

CATS/SE/IK

**The Scottish Government**

**Scotland’s Renewable Energy Routemap and Electricity Generation Policy Statement**  
**(EGPS) – Strategic Environmental Assessment (SEA)**

**RESPONSE BY COMMUNITIES AGAINST TURBINES SCOTLAND (CATS)**

Submitted: 6<sup>th</sup> June 2012

## Summary

1. Through its membership and professional advisors CATS has considerable experience of both renewables policy and the assessment of individual renewables projects under the Electricity Act and the Planning Act. That experience has informed this response.
2. CATS recognise the importance of properly planning the future of electricity generation for and in Scotland. However, they are also fully aware that the various options for such generation all have different significant environmental and economic effects including “externalities”. They also recognise that this published draft SEA comes after the current policy push for renewables has been operating in differing guises for many years (at least since the mid 1990’s) and that, as a result, both policy and policy assessment should now properly be evidence based. **Taking all of the above into account CATS take the view that there is now, in 2012, absolutely no excuse for anything other than transparent evidence based assessment, policy formulation and decision making.**
3. Therefore, it is with considerable disappointment and concern that CATS has concluded that the published SG SEA simply does not address the requirements of EU Directive 2001/42/EC on Strategic Environmental Assessment in that it does not:
  - Identify the environmental effects – objectives, benefits and adverse effects – that have arisen to date from the operation of the plan/programme over the last 20 years
  - Identify precisely the projected environmental objectives and benefits of this programme, in particular the projected greenhouse gas emissions and fuel savings along with the associated effects on climate change indicators
  - Identify and assess the externalities that arise
  - Objectively consider realistic alternative means by which the above benefits could be achieved with or without different environmental effects, instead concentrating on fostering variations of the “targets” as being alternatives – which they are not

- Provide an adequate, evidence based description of the current state of the environment (including identifying the effects of the programme to date on that baseline environment) and of the likely evolution of that environment without the implementation of the current plan or programme
  - Provide an adequate, evidence based justification for the assumptions made in relation to the effects of mitigation on predicted impacts
4. Perhaps this is understandable, to an extent, in that as renewables casework experience has shown neither in Scottish Planning Policy (SPP February 2010) nor in any other relevant Scottish Government policy guidance document is there, associated with renewables policy, any actual specific, measurable and verifiable
- Calculation of past and prediction of future emissions savings
  - Calculation of past and prediction of future variation in climate change indicators
  - Precise description of the past and prediction of the future overall effects on Scotland’s environment
5. However, with the undertaking now of formal SEA the legal position is different and the lack of verifiable objectivity and the lack of an objective evidence based approach to all aspects of this SEA of this policy is simply unacceptable and possibly *ultra vires*. Without such an objective, evidence based approach there cannot be the necessary degree of public confidence in the decision making process for renewable energy projects and, indeed, individual project decisions themselves will become liable to challenge as a direct result of the failings of the SEA.
6. The SEA recognises the considerable uncertainty around the claimed benefits of policy, the delivery of those benefits and the effectiveness of mitigation. Yet, rather than objectively address the consequences of that uncertainty and the implications for policy, the SEA just uses vague words to try to gloss over the problems.

7. **Overall, this SEA process and the resultant Environmental Report is a significant missed opportunity for the Scottish Government. Until that significant missed opportunity is properly and lawfully addressed it is likely to be unsafe for Ministers to look to approve any further renewable energy projects.**

## Background

8. This response has been prepared by CATS with assistance, in a personal capacity, from Ian Kelly MRTPI, Head of Planning at Graham and Sibbald, a chartered town planner with thirty five years’ experience in the public and private sectors.
9. In setting out this response CATS has drawn on the considerable experience of its membership and professional advisors, over many years, of the “renewables” planning and consenting system. The conclusions from that experience form the introduction to the response by CATS and are set out below.
10. It must be said, from the start, that although the Scottish Government proclaims that exploiting Scotland’s renewables potential is a national priority of the highest order, there is absolutely no national plan, programme or national landscape capacity assessment of any sort and there is no national database or plan of what is happening on the ground other than generalised figures of consented and installed capacity along with some now outdated SNH maps that never actually picked up single, double or triple turbines.
11. Furthermore, there is virtually nothing by way of objective assessment and analysis of the **actual** environmental and economic benefits or effects, including in particular the claimed benefits or effects associated with Habitat Management Plans. Everything is based on generalised assumptions and those who question these assumptions are dismissed as heretics, particularly by the renewables industry and certain politicians. Finally, the drive for renewables installations is resulting in the application of differential standards of acceptability for renewables compared with any other form of development in terms of the quality of Environmental Statements, micrositing (not permitted for any other form of development), late modifications to proposals, the application of H&S and CDM regulations (the latter being completely ignored in some projects), and the pressurising of key consultees not to get in the way of renewable energy projects (meaning that adverse impacts that would not be acceptable for other projects are accepted and “nodded through”).

12. **If there remains a genuine national need for any more renewable energy then, from now on, such electricity generating plants should be deployed on the basis of a proper national plan that directs projects to the sites best suited for them having regard to the balance of private and public interests – just exactly what happens with every other form of development whether it is industrial, residential, commercial, leisure or infrastructure.**
13. Having said the above it is common ground among CATS Member groups that, firstly, the planning service in all local authority areas is currently under severe stress owing to the proliferation of wind and wind-related applications, and the poorly resourced staff complement which has to deal with the avalanche of applications. So far as they can, staff deal with what is placed in front of them, but the multiple pressures of very insistent and sophisticated applications (almost always accompanied by voluminous documentation lodged at different stages) and pressure from developers, delivery targets set by their own Councils, superior officers and managers, and the Scottish Government itself are plainly unrealistic. The result is that applications are poorly assessed and considered; reports are intellectually weak, fail to explain and apply carefully thought out Development Plan policies, and often seem to slavishly follow the line of least resistance to a half-hearted, grudging recommendation for approval. Members hardly dare to differ, since they know only too well how the cost of Public Examinations (Inquiries and Hearings) can fall upon their councils. This discontent is perpetuated and magnified from case to case as more and more wind farms and wind turbines are approved based on utterly inadequate assessment.
14. Yet, where Councils are prepared to reflect on past performance, to listen, to commission updated landscape capacity assessments and to prepare new planning policy guidance, as has happened (for example) at Stirling and East Lothian Councils, then decision making returns to normality, poorly thought out and located renewable energy proposals are consistently rejected (based on policy), those decisions are supported at review and appeal, and there is a return of public confidence in the planning decision making process.

15. Secondly, at central government level, things are hardly better. The Electricity Act 1989 was not designed as a “floodgates” mechanism for assessing in great detail and controlling a veritable onslaught of very large scale wind power station applications. It was designed to manage access to the National Grid for a limited number of large scale nuclear and thermal generating plants. Honourable administrative civil servants in the ECDU, doing their best with onslaughts of documentation and highly technical material of a scale not seen before in development planning, are today simply overwhelmed. The ECDU has no in house professional experts, no in house professional help, nor do they have the resources to hire it in. The Unit is visibly stressed, and that is all without having to deal with the public. The ECDU has no “front counter” and this lack of access and transparency for the public, which is another source of both concern and discontent.
16. Thus, for the largest wind farms, currently the main form of renewable energy projects, “processing” is the misnomer for consideration and judgment of an application, which is done in a way which amounts only to a summary of the evidence ingathered by a an administrative civil servant or Reporter, all based on often inadequate assessments by Planning Authorities and all in the light of the political imperative to “deploy where possible.” There is but little appreciation of the nuances of either the technology (for example, the subtlety of noise effects and the related health issues), or the receiving landscape and the effects, over at least 25 years, on potential host communities. There is wholesale reliance on Environmental Statements (which can stray into being more like brochures for the development) without in depth critical assessment of these, little critical analysis of developers’ claims, and at least until recently, little regard for the public, who have been expected to make their voices heard through their councils (who suffer from many of the same problems). There is scant regard for third party groups who often assemble impressive expertise at substantial costs to themselves often to find that they are the only party actually assessing the overall detail of the project.
17. In addition, the evident conversational closeness of the ECDU to developers is a source of worry and concern, really on the basis that an apparent attitude of “*we’re in this together to get this thing through the system to deployment.....*” will tend to erode

impartiality and diminish rigour; in parallel the ECDU’s lack of willingness to engage with communities, interest groups and those with a sophisticated level of concern and understanding, produces its own set of justifiable worries, often borne out when the Decision Letter and Report are read. Nobody seems to get out of their offices.

18. This might all be usefully exemplified in the Scottish Government led EU GPWind project which describes absolutely genuine community and environmental concerns as “barriers to deployment” that have to be “overcome”, presumably a reference to the operation of the planning system that has served Scotland well for more than 60 years. To put it no higher, the “system” for assessing and consenting renewables is seen by the informed public as more-or-less closed to public view, significantly amenable to pressure, unbalanced and developer-led. That is not what the 1997 Planning Act, far less the 2006 Planning Act and the Scottish Government’s stated aspirations for the Scottish Planning system, are trying to achieve. The fact of a quirk of the law, that the largest renewable energy developments are not “planning applications”, should not mean that their processing is conducted at a lower standard that that which is applied to every other form of development in Scotland.
19. Finally, the appeal stage. Scotland seems to CATS to be reasonably well served by its Reporters, who are clearly men and women of high integrity. Their output rate is high, and they enjoy a good reputation. But what is one to make of Reports which examine cases, correctly identify their significant adverse impacts, place them in a scale, and then say that the range of significant adverse environmental effects and consequent policy non-compliance are outweighed *only* because the product (electricity) is from a *renewable* source that complies with Government political policy objectives. It is the weakest of deductive reasoning which cannot be justified in today’s world. It is as though Reporters have failed to find a reason to refuse, and so have felt constrained to grant. CATS is of the view that, rightly or wrongly, the perception in the public eye is that the DPEA is “just another” arm of Government, there to do its bidding. To the observing public it demonstrably lacks the badge of independence. That is not as it should be. Only 5 out of more than 50 or so s.36 applications have been refused. That statistic tells its own story. And yet, there is also inconsistency in decision making with large, environmentally intrusive schemes in AGLVs such as Dorenell and

Fallago being consented, with some of the same body of Reporters roundly rejecting smaller and less environmentally damaging schemes (in a relative sense) like Mountboy and Montreathmont, Logiealmond, Standingfauld, Broadmeadows and Minch Moor.

20. It has to be said that it is CATS’ experience that Reporters are unfailingly courteous to members of the public who put themselves forward to speak, and they try, as best they can, to encourage participation in the process. Occasionally, impatience overcomes detailed consideration. This is not the place for any sort of analytical examination of how Public Inquiries and Examinations might be improved; so far as renewables are concerned though, the public is very well informed and can spot any hint of intellectual flabbiness or the occasional sacrifice of detailed participation to fit a timetable. We need those aspects to be addressed.
21. But more than that; the public can spot false claims for subsidised wind energy, and any pretence by developers at inclusiveness with communities. It is a fact that almost always the public has something worthwhile to say. In an era when local authorities suffer grievously from reduced resources, it will be the Third Parties in communities, settlements, villages and towns who find out the key details, assess and analyse them truthfully, provide articulate witnesses and present the details for examination and weighing in the decision making balance. Other things being equal, that should be the Councils’ job. But it never is, fully, either at the initial assessment stage or at the subsequent Inquiry for schemes that are initially rejected.
22. The operation of an efficient, well balanced consenting system at all levels, with the fullest possible level of public trust in both the detail of scrutiny and the quality and impartiality of outcomes, is in the interest of all, and a service stretched to breaking point and/or operating on the basis of assumptions rather than analysis is acceptable to none. The way that system delivers an outcome can be the breaking point for many who have engaged with planning for the first time in their lives. It can engender and cement that trust, inspiring future participation, or it can ruin and break it forever.

23. In addition to the above CATS believes that the fee structure for wind farm and turbine applications is set too low. CATS doubts if the handling costs of any application of any scale of turbine covers the costs incurred in processing it.
24. In England and Wales, the new National Planning Framework with its localism agenda makes it clear that it is for local communities to properly, openly and consistently decide where wind farms should and should not be built, all based on a requirement for up to date Local Plans (LDFs). Why does the Scottish Government, within the framework of a proper national plan that has been subject to national public consultation, not put a similar level of trust in its own communities?
25. There is no doubt that an early and objective review of the consenting and planning permission regime for renewable energy projects from bottom to top should be a priority for Government. It would actually not be a very difficult or time consuming thing to do and that is the real frustration – we simply do not need to continue, for a single day more, the current one-sided, chaotic and haphazard shambles which is the clear public perception of the renewables consenting regime.
26. CATS would be delighted to work with the Scottish Government on such a review, starting with a genuine evidence based SEA of the Scottish Government’s current plan or programme alongside the reasonable alternatives.
27. The rest of this response now considers the published draft SEA Environmental Report and the EGPS on a section by section basis.

### **The SEA Environmental Report**

28. Overall it is considered that the approach in the SEA should be based on the assessment of the effects of policy, and policy alternatives, on the environment (and economics) and not in relation to the effects on the “100%” or any other target as such. Similarly, the evidential basis for conclusions in respect of the assumed effects of mitigation should be set out. It is strongly submitted that the published SEA Environmental Report fails on both accounts.

29. The implementation of renewable energy policy is a classic example of a process that gives rise, directly, to **externalities** both environmental and economic. The SEA Environmental Report totally fails to identify and assess either the externalities associated with the proposed policy or the comparative relative level of externalities for any of the reasonable alternatives.
30. In terms of identifying and assessing alternatives the policy position of the Scottish Government is not a key determinative issue. For example, having set out environmental and related objectives, the continuation and expansion of nuclear generation is clearly **a reasonable option for achieving those objectives**. The performance of that option against those objectives needs to be fully and properly assessed, not just dismissed as a political no-go area. Should it be found that the nuclear option is more effective –in terms of performance, delivery or timescales or in respect of the environment itself – then that needs to be set out in the SEA. In turn that does not, in any way, commit the Scottish Government to the nuclear option but it does make the choice of policy and the recognition of the associated environmental effects much more transparent in line with the Aarhus Convention and, perhaps more importantly, it cements sound decision making processes in the public mind.
31. In addition much of the SEA document text is generic and vague with widespread use of words such as “may”, “possible”, and “could” without defined start and end points and without any probability or scale reference. Indeed, much of the text reads as an attempted justified advocacy for the current policy, such as it is, as opposed to an objective assessment of its strategic environmental effects. An evidence based SEA should really be more systematic and precise than this.
32. However, there is a key overarching aspect on which the SEA is remarkably frank and that is the whole area of significant uncertainty – uncertainty about significant effects, uncertainty as to when emissions levels will fall (they will rise in the short to medium term) and, most of all, uncertainty about CCS which is recognised as being the key to delivering the stated wider environmental benefits. CATS is extremely concerned that, in the face of such highly significant and recognised uncertainties the Scottish Government is still determined to push through the consenting of major on shore wind

farm proposals, with clearly identified project level significant adverse effects, on the basis of a justification of benefit which is now openly recognised as being (at best) highly uncertain. That does not equate to sound, properly justified decision making and it undermines public acceptability at every step.

33. Comments on the SEA are set out below with reference to the paragraph numbers used in the published SEA Environmental Report. However, it must be said that the consideration of substantive technical issues is much more suited to an interactive, face to face dialogue amongst a wide range of interests through approaches such as facilitated seminars. In the meantime the comments, paragraph by paragraph, are as follows:

- Para 1.4 – this recognises the need for both examination of the effects of reasonable alternatives and for “transparent consideration”. The published document does not achieve either objective
- Para 1.7 – this refers to “Scotland’s large capacity for CO<sub>2</sub> storage” but, later in the SEA, it is accepted that this technology has yet to be commercially proven whilst it is also accepted that, particularly for subsea storage there is a significant lack of knowledge about the likely environmental effects
- Para 1.15 – whilst it is accepted that the SEA is strategic in nature it still has to identify “the significant environmental effects arising from the policy”. That identification process is one that needs to be precise and evidence based. For many aspects we all have both the experience and the evidence. The fact that the assessment is strategic does not excuse the wholesale use of generalities and platitudes
- Box 1 – 1. Whilst development location for the future cannot be precisely defined there is enough information available from existing, consented and proposed projects to make a reasonable assessment of spatial effects.
- Box 1 – 3. There are reasonable alternatives to emerging technologies and one of these is to continue with existing technologies.

- Box 1 – 4. Community ownership only arises as a result of the proposed policy. The alternative of large scale generation plant, with no community ownership, requires to be tested in terms of the significant effects.
- Box 1 – 8. The alternatives considered are artificially limited by policy and that is not the role of SEA. The alternative effects arising from grid issues should have been assessed in the context of alternative of relying on large scale thermal generating plant, including nuclear
- Table 2.1 – the most striking thing about this table is, apart from the 80% figure, the absolute absence of any measurable and verifiable environmental objectives. It is also noted that, under cultural heritage and landscape, it is asserted that effects are likely to only emerge at the project level as development takes place. That is fundamentally wrong. The strategic sum of effects at local level can be predicted now based on experience to date. However, the key is that these local effects ONLY arise as a consequence of the policy. Alternatives can, therefore, be assessed now that would or could have lesser effects. Since the final Routemap, or its successor, will dictate plans, programmes and decisions it **must** be intellectually robust but, regrettably, it is not
- Table 2.2 – this table of baseline information sources is materially deficient in that it contains nothing by way of data on the environmental effects of the operation of the policy supporting renewable energy – a policy support that has been in place for close to 20 years. How can future effects be accurately assessed if the actual effects of 20 years of implementation are just ignored
- Paras 2.5 to 2.7 – the first two of these paragraphs use the words “may” and “could” with reference to possible future effects. Paragraph 2.7 then starts off with the use of the word “predictions”. Vague possibilities are not predictions
- Climatic Factors Box – as much as the Scottish Government might wish it to be the case the causal link between “carbon” emissions (in itself a very sloppy term) and climate change trends is not proven in scientific terms

- Para 2.9 – as before, the impacts of the policy on the population can be predicted at this stage, based on the evidence of the effects of the existing implementation of the policy over an extended period of time
- Para 2.10 – the last sentence in this paragraph is a sweeping generalisation that is not substantiated by any evidence referred to in the SEA
- Para 2.14 – in terms of air quality standards it is interesting to note that SEPA have reported that existing generation emissions are not having an adverse impact on local air quality. This situation should have been more fully factored into the consideration of alternatives
- Para 2.19 – the effects of renewable energy on “wild land” can now be brought up to date based on SNH research and mapping. On-shore wind farms are the most significant contributor to the loss of “wild land”
- Para 2.20 – the description of the general location of on shore renewable and the assessment of impacts on NSAs and National Parks are simply factually wrong
- Landscape – key environmental problems box – it perhaps goes to the heart of the Scottish Government’s position and to the heart of the position of those who have a differing view that this box lists the quality of Scotland’s landscape and the need to protect it **as a problem!** Landscape is an asset for Scotland, not a problem. It is accepted that strategic guidance is needed, but this has been needed for the last 15 years, it is needed **now,** and it is not simply something that “is likely to be needed in the future”. The continuation of ad hoc decision making in the absence of both a robust SEA and robust strategic guidance will render the need for that guidance redundant as there will be no valued landscape left to be protected
- Paras 2.25 and 2.26 – It seems not unreasonable to suggest that the important issues of carbon rich soils and remediation need to be better understood and

assessed before any more consents are granted for projects on such soil resources

- Water –key environmental problems box – given what is admitted later in the SEA the text in this box needs to be much more specific as to the considerable uncertainties and considerable information and understanding gaps in terms of impacts on the marine environment as well as recognising what this means in terms of the extent of (and time frame for) non project specific baseline survey and process understanding research projects and the related implications for the lead in times for project proposals
- Para 2.47 – in terms of impacts on species this paragraph does not adequately address the effects of cumulative impacts and displacement, both recognised significant effects from existing projects
- Para 2.51 – the second sentence of this is absolutely key but absolutely inconsistent with what is happening in practice. It states that **“the Scottish Government considers that the EGPS and the Renewable Energy Routemap does not set a framework for deciding applications for project consents”**. CATS considers that it would be a sound statement of policy if that was the case. But in consent after consent well founded policy and environmental objections are overruled and projects are permitted solely on the justification of the assumed benefits inherent in the targets and the contribution of a scheme, however small, towards those targets. Therefore, the Scottish Government’s practice is exactly the opposite of what it says in the SEA. It cannot have it both ways
- Alternative evolution of the baseline, paras 2.53 to 2.60 – in this section the reasonable alternatives are simply not set out. These do not amount to just a slower deployment of renewables as is recognised near the end of 2.54. After the first sentence para 2.55 is simply nonsense although it does perhaps display, clearly, the Scottish Government’s complete mistrust of locally determined scheme by scheme decision making. Again the third sentence of paragraph 2.56 is simply not based on any credible evidence set out or

referenced in the SEA. Finally, to simply reject nuclear on a policy basis is not appropriate for an SEA

- Para 3.3 – this recognises the particular importance of the rapid expansion of off shore renewables in meeting the 100% target. The paragraph needs to properly set out both the consequences and the risks, including the risks (and the related environmental effects) of not achieving this rapid expansion
- Table 3.1 – this is a worthwhile and accurate summary of the potential effects but it lacks precision and it lacks clear references to an evidential base. For example, the “significant benefits” for climatic factors are not set out anywhere. How are we meant to be able to assess whether or not these benefits have been secured if they are simply not specified?
- Para 3.11 – there is no stated basis for the assertion that most effects can be mitigated. That can only come about as a result of robust SEA leading to robust strategic and local spatial guidance that leads to robust decisions taken in a way that is consistent with that guidance
- Para 3.14 – there is an inappropriate circular form of reasoning used here. The reasonable alternatives are correctly the alternatives for achieving the overall environmental objectives, not the alternatives for achieving the policy targets that generate the need for the SEA in the first place
- Para 3.15 – the first sentence here is quite profound and requires to be set out and assessed in detail as it is clear that it is the **policy itself** that is leading to a series of significant adverse environmental effects that cannot be properly mitigated away
- Question 4 – it is a fundamental principle of land use planning that permissions run with the land. Therefore, in general, who the applicant is does not become a material consideration. The SEA, like the policy itself, does not set out in terms of the operation of the law why mere community “ownership” should lead to different standards of environmental acceptability

- Para 3.49 – the current experience of small scale renewables in the agricultural sector has already developed to the stage where the environmental effects can be set out in a much more specific way than is tackled in this paragraph
- Section 5 – the whole approach of the SEA ignores the reality of energy use, particularly the total use of electricity, in the form of the rebound effect. Increasing efficiency appears to lead to increased use. This needs to be properly assessed based on evidence
- Para 3.62 – absolutely no evidence is presented to back up the assertion of “additional benefits in relation to climate change mitigation”
- Para 3.74 – The acceptance that renewable energy cannot, on its own, provide a secure source of electricity generation is very much welcomed
- Paras 3.75 to 3.78 – ruling out expansion of nuclear generation on political grounds is simply wrong in an SEA and, furthermore, the comments that follow in these paragraphs about nuclear generation are simplistic and partial. Nuclear generation is a serious alternative to meeting environmental targets and supply security
- Question 7 – it is a source of considerable concern that this fundamental aspect of achieving the policy target is so beset with so many unknowns and uncertainties. For an example refer to the start of the second sentence in 3.80 “If it is found to be feasible and affordable”. This aspect alone justifies a much more serious approach to the assessment of reasonable alternatives
- Para 3.86 – as a matter of policy CO<sub>2</sub> storage is only to be permitted offshore and yet that is where the greatest environmental and economic uncertainties arise even to the extent that “at present there is no clear view on how much new construction may be required”
- Question 8 – the recent detailed assessment of the Beaully to Denny overhead power line proposals has provided a detailed evidence base that could have been used to more precisely address the likely environmental effects arising

from the necessary grid upgrades for both the policy and the reasonable alternatives

- Para 3.100 – this paragraph shows quite clearly the sloppy use of words in the effort to justify rather than assess policy. The words “ supporting our response to climate change mitigation” are just nonsense when expressed like this
- Para 3.102 – there is absolutely no evidence presented to support the sweeping generalisations
- Para 3.104 – as before the approach to alternatives is fundamentally misguided. The approach should be to look at the alternative means of generation to achieve the environmental objectives and then consider what that means for grid upgrades and associated environmental effects. Intuitively they would be much less
- 3.108 – this short paragraph is a beautifully concise summary of the enormous complexity and uncertainty that is inherent in the adopted policy position
- Section 4 – Cumulative Effects – before commenting in detail, and picking up on paragraph 3.108, it must be recognised that the enormous complexity and uncertainty in respect of cumulative effects is an entirely avoidable set of effects that arise solely from the policy approach of highly disaggregated generation and distribution combined with a reliance on onshore and offshore wind turbines with many of the off shore locations actually being very “close to shore” thus creating even more complex cumulative effects. Focussing on large scale generating plant, both nuclear and non nuclear, would avoid almost all of these cumulative effects
- Para 4.3 – as indicated before, generalised references to mitigation are inadequate in the absence of evidence that mitigation is actually producing the anticipated environmental outcomes

- Para 4.5 – it is noted that the reduction in greenhouse gas emissions is only a “potential”. There is no prospect of CCS being deployed on a commercial basis during the short term period
- Para 4.6 – the “positive effects” of grid expansion are simply not set out in any way
- Para 4.9 – **it is noted that an effect of the policy will be to lead to a “temporary” increase in greenhouse gas emissions in the medium term (to 2025!). Yet this policy is meant to be about reducing these emissions**
- Para 4.12 – the reference to community acceptance is severely ironic coming from a Government that seems quite happy to overturn locally and democratically reached decisions in order to approve and consent unwanted wind farms
- Para 4.14 – it is noted that, in terms of the policy, the key to reducing emissions is CCS, a technology that is entirely uncertain in terms of delivery on a suitable cost and environmental impact basis. This is an extremely shaky foundation for the whole process of granting consents when the assumed objective is so utterly dependent on something that is so utterly uncertain
- Para 4.23 – the experience of policy to date should have led to a more detailed assessment of spatial effects on rural and remote areas. The issues of loss of wild land and the growing issue of cumulative effects and landscape capacity are all well known and well researched
- Para 4.36 – it is noted that implementation of the policy in a way that meets the targets will require significant off shore renewable energy generation. Yet, as this paragraph sets out, fuller assessment is still needed of the effects from the interaction of marine generation and grid distribution. This is yet another area of major uncertainty
- Para 4.37 and 4.38 – it is submitted that at this point in time the Scottish Government simply does not have the necessary scientific evidence to let it

reach any conclusions on either the effects on the marine environment or the effects of mitigation. This is, again, another significant uncertainty

- Para 4.41 – this appears to state that the underlying aim of the policy framework is to develop “a low carbon energy sector” and yet, these benefits are reliant on the full delivery of CCS, something that cannot be certain in any way at all at this stage. It is also noted that the policy “should ultimately” offset increases from the required other sources of generation. It is incredible that the range of environmental effects that can be seen already are predicated on a mere **hope** of future “beneficial effect”
- Para 4.42 – the generic wording here is no substitute for a proper analysis of economic effects including externalities and including considering the relative effects of alternatives
- Para 4.46 – again the concerns arise over uncertainties. Here it is admitted that further work will be needed to develop a better understanding of any likely effects offshore. How could any possibly of offshore consents arise until these aspects are fully assessed and understood
- Para 4.50 and 4.51 – the landscape effects are key. They are the most instantly recognised effect and cumulative effect. To simply rely on a degree of acceptance of landscape change is inadequate in the face of insufficient assessment of alternatives. Reference is made to **national level landscape capacity**. To date no attempt has been made to assess that capacity and yet, understanding landscape capacity and the effects on that is absolutely key to a proper SEA of the policy. **This is a very major area of evidence that is simply missing in its entirety**. Yet, it is a piece of work that could be completed within say three to six months of commissioning
- Para 5.3 – the statement “overall positive impacts on reducing greenhouse gas emissions are expected to be significant” is inconsistent with what is set out earlier in the document (for example see paragraph 4.9). There is absolutely no

evidence presented to conclude, as this paragraph does, that “these effects can be largely mitigated at project level”

- Monitoring recommendation 1 – it is agreed that a centralised, up to date and comprehensive database of development activity in all sectors is urgently needed
- Monitoring recommendation 6 – the effects of the delay in the delivery of storage solutions needs to be recognised
- Monitoring recommendation 8 – the Scottish Government needs to address now the current problem of wind farm applications coming forward for approval with no assessment whatsoever of the proposed grid connection arrangements
- Para 5.16 – the idea of links with associated policy initiatives and guidance, such as SPP, is strongly supported as the recent development of practice especially for onshore wind farms has gone well beyond what is in SPP, Government policy is asserted as overriding SPP, and yet SPP remains unchanged. A more joined up approach is needed

34. Despite all of the flaws and concerns set out above the publication of an SEA Environmental Report is very much welcomed, even it has been produced late in the day. It is welcomed because, for the very first time in a document produced within a legally binding and enforceable framework, it has been shown that the Scottish Government’s renewable energy policy, and the associated targets, are not built on any basis of evidence, including a robust and fair assessment of reasonable alternatives, but are entirely founded on misplaced hope and explicitly recognised uncertainty. That is no basis for imposing significant environmental effects (and economic effects) on Scotland, Scotland’s communities and on the seas around Scotland.

## Comments on the EGPS

35. The comments made in respect of the EGPS are necessarily more limited as this does not have the same legal effect as the SEA, being much more a political statement of policy. In addition, the vast majority of the areas of concern are raised with the SEA Environmental Report and they are, therefore, addressed in the response to that report. Nonetheless, some comments are offered below:

- Summary – much more needs to be said about the complex interaction in the different areas of energy (electricity consumption, heat and transport) and what variations in that complex relationship would mean for both policy and the resultant environmental effects
- Summary paragraph 2 – whilst it is appreciated that there is a separate SEA Environmental Report it is considered that there would have been merit in cross referencing here to the significant environmental effects, and the significant uncertainties, that are inherent in the preferred policy
- Summary paragraph 6 – references to such huge sums as £46bn of investment is just meaningless political spin unless backed by hard, detailed example based evidence perhaps cross referenced to or compared with the actual investment generated by say North Sea oil and gas exploration and exploitation
- Para 13 – in terms of affordable costs the recent work by the Renewable Energy Foundation has questioned some of the UK Government’s estimates of future energy costs to consumers. In terms of economic benefit, and given that a period from 2010 to 2020 is being considered (by which point CCS will not have been deployed), it would be reasonable to expect a lot more detail (including outcomes to date) in respect of the claims for 40,000 jobs and £30bn investment in the Scottish economy
- Para 27 – it is very informative that the objective of 100% generation from renewables by 2020 is based on believe rather than any objective assessment

of the ability of Scotland’s environment to deliver such a level of new infrastructure without excessive harm

- Para 41 – as with the other claims above and in the absence of detailed evidence it is difficult to believe that the development phase of CCS up to 2020 could, on its own, create 5,000 jobs
- Paras 48 – 50 – it is difficult to see what the difference is between a proper safety case for extending the life of an existing nuclear power plant and a similar safety case for the replacement of that plant by a new nuclear plant if the same tests of acceptability are applied
- Para 95 – the challenge of meeting the targets should explicitly state that there is a direct and consequential need for a significant improvement in terms of the quality of site selection and in the quality of the application. In terms of consents and planning there is ample available evidence of the existing stresses in the system that will only get worse if an increase in consent rates is sought in the absence of any other changes. This section of the EGPS really should be much more detailed
- Para 100 – this claims that the Government “knows” that the 100% target is technically achievable. However, despite the crystal clear analysis in the November 2011 report by the Institution of Mechanical Engineers (a body with absolutely no political axe to grind) the EGPS simply does not set out how this can be achieved. In passing it is noted that the IME report consistently pointed out the absence of specific figures and “SMART” announcements, a theme that appears to be entirely relevant to the SEA Environmental Report too

36. Overall, the absence of specifics, of SMART objectives and of hard evidence means that the EGPS is simply not robust even although it represents clear political ambition.

## Conclusions

37. CATS had sincerely hoped that, with the extensive available experience of renewable energy projects assessments, the helpful technical analysis by the IME in November 2011, the knowledge of the requirements of the legal and regulatory framework, and with the move towards an evidence based planning policy and planning decision making system in England and Wales, the Scottish Government would rise to the challenge of conducting a robust environmental and economic objectives and evidence based SEA of both their current policy and the reasonable alternatives to achieving those objectives. Sadly, it is submitted that the Scottish Government has comprehensively failed in that eminently achievable challenge.
38. What has been produced, instead, is a document that fundamentally fails the test of actually being an SEA and that is nothing more than a generalist attempt, based on opinion and hopes, and without actual evidence, to retrospectively justify a predetermined policy irrespective of its impacts and irrespective of the relative impacts of available reasonable alternatives.
39. Despite all of the flaws and concerns set out above the publication of a document called the SEA Environmental Report is very much welcomed. It is welcomed because it demonstrates the recognition of the existence of a legal framework for the very first time (in a document produced within that legally binding and enforceable framework), and it has been shown that the Scottish Government’s renewable energy policy, and the associated targets, are **not** built on any basis of evidence, including a robust and fair assessment of reasonable alternatives, but are entirely founded on misplaced hope and guaranteed uncertainty. That is no basis for imposing significant environmental (and economic effects) on Scotland, on Scotland’s communities and on the seas around Scotland and for planning the future of energy in Scotland.
40. That being the case both the SEA and any decisions that flow from it, to the extent that decision makers rely on the targets to set aside or overrule Development Plan and environmental objections to projects, are likely to be *ultra vires*. Indeed, previous project decisions which have been predicated on these same or earlier targets might equally be capable of being challenged.

41. It is the considered opinion of CATS that, notwithstanding the criticisms in this response, the challenge is capable of being properly and openly addressed if the Scottish Government goes back to the start and undertakes an open, objective and evidence based Strategic Environmental Assessment. No new decisions should be made on any large scale renewable energy projects until that new SEA has been completed and has been consulted upon.
42. CATS and their advisors would be delighted to work with the Scottish Government on such a new assessment.

[END]