

Issue:	024: Energy, Waste and Resources: Whole Policy and Other Issues	
Development plan reference:	Policy 7: Energy, Waste and Resources and Maps 7A and 7B Pages 40 to 45:	Reporter: [DPEA Use only]
Body or person(s) submitting a representation raising the issue representation reference:		
Seeking a change Friends of the Earth Tayside (845935) John Handley for Shell UK Limited (832929) RSPB Scotland (910180) Savills-Smith Gore for Scone Estate (909972) Scottish Environment Protection Agency (835401) Scottish Government (910172) Thomas Wallace (910151)	Supporting as written Aberdeen City and Shire SDPA (442583) Dundee Civic Trust (845127) RSPB Scotland (910180) Scottish Environment Protection Agency (835401) Scottish Water (762198)	
Provision of the development plan to which the issue relates:		
This policy covers all forms of infrastructure relating to energy, waste and liquid/solid/gas minerals in any place and of any type and scale within the TAYplan area.		
Planning Authority's summary of the representation(s):		
<h2>Summary of Representations Proposing Change</h2> <h3><u>EMISSION REDUCTION</u></h3> <p>Friends of the Earth Tayside (845935) PLAN2015_426 considers there to be a 'missed opportunity' in terms of emission reductions. They would like to see the inclusion of a 'new strategic commitment' within Policy 7 (Doc80) to maximise the energy production capabilities of new and existing public buildings and land, consistent with Policy 2D (Doc80). They promote the installation of solar roofs for photo-voltaic or thermal energy production and solar fields, the harnessing of geothermal energy or use of heat pumps.</p> <p>Thomas Wallace (910151) PLAN2015_317 considers Policy 7 (Doc80) makes no mention of the impact on climate change of the exploitation of fossil fuel sources or link this to the Scottish Government's targets for reduction in Carbon Dioxide emissions. He considers there is no intention to reduce or phase out this exploitation of fossil fuels. He also considers there is a very vague reference to 'Measures that take advantage of the locational flexibilities offered by technology to help overcome localised constraints and practical issues, will need to be consistent with Policy 7D.' The respondent considers that it is 'very unclear what this means' and as such that it is 'very difficult to understand and determine the viability of energy-related applications coming forward for consideration'.</p> <h3><u>GAS EXTRACTION</u></h3> <p>RSPB Scotland (910180) PLAN2015_364 considers that TAYplan take a precautionary approach to shale gas extraction, coalbed methane and underground coal gasification. This would be in line with Scottish Planning Policy (Doc84) which has removed any presumption in favour of unconventional gas extraction. They feel that risk assessments should be undertaken with consultees and communities to prevent unacceptable risks and create buffers to protect communities and sensitive areas.</p> <h3><u>HEAT GENERATION</u></h3> <p>Scottish Government (910172) PLAN2015_332 propose changes so that Policy 7 (Doc80) acknowledges the recently published Scottish Government Heat Policy Statement (Doc50) regarding matters on heat efficiency and support for district heating and cooling networks.</p>		

RSPB Scotland (910180) PLAN2015_358 considers that a renewable heat generation policy should include reference to biomass sustainability, as they consider that heat energy from biomass is only renewable where the biomass comes from a certified sustainable source. They propose using the Forest Stewardship Council standard (024/Extract/1) as the standard to be measured against.

OVERALL POLICY

Savills-SmithsGore for Scone Estate (909972) PLAN2015_456 considers that Policy 7 is 'unhelpful in its attempt to mix the policy requirements for renewable energy with other forms of energy production and waste facilities'. They feel this had resulted in an 'overly onerous' statement of requirements which they consider would 'not work well with a range of clean renewable energy technologies'. They therefore propose amendments so that renewable energy has 'its own set of policy requirements which support and facilitate the implementation of such schemes'.

PIPELINES

John Handley for Shell UK Limited (832929) PLAN2015_23 considers that Policy 7 should be amended to make provision for a Pipeline Safeguarding Policy. They feel that this would recognise the existing oil and gas pipelines that run through the TAYplan area as strategically significant energy infrastructure and would safeguard the existing infrastructure from compromising development and encourage cross boundary protection. They observe this is an approach consistent with the requirements set out under Scottish Planning Policy (2014) paragraph 99 (Doc84), which they consider to support the recognition and protection of pipelines. They conclude that inclusion of such a policy would ensure consistency throughout the planning process and also advocate that any new strategic development areas should also be appropriately assessed.

WASTE MANAGEMENT

Scottish Environment Protection Agency (835401) PLAN2015_197 considers the diagram on page 45 (Doc80) to be incorrect. This is because they consider that the term 'reuse' is used incorrectly. They suggest that "Preparing for reuse" is a legal term in waste management and therefore propose this to ensure legal compliancy. The respondent has provided the amended diagram (Doc80).

Summary of Supporting Representations

EMISSION REDUCTION

Aberdeen City and Shire SDPA (442583) PLAN2015_566 considers there to be no indication as to how carbon capture and storage could be addressed in Proposed Plan. Nonetheless, the respondent feels that current references within the plan are adequate.

OVERALL POLICY

Scottish Water (762198) PLAN2015_272 supports Policy 7 (Doc80).

Scottish Environment Protection Agency (835401) PLAN2015_196 supports Policy 7 (Doc80) because they consider that it:

- addresses energy, waste and sustainable resource management;
- seeks to deliver a low/zero carbon approach to development;
- requires Local Development Plans to identify locations for waste and energy infrastructure;
- requires that waste management infrastructure is measured against the objectives and actions within the Zero Waste Plan (Doc117) and their ability to achieve waste hierarchy principles;
- supports the proximity of resources with potential users;

- identifies strategic energy opportunities (including renewable energy hubs and potential heat network locations) within Map 7a (Doc80);
- seeks to establish a diverse and balanced energy portfolio to provide Scotland with secure and affordable heat and electricity for the future;
- requires through Policy 7D (Doc80) that waste management infrastructure is measured against the objectives and actions within the Zero Waste Plan (Doc117) and their ability to achieve waste hierarchy principles;
- accords with Scottish Governments approach to resource consumption, resource security and the sustainable management of resources that is the emerging circular economy agenda.

Dundee Civic Trust (845127) PLAN2015_284 supports Policy 7 (Doc80) and ‘its approach to fracking and windfarm development locations’. They also support the development of Dundee as a hub for development and renewable energy.

SOLAR FARMS

RSPB Scotland (910180) PLAN2015_360 is supportive of Policy 7 D vii (Doc80) and recommends guidance on solar farms to maximise their biodiversity value.

Modifications sought by those submitting representations:

EMISSION REDUCTION

Friends of the Earth Tayside (845935) PLAN2015_426 propose a ‘new strategic commitment within Policy 7 and the supporting text (Doc80) for the TAYplan partners to maximise the energy production capabilities of new and existing public buildings and land, consistent with Policy 2D. This would include installation of solar roofs for photo-voltaic or thermal energy production, but could also involve solar fields or harnessing of geothermal energy or use of heat pumps.”

Thomas Wallace (910151) PLAN2015_317 proposes changes that more strongly balance the need for heat and power and other resources with the challenges of climate change.

GAS EXTRACTION

RSPB Scotland (910180) PLAN2015_364 would like the following to be changed: Page 44, at end of para beginning ‘Policy 7 also covers..’, add ‘A clear and robust policy framework adopting a precautionary approach, will be agreed in relation to unconventional gas extraction.’ (Doc80).

HEAT GENERATION

Scottish Government (910172) PLAN2015_332 propose changes so that Policy 7 (Doc80) acknowledges the recently published Scottish Government Heat Policy Statement (Doc50) regarding matters on heat efficiency and support for district heating and cooling networks.

RSPB Scotland (910180) PLAN2015_358 propose inserting the following text between Policy 7D criteria iii and iv: ‘A renewable heat generation policy will ensure that any use of biomass is from sustainable sources’. (Doc80).

OVERALL POLICY

Savills-SmithsGore for Scone Estate (909972) PLAN2015_456 propose an amendment to the policy: “that renewable energy has its own set of policy requirements which support and facilitate the implementation of such schemes”.

PIPELINES

John Handley for Shell UK Limited (832929) PLAN2015_23 propose a Pipeline Safeguarding Policy recognising that existing oil and gas pipelines the run through the TAYplan area as strategically significant energy infrastructure. They propose that the new policy also safeguards existing infrastructure from development which would compromise its continued operation. They also propose that this new policy should provide strategic locational guidance for any new development proposed near these existing pipelines, including appropriate references to the Health & Safety Executive PADHI Guidelines (024/Extract/3).

WASTE MANAGEMENT

Scottish Environment Protection Agency (835401) PLAN2015_197 propose the replacement of the Diagram page 45 with an updated version.

Summary of responses (including reasons) by Planning Authority:

Context

The Scottish Government's headline target is to meet the equivalent of 100% of Scotland's electricity demand from renewable sources by 2020 and to generate 11% of heat from renewable sources by 2020. The TAYplan area has strong potential for economic opportunities for offshore wind energy and these are set out in the National Renewables Infrastructure Plan (NRIP) 2010 (Doc61) and have formed part of TAYplan's thinking since that time. Hydroelectric power, micro-renewables and heat production and reuse are also potential sources of energy considered during the preparation of the Proposed Plan (2015) (Doc80). The publication of Scottish Planning Policy (2014) has reinforced the aim to deliver a low/zero carbon future and prudent use of resources. These factors were explored in the TAYplan Main Issues Report (2014) pages 36 to 42 and pages 43 to 46 (Doc56).

The approved TAYplan (2012) Policy 2, 3 and 6 (Doc16) all relate to energy, waste and resources. Proposed Plan (2015) Policy 7 (Doc80) is a continuation of the current approach set out in Approved TAYplan (2012) Policy 6 (Doc16) and the newer Scottish Planning Policy (2014) paragraphs 152 to 192 (Doc84) requirements to consider heat networks, spatial frameworks and cross-boundary impacts.

Similarly, at a broader level, the Proposed Plan (2015) continues the current approach in Policy 2 Place Shaping, Policy 9 Managing Assets and Policy 10 Connecting People, Places and Markets (Doc80).

Several amendments have been made to improve the clarity of Policy 7 and also to incorporate measures relating to unconventional gas and the new requirements of Scottish Planning Policy (2014) (Doc84). These include additional criteria and text in Policy 7D and the addition of Policy 7C (Doc80). The latter recognises some of the technological opportunities to overcome environmental constraints and limit the impact of infrastructure on people and property.

Policy 7D continues to operate in conjunction with Policies 2: Shaping Better Quality Places, Policy 8: Green Networks and Policy 9: Managing TAYplan's Assets, covering new proposals, extensions or existing facilities (Doc80).

As before Policy 7 (Doc80) recognises that in spite of varying technologies there are numerous very similar impact considerations associated with all energy, waste and resource management infrastructure. The emphasis continues to be on trying to ensure that any detrimental impacts of this infrastructure can be overcome in the best way possible rather than arguing about the efficacy of such infrastructure.

Authority's Responses To Proposed Changes

EMISSION REDUCTION

Thomas Wallace (910151) PLAN2015_317

The first sentence of Policy 7 (Doc80) clearly states that it aims is to 'deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives'. This is further reinforced by the supporting text on page 43 (Doc80). The policy sets out the strategic considerations for the location of energy, waste and resource management infrastructure to deliver the vision. It therefore concentrates specifically on the need to ensure that locations and proposals are appropriate and do not lead to unacceptable consequences. This approach is supported by Policy 9: Managing TAYplan's Assets (Doc80) which ensures the responsible management of TAYplan's assets, including finite resources. Policy 2: Shaping Better Quality Places (Doc80) also relates to efficient resource consumption and ensuring adaptability and resilience to a changing climate. TAYplan therefore considers that the Proposed Plan (2015) already includes the features sought by the respondents and therefore does not consider the proposed changes necessary.

Friends of the Earth Tayside (845935) PLAN2015_426

Policy 2D (Doc80) relates to efficient resource consumption by ensuring that the design of new buildings incorporates the efficient use of resources. This covers all development of all scales. It is therefore unnecessary to duplicate this in Policy 7 (Doc80) which is focused on the infrastructure required for energy, waste and resource management. Therefore, TAYplan does not consider the proposed changes necessary.

GAS EXTRACTION

RSPB Scotland (910180) PLAN2015_364

Policy 7 applies to the infrastructure requirements for liquid, solid and gas minerals extraction including unconventional gas. The specific requirements for extracting gas from coal-bed methane and underground coal gasification are covered by legislation and/or national policy. Policy 7D (Doc80) requires proponents of development to demonstrate how they will resolve issues described in the Policy and this includes the impact on buffer zones and residential property. This is consistent with Scottish Planning Policy (2014) paragraphs 234-248 (Doc84) which cover unconventional gas extraction. Therefore, TAYplan does not consider the proposed changes necessary.

HEAT GENERATION

Scottish Government (910172) PLAN2015_332

Policy 7 (Doc80) is consistent with Scottish Planning Policy (2014) (Doc84) objectives for a low carbon economy and reflects those of the recently produced Scottish Government Heat Policy Statement (Doc50). The Statement was published after the Proposed Plan. TAYplan does not consider it to be necessary to make this proposed change.

RSPB Scotland (910180) PLAN2015_358

One of the Proposed Plan's key principles, set out in the Vision (page 4) (Doc80) is that the TAYplan area will be a sustainable place to live. In Policy 2D (Doc80), the Plan requires efficient resource consumption. This includes 'the use of or designing-in the capability for low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption' (page 14) (Doc80). Policy 7D (Doc80) is primarily about the approach that Local Development Plans and development proposals take regarding the infrastructure required for energy, waste and resource management. Policy 7A refers to the requirement for renewable sources of heat and electricity (Doc80). These policies are 'technology neutral' and therefore apply to all technologies. The criteria in Policy 7D in particular enable planning authorities to

determine whether they are satisfied that the materials used for biomass, in this instance, genuinely reflect the intentions of the policy. Therefore, TAYplan does not consider the proposed changes necessary.

OVERALL POLICY

Savills-SmithsGore for Scone Estate (909972) PLAN2015_456

Policy 7 (Doc80) relates to energy, waste and resource management infrastructure together because there are strong similarities between the types of consideration required for each. TAYplan considers that separating energy, waste and resource management would lead to considerable policy repetition and confusion. This is because modern technologies mean that, for example, energy from waste plants become process industries that result in heat, power and the processing of waste for disposal or into new resources. If TAYplan were to separate out energy, waste and resource management it would not be clear how such a proposal would be considered. The respondent has not provided an alternative approach which sufficiently answers these questions or presents a workable solution that would better deliver the vision or overcome the issues described above.

TAYplan remains persuaded that the current 'technology neutral' approach of focusing on the impacts of the infrastructure needed for different energy, waste and resource management is the most appropriate and clear approach. TAYplan also considers that this directly links to delivering a 'low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives'. There are also strong similarities between the considerations needed for energy, waste and resource management infrastructure and the siting of such developments. The purpose of the infrastructure is also to contribute to objectives of reduced consumptions, resource security and tackling climate change. It is therefore logical to deal with these issues within the same policy. Therefore, TAYplan does not consider the proposed changes necessary or appropriate.

PIPELINES

John Handley for Shell UK Limited (832929) PLAN2015_23

TAYplan agrees that the UKs oil and gas pipelines are important pieces of national infrastructure. Pipelines are currently safeguarded under the Pipeline Safety Regulations 1996 (Doc73) which is monitored by the Health & Safety Executive. This ensures a buffer zone around all major accident hazard pipelines to prevent any development impacting on them. There is therefore no need for TAYplan to repeat this existing system with a new policy or an amendment to Policy 7 (Doc80). Furthermore, the Proposed Plan acknowledges the need to ensure that all areas of search have taken into consideration the 'statutory safety exclusion zones or buffer areas where they exist' (Policy 7D). This means both recognition of existing ones and the need to plan development land take to include these where the consequent development would need such a zone itself.

TAYplan is therefore satisfied that the current Regulations and approach set out in the Proposed Plan (2015) (Doc80) provide the appropriate framework through which to achieve the outcomes sought by the respondent. Therefore, TAYplan does not consider the proposed changes necessary.

WASTE MANAGEMENT

Scottish Environment Protection Agency (835401) PLAN2015_197

The diagram on page 45 (Doc80) showing the waste and resource management hierarchy was originally sourced from the Environment Scotland website and was correct at the time of publication. TAYplan understands that Scottish Environment Protection Agency (835401) has subsequently amended this diagram since as there were slight text variations with equivalent diagrams published elsewhere. TAYplan does not propose to make this change prior to submission. However, making this proposed change would

not adversely affect the vision or have any consequent impact on other areas of the Plan.

Authority's Responses To Supporting Representations

EMISSION REDUCTION

Aberdeen City and Shire SDPA (442583) PLAN2015_566

TAYplan notes this comment

OVERALL POLICY

Scottish Water (762198) PLAN2015_272, Dundee Civic Trust (845127) PLAN2015_284 and Scottish Environment Protection Agency (835401) PLAN2015_196

TAYplan welcomes this support.

SOLAR FARMS

RSPB Scotland (910180) PLAN2015_360

TAYplan notes this support.

CONCLUSIONS

Policy 7 provides a framework for considering and resolving issues relating to the deployment of energy, waste and resource management infrastructure in order to bring about a low carbon economy and resource security. This directly links to the approaches set out in Scottish Planning Policy (2014) (Doc84) and National Planning Framework 3 (2014) (Doc60), which also seek to bring about these outcomes.

The approach in Policy 7 informs decision making for Local Development Plans, planning decisions and planning proposals. This approach is shared by policies for place shaping and managing assets. The criteria set out in Policy 7 apply to all technologies of all scales in all parts of the TAYplan area. With the exception of some changes to reflect national policy and respond to issues relating to liquid, solid and gas minerals Policy 7 (Doc80) represents a continuation of the current approach in approved TAYplan (2012) Policy 6 (Doc16).

Neither the Scottish Government nor any other government agency has raised any issues regarding the changes sought by other respondents and TAYplan considers this to reflect their satisfaction with the approach as set out in Proposed TAYplan (2015) Policy 7 (Doc80).

TAYplan is not persuaded that the respondents have provided any robust evidence to explain why their proposed changes would better deliver the vision or would lead to a clearer and more workable framework than the one set out currently. TAYplan is therefore satisfied that the approach set out in Policy 7 remains appropriate.

TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

DPEA use only

Reporter's recommendations:

DPEA use only