

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU9
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	Issue No: Version 5
	Issue date: 14/10/10
	Originator: Jim Mackay
	Authorised by: Tom Anderson

1. Purpose and scope

- 1.1 SEPA wishes to prioritise, simplify and accelerate our engagement with the planning system in a manner which reinforces the role and responsibilities of planning authorities, other key agencies and developers. We also engage with development proposals regulated not by land use planning but by a range of other regulatory processes such as the Electricity Act. For the purposes of this note, our approach to all such processes will be covered by the term "development management" unless there are specific individual requirements. Within development management, we wish to focus our advice on consultations where we can add best value in protecting Scotland's environment. This guidance note sets out how to consult us and what types of development we wish to be consulted on.
- 1.2 We are currently investigating new ways of working with planning authorities and are establishing several pilot schemes. Any local arrangements put in place with your planning authority override the general guidance provided here. Please do not hesitate to contact the Planning Service at your local SEPA planning office for advice if you are unsure whether or not to consult us.

2. How to consult SEPA

- 2.1 We prefer to receive consultations electronically. For planning authorities we prefer consultations to be sent via the ePlanning system utilising eConsultation mechanisms and best practice guidelines. Guidance on this can be found from your ePlanning officer within your planning authority. We welcome electronic consultations from developers, as well as other bodies, by way of email or CD-Rom.
- 2.2 It is important that you highlight a) your reason for consulting us and b) where within the development hierarchy the application falls. For example, do you require flood risk comments? Is the development classed as a major development? Section 3 below sets out when we should be consulted. To assist, we have also developed a [checklist](#) for planning authorities to use when consulting with us on planning applications.

3. When to consult SEPA

- 3.1 We wish to be routinely consulted upon developments as set out below:

Type of development	Consult us on
1. National developments listed within the National Planning Framework	All
2. Major developments as set out within The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009	All
3. Applications accompanied by Environmental Impact Assessment (EIA)	All

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4. Development proposals where the planning authority is specifically seeking flood risk advice	All
5. Applications solely for water engineering works including water treatment works undertaken by Scottish Water	All
6. Mineral applications	All
7. Energy generation eg windfarms, hydro, tidal	All above 10 MW; all scales of hydro; all anaerobic digestion
8. Waste management applications	All
9. Cemetery developments	All
10. Fish-farming applications (including finfish and shellfish)	All
11. Chemical storage which falls within Upper Tier of Control of Major Accident Hazards (Amendment) Regulations 2005 (COMAH) or underground oil storage	All
12. Development on radioactive contaminated land and designated contaminated land Special Sites	All
13. Waste water a) Proposals for private waste water systems within or adjacent to publicly sewered areas and waste water drainage consultation areas as shown on GIS b) Proposals for private waste water systems within or adjacent to settlements of greater than 2000 population equivalent as agreed with planning authorities c) Scottish Water waste water treatment works	All
14. Transport and infrastructure - new [or replacement] roads, railways, tramways, waterways, aqueducts or pipelines or motorway service areas	Developments where the length of the proposed road, railway, tramway, waterway, aqueduct or pipeline exceeds 4 kilometres
15. Housing	Developments where the development comprises 25 houses or greater or where the number of units is not specified the threshold the area of the application site is or exceeds 1 hectare
16. Business & General Industry, Storage and Distribution	Developments where the gross floor space of the development exceeds 5,000 square metres, or the area of the application site is or exceeds 1 hectare
17. Mixed use schemes	Developments where the gross floor space of the proposed development is

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	equal to or greater than 2,500 square metres; or where the area of the application site is 1 hectare or more
18. Developments under Section 34 of The Coastal Protection Act 1949	All those requiring EIA until the relevant section of the Marine Act is implemented.
19. Harbour Revision Orders	All those requiring EIA.
20. Developments under The Food and Environment Protection Act 1985, Part II Deposits in the sea (As Amended) (FEPA)	All until the relevant section of the Marine Act is implemented.
21. Development attracting EIA under The Offshore Petroleum Production and Pipe-Lines (Assessment of Environmental Effects) Regulations 1999	All those requiring EIA.
22. Developments under Section 36 of The Electricity Act 1989	All
23. Developments under Section 37 of The Electricity Act 1989	All transmission and some distribution infrastructure for those requiring EIA. Non-EIA only if there is a significant environmental issue.
24. The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999	All
25. Indicative Forestry Strategies	All
26. Felling Planting and felling consultations	Anything over 10 hectares
27. Forestry Design Plans	> 200 ha or where a particular forestry related pressure is identified.
28. Rural Priorities Consultations	<p>According to an agreed Protocol with the FCS, and a procedure agreed by EPI MT, SEPA regulatory teams will be consulted at the Statement of Intent (Sol) on the developments listed below. Formal consultation at the proposal stage is coordinated by the SEPA Planning Service but should only be required on the few cases where our comments at the Sol stage indicate that formal consultation is required - usually only large-scale or contentious schemes relevant to our remit.</p> <p>Woodland creation or felling operations, over 2.0 ha in 1A water body catchments which have been deemed at risk from forestry operations or outside these catchments where the net area of woodland creation or felling operations is 50 ha or more.</p> <p>Development in, or near, a water course which is subject to CAR.</p> <p>Operations involving the creation of wetlands greater than 2.0 ha or the</p>

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	management of flood plains identified on the Indicative Flood Map Import of waste for utilisation, storage or processing. Aerial spraying of bracken or use of chemicals in or near a water course. All quarrying operations being undertaken in connection with forestry operations.
29. Flood Prevention/Protection Schemes	All
30. Roads Orders	All those requiring EIA.

3.2 For all other developments listed in Schedule 5 of [Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2008](#) please refer to our guidance note *SEPA standing advice for planning authorities on small scale local developments*.

3.3 If the development falls below these thresholds but you consider that a development raises an unusual environmental issue, such as underground oil storage, or infilling with inert material to a depth greater than 2 metres, and you wish our advice, please highlight the reason you are consulting us on the consultation. This does not apply to routine issues such as drainage in relation to small scale developments where you should refer to our standing advice.

3.4 We have a programme of role resolution in relation to which issues we comment on with other key agencies. At present issues on which we will respond include:

- Protection of people, property and infrastructure from flood risk.
- Promotion of sustainable waste management.
- Protection of the water environment (both surface water and ground water).
- Risks to the environment or human health arising from development on or near radioactively contaminated land and on or near a designated Part IIA Special Site.
- Protection of the marine environment.
- Good air quality.
- Noise and odour in relation to processes regulated by SEPA (protection of residential amenity, sensitive receptors).
- Potential consentability under SEPA's regulatory regimes (high risk only)

4. SEPA Geographic Information System (GIS) layers

4.1 The GIS layers below will assist you in deciding when to consult us on certain key issues. Please contact your local authority GIS manager for guidance on how to access these layers.

- SEPA's Indicative River and Coastal Flood Map (Scotland) shows indicative fluvial and coastal flood risk areas. We should be consulted on developments within or adjacent to these indicative areas.

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- We have provided a GIS layer showing 'Waste water drainage consultation areas'. This shows areas where a proliferation of private waste water arrangements may be currently causing environmental problems. We should be consulted on all developments proposing private waste water arrangements in these areas to enable us to advise you on significant potential environmental and health impacts and assist in finding solutions.
- We have a GIS layer showing 'Contaminated Land Special Sites' and 'Radioactive Contaminated Land' designated under Part IIA Contaminated Land of the Environmental Protection Act 1990. SEPA should be consulted on any development proposed on these sites because we are the lead authority for these sites.
- We may provide a GIS layer showing sites regulated under The Pollution Prevention and Control (Scotland) Regulations 2000 (PPC) Part A, Sewage Treatment Works, Upper Tier of Control of Major Accident Hazards (Amendment) Regulations 2005 (COMAH) in the future. This is to raise awareness of the location of these sites to assist your consultation processes with industry when sensitive developments are proposed close to such sites.

5. Procedures for pre-application engagement

- 5.1 We encourage pre-application discussions for the above developments listed in section 3.1 above. For all major and national planning applications which may potentially have a significant impact on the environment (eg hydro-electric schemes, large waste management facilities, proposals for major watercourse diversions) we would expect to be notified and involved in any pre-application discussion and processing agreement.
- 5.2 Where hydro scheme developers seek environmental authorisation from SEPA prior to applying for planning consent, we will encourage consultation with the planning authority to facilitate early pre-application discussion to identify information requirements and to resolve potential issues at the earliest opportunity.