Planning Scotland

Development Management Sub Committee.