

Response ID ANON-G7N9-8RN4-H

Submitted to **Scotland's Energy Efficiency Programme: Second Consultation on Local Heat & Energy Efficiency Strategies, and Regulation of District and Communal Heating**

Submitted on **2018-02-20 16:41:29**

Local Heat & Energy Efficiency Strategies

1 Do you agree with our proposed overall approach to LHEES?

Not Answered

Please explain your answer in the text box provided, including any available evidence or examples.:

In principle, yes. The consultation document identifies several areas where the successful rollout of LHEES and district heating systems will require reference to development planning. This relationship will be critical to the success of the approach outlined in the consultation. As such RTPI Scotland believes that further detail is needed to understand how alignment, coordination and cooperation between LHEES, district heating consenting, and district heating connections processes, and development planning activities and processes, will work in practice. Local development planning and development management processes broadly are acknowledged as relevant by the consultation, however there will be specific areas of development planning, including some new processes very likely to be introduced by the Planning (Scotland) Bill currently under Parliamentary scrutiny, where alignment with the LHEES system will need to be considered in particular. This includes the proposed Simplified Development Zones, community-led local place plans, strengthened National Planning Framework and revised arrangements for regional planning. Development planning and consenting processes already interact in complex ways with other local authority services and duties, and a major priority of RTPI Scotland for outcomes from the review of the Scottish planning system is improved integration of these activities. Any further statutory duties to be placed on local authorities should therefore be introduced with close attention paid to this.

As well as clarity of design regarding the complementarity of the implementation of SEEP and development planning, RTPI Scotland urges the Scottish Government to ensure that local authorities have the necessary resources to successfully implement new duties relating to LHEES and SEEP more widely. This will not just require staff time and expertise in the division with direct responsibility for delivery, but will also demand proactive input from, for example, the planning service. Between 2009 and 2016 local authorities in Scotland lost on average 23% of planning staff: Local authority planning capacity is already stretched. To ensure that LHEES and the delivery of district heating systems are properly integrated with development planning the planning service will need the resources to be able to dedicate staff time to this.

RTPI Scotland has addressed some of the specific alignment issues highlighted above in our answers to other consultation questions as appropriate.

2 What are your views on asking local authorities to report on tackling fuel poverty and climate change in the LHEES rather than the LHS?

Comments::

No comment.

District Heating Zones, Concessions and Consents

3 Do you agree with our proposed overall approach to zoning?

Not Answered

Please explain your answer in the text box provided.:

RTPI Scotland agrees that as far as possible there should be alignment between LHEES zones and allocation of sites for development in local development plans. Nonetheless it will remain important to acknowledge that areas suitable for connection to district heating might not be the most appropriate locations for development, and vice versa.

The introduction of Simplified Development Zones through the Planning (Scotland) Bill offers a further opportunity to consider how development that incorporates district heating could be promoted. RTPI Scotland wants to see Simplified Development Zones used to promote the delivery of sites allocated in local development plans. The current proposals mean that listed building consent, advertisement consent, conservation area consent and roads construction consent would all be granted under the terms of a Simplified Development Zone. RTPI Scotland urges the Scottish Government to consider how the zoning and consenting process for district heating system could align with sites designated as Simplified Development Zones.

RTPI Scotland also urges the Scottish Government to consider how district heating could be implemented on a larger scale, and how this relates to proposed changes to the system of strategic development planning in Scotland. The South Holland province of the Netherlands is currently developing a province-scale district heating grid, and the Amsterdam metropolitan region is implementing large scale district heating. This kind of ambition requires collaboration between neighbouring local authorities, highlighting the importance of success for the Scottish Government's proposals for regional partnership working in place of statutory strategic development planning. The strengthened National Planning Framework could also have an important role in identifying where large scale district heating might be desirable and deliverable. It will be essential to ensure that the teams involved in delivering SEEP and LHEES are not just collaborating with development planners working at the local authority scale, but those involved in regional and national strategic planning.

4 What are your views on the proposed district heating consent process?

In particular, what are your views on the appropriateness of any potential options for a relevant body to act as 'the developer of last resort', to ensure completion of development? :

As referred to in our answer to question 3 obtaining all the consents required to begin work on a development often involves much more than just planning consent. Other consenting procedures regarding specific issues such as roads, heritage, advertising and building standards are also normally required for

development on the scale of that which is likely to incorporate a district heating system. RTPI Scotland sees no reason to object to the consents process proposed in the consultation document, but once again urges the Scottish Government to ensure that it provides local authorities with the resources and support they need to align this consenting process smoothly with those already in operation. This will help to ensure that the planning system can make good decisions, and as efficiently as possible.

RTPI Scotland agrees that it is important to avoid any additional costs associated with LHEES zoning unduly delaying the delivery of a site also allocated in the local development plan. Proactive intervention by local authorities or other public bodies can often be an essential component of expediting delivery of sustainably located development sites, especially in weaker market areas. For example, public funding of decontamination of former industrial sites being redeveloped for housing.

This points to a much larger challenge to the delivery of development in Scotland at present: the need for new and increased capacity of existing infrastructure. The absence of funding for, for example, new travel infrastructure, schools, GP surgeries and green infrastructure is currently limiting the ability of public and private developers to deliver new homes. The Planning (Scotland) Bill proposes to enable the introduction of a new infrastructure levy that would work alongside the existing system of planning obligations used to mitigate the direct impact on a site of a new development. Research commissioned by the Scottish Government indicated however that such a levy would make a very small monetary contribution, and certainly not enough to bridge the existing gap in funding for all types of infrastructure. RTPI Scotland supports the Scottish Government's ambition on climate change, and the principles that frame this consultation. However, we believe there is a case to further explore the possibility of using land value uplift capture to fund essential infrastructure, including district heating systems, that would enable the delivery of otherwise well-located development sites.

In particular, what are your views on options for ensuring that district heating operators have similar or the same rights as other statutory undertakers for permitted development and wayleaves:

No comment.

Socio-Economic Assessment

5 What are your views on the proposals for socioeconomic assessment?

Please explain your answer, including any available evidence or examples:

The consultation paper nowhere discusses a role for communities in contributing to decision making about zoning and consents for district heating systems. In the context of the Scottish Government's community empowerment agenda, and the measures included in the planning review to ensure that the public can be more meaningfully involved in development decisions, this absence is a concern. The designation of zones through LHEES, and indeed the district heating consenting process, will include highly technical elements. However there will be opportunities for communities to promote and even partner in the delivery of district heating systems on community controlled land. There may also be communities who wish to explore the possibility of implementing district heating through the local place plans proposed in the Planning (Scotland) Bill. Meaningful engagement of communities depends on transparency from the outset of strategy preparation. RTPI Scotland therefore suggests that the LHEES socio-economic assessments should demonstrate how the strategy has taken into account the views and ambitions of local communities.

RTPI Scotland supports the proposal that the socio-economic assessment should demonstrate the consistency of a local authority's LHEES with those of neighbouring authorities. This will be particularly important given the expected forthcoming removal of Strategic Development Plans.

6 What are your views on the proposals for data for LHEES?

Please explain your answer.:

No comment.

7 What types of data information would industry be willing to provide a local authority or national delivery mechanism to develop LHEES, so that they can identify opportunities (potentially in aggregate) for heat demand reduction and heat recovery, both on and off site?

Comments::

No comment.

8 What data from industry would be most helpful in developing district heating projects?

Comments::

No comment.

9 What data could be provided without compromising competitiveness of these organisations?

Please explain your answers, including any available evidence or examples.:

No comment.

Licensing for District and Communal Heating

10 What are your views on our proposed approach to district heating licensing?

Please explain your answer, including any available evidence or examples.:

No comment.

Consumer Protection

11 Taking into account the limitations of the Scottish Government's legislative competence in relation to consumer protection:

a) what are your views on our proposals around consumer protection?:

No comment.

b) how do you think could we provide a robust complaint resolution process in relation to District Heating in Scotland?:

No comment.

12 What are your views on how consumer advice should be provided for district heating customers in Scotland?

What form should this take? :

No comment.

Who should it be aimed at?:

No comment.

What should be provided?:

No comment.

Enabling Connection

13 What are your views on the proposed approach to connecting heat users?

Comments::

No comment.

14 What are your views on the proposed phased approach to non-domestic sectors with potentially usable surplus heat?

Please explain your answers, including any available evidence or examples.:

RTPI Scotland supports the continued use of planning policy and conditions to support the delivery of district heating systems, subject to complexities outlined in our answers to other consultation questions.

15 Requiring all regulated non-domestic sectors (see Box 1) with potentially usable surplus heat to carry out energy efficiency assessments, including heat (and its recovery, and onsite and offsite use), and implement recommendations where feasible.

Comments::

No comment.

16 How should energy efficiency (including heat) be assessed across the regulated non-domestic sectors – including consideration for energy efficiency beyond the site boundary?

Comments::

No comment.

17 Could a more consistent approach be achieved within the PPC regime, with the existing energy efficiency requirements for Part A sites being applied to Part B sites?

Comments::

No comment.

18 Which benchmarks or criteria should be used / considered in assessing energy efficiency?

Comments::

No comment.

19 What range of industrial processes should be covered, including size and sector, and why?

Please explain your answers, including any available evidence or examples.:

No comment.

Enabling Activity and Additional Areas for Consideration to Support our Regulatory Approach

20 What are your views on the establishment of a national delivery mechanism to support local authorities in delivering their proposed functions for LHEES and district heating, and which could support delivery and governance of SEEP more widely?

Please explain your answer, including any available evidence or examples.:

RTPI Scotland would strongly support the establishment of a national delivery mechanism to help support the delivery of LHEES and district heating systems. Our answer to question 1 has already highlighted the resource challenge faced by local authority planning services specifically. An important role for a national delivery mechanism therefore would be providing skills support to existing local authority services, such as planning, to ensure they can collaborate successfully with colleagues directly responsible for SEEP implementation. In the case of development planning this should be aligned with existing measures expected to

emerge from the review of the Scottish planning system to support skills and resources in planning. The Planning (Scotland) Bill proposed the introduction of a 'Planning Coordinator', whose role would be to support skills and performance in local authorities. RTPI Scotland believes that an important part of this role will be increasing collaboration across local authority services, and with Government, Government agencies, and the private and third sectors.

What form should it take? :

No comment.

What functions should it have?:

No further comment.

21 Please let us know any views you have on the most cost effective way of supporting schemes that are socio-economically appropriate and in line with the local authority LHEES.

Comments::

Financial incentives for district heating schemes should target sites also allocated in local development plans. The intended effect would be to ensure that there is a strategic and plan-led approach to prioritising district heating delivery, so that it is embedded within other corporate local authority priorities for growth and spatial development.

22 We would welcome stakeholders' views on our suggested approach to wider UK heat market reform, above, and in particular:

a) any additional evidence that can be offered around the approach that should be taken to decisions on decarbonisation of the gas supply:

No comment.

b) any views on the issues being considered within the remit of the ADE taskforce:

No comment.

Assessing Impact

23 Please tell us about any potential impacts, either positive or negative, you feel our proposed approach may have on particular groups of people, with reference to the "protected characteristics" listed above.

Comments::

No comment.

24 Are there any special provisions/ measures we should consider/ make/ include:

a) to ensure protected characteristics are taken account of in the LHEES? In your opinion, should the LHEES process specifically include/ address the protected characteristics?:

No comment.

b) to ensure protected characteristics are taken account of in the socio economic assessment? In your opinion, should that process specifically include/ address the protected characteristics?:

No comment.

c) in terms of the installation of networks in order to minimise disruption to people with mobility problems or any other protected characteristic? :

No comment.

d) in terms of consumer protection, that would better assist in ensuring that people with protected characteristics will be safeguarded (taking account of our limited legislative competence in this area)?:

No comment.

e) in terms of communications, that would better assist in ensuring that people with protected characteristics will be kept informed and can fully participate?:

No comment.

25 Please tell us about any potential costs or savings that may occur as a result of our proposed approach, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

Please explain your answer, including any available evidence or examples.:

RTPI Scotland's response to the consultation has highlighted a number of areas where dedicated resource in local authorities will be needed to ensure the success of this approach.

26 Please tell us about any impact on individual privacy/ data that may result from our proposals. If there is an impact on individual privacy, please are there any special provision/ measures we should consider/ make/ include that would better assist in ensuring that this privacy impact is lessened/ negated?

Please explain your answer, including any available evidence or examples.:

No comment.

About you

What is your name?

Name:

Kate Houghton

What is your email address?

Email:

kate.houghton@rtpi.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

RTPI Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: