

Scotland's 4th National Planning Framework has recently been published. This letter is therefore being reviewed and updated to reflect the new policies. You can still find useful and relevant information here but be aware that some parts may be out of date and our responses to planning applications may not match the information set out here.



Our ref: !!SREF!!
Your ref: !!CPREF!!

If telephoning ask for:
!!OFFICER!!

!!CPNAME!!
!!CPORNAME!!
!!CPADD!!
!!CPADD2!!
!!CPADD3!!
!!CPADD4!!
!!CPPCODE!!

INSERT DATE

By email only to: !!CPEMAIL!!

Dear !!CPNAME!!

**!!LEGISLATION!!!!SUMMARY!!
!!SITE!!**

Thank you for consulting SEPA on the **screening/scoping** opinion for the above development proposal by your email received on !!DATED!!. **Delete next sentence if already met or no meeting required** We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice to the planning authority

Choose relevant paragraph. Delete both if providing only scoping advice

EIA req'd To streamline planning, please note in accordance with Table 1 of Planning Advice Note 1/2013 we need only be consulted at the screening stage in exceptional circumstances. Based on the information submitted to us we consider that, with respect to interests relevant to our remit, the proposed development will be **likely to have a significant effect** (in the context of the Regulations) on **Insert the environmental receptors we think may be significantly impacted e.g. the water environment, peatlands, air quality** and therefore Environmental Impact Assessment (EIA) is required. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application. In summary this must include:

EIA not req'd To streamline planning, please note in accordance with Table 1 of Planning Advice Note 1/2013 we need only be consulted at the screening stage in exceptional circumstances. Based on the information submitted to us we consider that, with respect to interests relevant to our remit, the proposed development will be **unlikely to have a significant effect** (in the context of the Regulations) on the environment and therefore Environmental Impact Assessment (EIA) is not required. This is on the assumption that standard and reasonable environmental mitigation measures will be put in place. Whether or not EIA is required, this must be demonstrated through the information we have requested below. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application. In summary this must include:

Delete the next three lines if you have used one of the above two paragraphs.

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

Delete any not applicable and re-order as needed.

- a) Map showing assessment of all engineering works within and near the water environment including buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map showing assessment of all impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- c) Map showing assessment of all impacts upon groundwater abstractions and buffers.
- d) Peat depth survey map and table detailing re-use proposals.
- e) Map and table detailing forest removal.
- f) Map and site layout of borrow pits.
- g) Schedule of mitigation including pollution prevention measures.
- h) **Choose quarry or borrow pit** Quarry or Borrow Pit Site Management Plan of pollution prevention measures.
- i) Map of proposed waste water drainage layout.
- j) Map of proposed surface water drainage layout.
- k) Map of proposed water abstractions including details of the proposed operating regime.
- l) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

1. Site specific comments

1.1 Review scoping report/other submitted information and detail any site specific concerns you note e.g. buffers to sensitive receptors or plans not clearly showing all built elements. If draft assessments included, detail any concerns/comments we may have on them. Potential issues or areas on which we could give site specific comments include:

- Cases where a PMP is definitely required – “In this case, where much of the site is on peat, we expect the application to be supported by a comprehensive site specific Peat Management Plan.”
- Cases where it is clear that there will be wetlands on the site and it makes more sense to go directly to NVC – “In this case, where it is clear that much of the site is likely to be

peatland and/or wetland, we suggest you may wish to go straight to carrying out NVC survey without carrying out Phase 1 and Sniffer assessments.”

- Cases where much of the site is forested and NVC of these areas is not required - “We can confirm that habitat survey information is not required for areas which are heavily forested or recently felled.”
- Cases where, based on the upland location and on information provided at scoping, it seems unlikely that any groundwater abstractions will be located within 250 m of excavations – “Based on the information provided at this stage it seems unlikely that any development will take place within 250 m of a groundwater supply source; if this is the case it would be helpful if the ES provides evidence to confirm this.”
- Cases where the only apparent flood risk issue is design of watercourse crossings – “Provided watercourse crossings are designed to accommodate the 0.5% annual exceedance probability event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.”

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 **Amend as appropriate** Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 2.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at:

Insert local office details

If you have queries relating to this letter, please contact me by telephone on **insert contact number** or e-mail at **insert area planning office e-mail**.

Yours **insert closure (sincerely/faithfully)**

!!OFFICER!!

Insert job title

Planning Service

ECopy to: **!!COPYTO!!; Planning Authority Case Officer Direct Email if Available and Requested;**

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes

required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1 All maps must be based on the Ordnance Survey 1: 10 000 scale or greater base mapping to provide an adequate scale with which to assess the information. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible to minimise the extent of new works on previously undisturbed ground. Cabling must be laid in ground already disturbed such as verges.

2. Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

2.1 The proposed hydro scheme will require an authorisation from us under CAR. It is likely that the CAR application will be subject to a derogation (exemption under the Water Framework Directive) assessment and third party consultation which could result in amendments to the scheme. We therefore encourage applicants to twin-track applications for consent under planning and CAR to ensure that CAR requirements can be accommodated more easily when proposals are at their most fluid.

2.2 Should the applicant choose not to twin-track their applications then the following details must be included in the planning submission to allow us to provide an indication of the potential consentability of the proposal under CAR:

- a) The location and design of the intakes and outfalls and their impact upon the morphology of the water environment.
- b) Compensation flow.
- c) Fish passages.
- d) Other relevant CAR or planning applications or consents for abstractions/hydro schemes.
- e) Sensitive water uses, water dependent species (including bryophytes) and ecosystems.

- 2.3 See [Planning guidance on hydropower developments](#) to assist in meeting these information requirements. More detailed guidance on CAR can be found on our [hydropower](#) web page.

3. Other impacts on the water environment

- 3.1 Other elements of the scheme must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in the water environment cannot be avoided then the submission must include a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A buffer of at least 10 m drawn around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
 - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 3.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 3.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 3.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment.

4. Disturbance and re-use of excavated peat and other carbon rich soils

- 4.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release."
- 4.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat.
- 4.3 The submission must include:

- a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Developments on peatland: Site surveys and best practice](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 4.4 To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Regulatory Position Statement – Developments on Peat](#).
- 4.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
- 4.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

5. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

- 5.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:
- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
 - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.
- 5.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

6. Existing groundwater abstractions

- 6.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:
- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations

deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

6.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

7. Forest removal and forest waste

- 7.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality.
- 7.2 The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

8. Borrow pits

- 8.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.
- 8.2 The following information should also be submitted:
 - a) A map showing the location, size, depths and dimensions of each borrow pit.
 - b) A map showing in relation to each proposed excavation, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas.
 - c) A site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10 m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
 - d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
 - e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Developments on peatland: Site surveys and best practice](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO₂.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

9. Pollution prevention and environmental management

- 9.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.
- 9.2 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques, regulatory requirements, the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Pollution prevention guidelines](#).

10. Decommissioning / Repowering

- 10.1 Proposals to discard materials that are likely to be classed as waste would be unacceptable under current waste management licensing and under waste management licensing at time of decommissioning if a similar regulatory framework exists at that time. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).
- 10.2 The layout and the general principles for decommissioning must demonstrate waste minimisation and compliance with the above waste regulatory position.