PE2233/A: Moratorium on planning applications for all hyperscale data centres until their environmental impacts have been fully assessed

Scottish Government written submission, 1 September 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why?

Request for a moratorium to prohibit planning permission from being granted for any hyperscale data centres

It is not clear that such a moratorium would be lawful. We cannot prevent applications from being submitted, and our planning system ensures that each application is considered on its individual merits. As a matter of law all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In Scotland the development plan is comprised of the National Planning Framework (currently NPF4) and the relevant Local Development Plan(s).

Developers may invest substantial resources in preparing planning applications, and have an expectation that their applications will be progressed within a reasonable timeframe. Pausing or delaying applications for a certain type of development could undermine market confidence in Scotland as a destination for investment across a wide range of sectors.

Ensuring Environmental Impact Assessment for hyperscale data centres

Planning authorities already have a responsibility to consider the environmental implications of all planning applications. Where an Environmental Impact Assessment (EIA) is required this supplements the usual planning process. Procedures for determining whether an EIA is required are set out in The Environmental Impact Assessment (Scotland) Regulations 2017. Whilst this is primarily a matter for the relevant planning authority, Scottish Ministers have powers to issue directions on the need for EIA in certain circumstances and we have issued directions requiring EIA for data centres at locations in Fife and Edinburgh. We are also considering further requests received from the petitioner.

Guidance on hyperscale AI data centres and ‘green data centres’.

In Parliament on 25 June the First Minister said that he is giving active consideration as to whether the Scottish Government should provide planning guidance to balance the rapid expansion of hyperscale data centres with national energy and climate goals, which are vital to our future prosperity.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

In addition to the actions noted above, we have issued a notification direction requiring planning authorities to notify Scottish Ministers of new data centre applications within seven days of validation. The direction, issued on 17 August 2026, applies to data centre developments exceeding 50 Megawatts (MW) power capacity and will support strategic monitoring of the pipeline of such planning applications and of the implications for wider infrastructure.

The Minister for Public Finance has also recalled a planning appeal for Ministerial decision relating to a proposed data centre in Edinburgh. Recalling an appeal means that the appeal will be determined by Ministers rather than an appointed Reporter. A Reporter will consider the appeal and provide a report and recommendation to Ministers, who will then take the final decision.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Scottish Government has previously indicated that a range of factors may be used by planning authorities when considering what factors are prevalent in a 'green' data centre. This includes the extent to which a data centre is powered from renewable energy sources, makes use of energy efficient technologies, seeks to minimise water consumption and supports the re-use of excess heat for applications.

There is a large opportunity to be had with attracting large scale investment into Scotland and there is a unique opportunity to design a system with controls and guidance that gets it "right" from the start.

It is about getting the right investment, in the right place with the right conditions, and about getting strategic planning correct for the right kind of projects. We have the ambition to place community wealth building at the heart of the AI development in Scotland.

Planning Directorate