

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 You can still find useful and relevant information here but be aware that some parts may be out of date and our responses to planning applications may not match the information set out here.

## Planning Background Paper

# SEPA Regulated Sites and Processes



SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier:	LUPS-BP-GON
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Background Paper on SEPA Regulated Sites and Processes		

## Update Summary

<i>Version</i>	<i>Description</i>
Version 1	First issue
Version 2	There has been the inclusion of a new requirement related to small biomass plant and new recommendations related to regulated sites and the medium combustion plant directive. The table now includes information requests for intensive agriculture applications and the appropriate assessment.

## Notes

This document provides SEPA guidance on land use planning and SEPA regulated sites and processes. It is based on SEPA's interpretation of national planning policy and duties and requirements under relevant legislation.

This document is uncontrolled if printed. Always refer to the online document for accurate and up-to-date information.

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## Why we comment on this topic

- DI.1 As Scotland's environmental regulator we administer a number of regulatory systems. We have to judge whether or not an application submitted under one of these environmental regulatory regimes meets the requirements of the law. If the application meets the legal requirements then we are legally obliged to issue a permit.
- DI.2 In line with [PAN 51](#) guidance, we need certain information about a development to be submitted with the planning application in order to be able to provide a view on whether the associated activity is potentially capable of being consented. The information we require in order to determine whether a process associated with a planning application can be authorised is different, but complementary, to the information we require to fulfil our role as statutory consultee of the town and country planning process.
- DI.3 This guidance note provides advice on how we will respond to planning authorities when elements of a development will also be regulated by us or where a development proposal is in proximity to an existing regulated process. When we respond to such consultations we must advise the planning authority as to the potential consentability of the proposal under environmental regulation.
- DI.4 Land use planning and environmental regulation fall under different regimes but often are complementary. For most types of development it is for developers to decide when they submit their separate applications for planning permission and authorisation. When consulted on a planning application for a development, elements of which may also be regulated by us, we must consider the acceptability of the development itself in land use terms. This involves consideration of the sensitivity of the receiving environment, including adjacent land uses and potential regulation.

### SEPA's objectives for this topic:

- Where elements of a planning application may be regulated by SEPA, to provide a view on whether this activity is potentially capable of being consented.
- Where development is proposed in proximity to SEPA regulated sites to provide information to planning authorities to enable them to make an informed decision on the proposed development.
- To ensure that development proposals are located, sited and designed to minimise air quality impacts and do not create unacceptable risks to adjacent communities.

- DI.5 We have clarified the requirements and recommendations relating to SEPA regulated sites and processes that we consider should be addressed through development management. These are based on our interpretation of national planning policies and duties and requirements under relevant legislation. They will be used to inform our advice to planning authorities. We expect development proposals to satisfy the relevant requirements and we will encourage planning authorities and developers to consider the recommendations as good practice.

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## DM Requirement 1: SEPA regulated sites and processes

### SEPA regulated sites and processes

Information is provided in support of the application to demonstrate that proposal is potentially capable of being consented through the relevant SEPA regulatory regime(s). Guidance on the minimum information requirements for each regulatory regime is provided in Table 1.

### Information requirements

- DM.1 The minimum information requirements for each regulatory regime is set out in the Table 1. This information should be submitted in support of the planning application.
- DM.2 Note: if the proposal is for a windfarm, hydro, large scale mixed use development, quarry, fish farm or marine development, you should also refer to the information requirements set out in our standard EIA scoping letters. These are available on our [advice for developers webpage](#).

**Table 1:** General Information Requirements

Regulatory regime	Information needed to support the planning application
Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012)	<p>a) A general description of the proposed process, techniques and technology choice.</p> <p>b) <b>EITHER</b> – details of proposed processes, techniques and technologies, an assessment of environmental impact associated with technology choice, including the process of producing a detailed list of receptors, a description of potential impact on sensitive receptors, proposed mitigation measures and emissions standards to be achieved. This should include the consideration of potential future development sites i.e. sites allocated or proposed for allocation in the Local Development Plan, sites with extant planning permission or sites with planning applications under consideration by the planning authority; <b>OR</b> – demonstration that, assuming a worst-case scenario with sensitive receptors present, the development could reasonably achieve through existing technology agreed defined emissions standards. For proposals that include chimneys or stacks, a Stack Height Sensitivity Analysis, using data modelling from a worst case scenario (proposed minimum stack height and using IED emission limit value) must be submitted.</p> <p>c) A statement relating to potential for abnormal or unusual events (e.g. non-routine emissions), the frequency and expected duration of the events, and the potential impact on sensitive receptors, in order to demonstrate the suitability of the location. This is an important issue as some processes (through for example odour) are inherently challenging in terms of co-location with for example housing.</p> <p>d) Where relevant, information required to ensure compliance with SEPA's <a href="#">Thermal Treatment of Waste Guidelines</a> in terms of the efficiency of the plant and the acceptability in principle of the proposed heat plan.</p>

	<p>e) Information relating to carbon capture readiness where the proposal relates to an Electricity Act Section 36 application for a thermal power station of &gt;50MW.</p> <p>f) In the case of an application for an intensive pig or poultry farm, SCAIL (Simple Calculation of Atmospheric Impact Limits) Agriculture screening is required to be carried out to identify whether screening criteria for any relevant standards/critical levels will be exceeded at any designated sites and sensitive receptors. Where they are exceeded, SEPA will require further detailed modelling to better predict the impact on ambient air quality from the proposed site.</p> <p><b><i>Special Note: Statutory Consultee Consultation Arrangement - Appropriate Assessment</i></b>  Where SEPA has been consulted by SNH under the Habitats Regulation for sites of high risk activity (large combustion plants, incinerators and intensive agriculture proposals for pigs or poultry required to be permitted under PPC) that are likely to have a significant effect on the nature conservation site, we require additional modelling information to be submitted, or the submission of a PPC application. The form of the information will be outlined through discussion with the applicant.</p>
Waste Management Licensing (Scotland) Regulations 2011	<p>a) <u>All waste management</u> proposals require a description of the site layout and design which demonstrates that the site is capable of accommodating the proposed development without resulting in unacceptable negative environmental impacts and is adequate for the activity proposed.</p> <p>b) <u>Energy from waste</u> proposals require information to demonstrate that the proposal will comply with <a href="#">Thermal Treatment of Waste Guidelines</a> in terms of the efficiency of the plant and the acceptability in principle of the proposed heat plan.</p> <p>c) <u>Anaerobic digestion</u> proposals – refer to <a href="#">Thermal Treatment of Waste Guidelines</a> for detailed planning information requirements.</p>
Radioactive Substances Act 1993 (as amended) (RSA) and Contaminated Land (Scotland) Regulations 2005 (as amended)	Detailed information will be provided in DM guidance on contaminated land/ soils.
The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)	<p>a) A description of any works which will have an impact on the water environment e.g. discharges (including volume), abstractions, culverts and bank works to allow an assessment of the impacts on water quality, quantity and morphology and to minimise these impacts at the planning stage (e.g. through modifications in layout and route selection).</p> <p>b) A list of sensitive receptors within the water environment (e.g. other water users, water dependent ecosystems) and the potential impact the proposed activities will have on them.</p>

	<p>c) Where appropriate, details of the technologies and techniques that will be used in carrying out the works to give a reasonable indication if any adverse impact on the water environment can be satisfactorily mitigated.</p> <p><b><i>Derogation assessment and determination</i></b>  SEPA is required to carry out a derogation assessment on any CAR application where proposals would have a significant adverse impact on the water environment i.e. breach an environmental standard, or cause deterioration in status of a water body, or prevent the future achievement of an objective in the River Basin Management Plan. This procedure is generally required for hydropower applications but is not limited to this type of development.</p> <p>We consider that it would be inappropriate for a planning authority to approve a planning application prior to the derogation test being carried out by SEPA. This is because the planning authority is a Responsible Authority under the Water Environment and Water Services (Scotland) Act 2003. We will advise planning authorities to defer planning decisions on any development proposal where a CAR derogation will be required.</p>
<p>The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended by the Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2009 and the Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2010</p>	<p>We require information which will enable us to advise the planning authority of the likely tier of the proposal under these Regulations at the planning stage.</p> <p>We will revisit this position in light of further regulatory changes in relation to COMAH.</p>

**What needs to be considered?**

- DM.3 Pre-application engagement can provide an important opportunity to discuss and resolve potential issues regarding the consentability of a development proposal prior to the planning application stage. It also provides an opportunity to set out to applicants the level and type of information we require at planning and environmental consent stages.
- DM.4 We require minimum information at the planning stage in order to assess whether a proposal is capable of gaining consent. We have detailed scoping letters for [Windfarm, Hydro, Large Scale Mixed Use, Quarry, Fish Farm and Marine developments](#) which list the minimum

information requirements for these specific types of development. For all other development types, [Table 1](#) provides generic advice for the minimum information we require. Where any of the information requirements have not been met or information has not been provided, we will, in our response; a) make it clear that additional information will be required at the environmental consent stage to show that consent can potentially be granted; b) what information is required; and, c) that it will be at the developer's own commercial risk if they do not wish to provide this information at the planning stage. Failure to provide this information at the planning stage may result in a development with planning permission being refused environmental consent or require an applicant to resubmit the planning application with an amended scheme to accommodate modifications required by environmental regulation.

DM.5 In exceptional circumstances we may object in principle where a proposal is not capable of gaining consent. Further information regarding objection in principle is detailed in paragraph DM.7 below.

DM.6 In considering applications that would also require consent under a SEPA regulatory regime we should consider the following issues:

- (a) Whether the location of the development is acceptable in principle (in exceptional circumstances the close proximity of sensitive receptors or the cumulative impact of the proposal due to existing environmental pressures may mean that we consider the proposal is not capable of being consented in that location);
- (b) Whether the sizing of the design and layout of the development is likely to be able to provide the space or height for commonly required regulatory requirements;
- (c) Whether consideration has been given to neighbouring allocated sites or proposed developments; and
- (d) For any new developments that include processes that will require permitting under PPC and include chimneys or stacks, we **require** information submitted as part of a planning application to include a Stack Height Sensitivity Analysis, using data modelling from a "worst case scenario" (proposed minimum stack height and using IED emission limit value).

And outline clearly to the LPA:

- (e) Site specific advice identifying which matters will be regulated by us and therefore will not need to be controlled by planning conditions;
- (f) Any planning conditions which are essential to the acceptability and consentability of the proposed development, including those which may be required to complement but not duplicate our regulatory control;
- (g) Where insufficient information has been provided, what additional information is required and why we are asking for it;
- (h) Where sufficient information has been provided, a clear statement on whether we consider the proposal is potentially capable of being consented under the relevant specified regulatory regime(s). Where we do not consider the proposal to be potentially capable of being consented, the reasons for this should be clearly outlined.

DM.7 We will only object in principle to the proposal in the exceptional circumstances where we consider the proposal is not capable of being consented. An objection due to lack of information should only be used when proposals raise specific issues on which we need more detail to enable us to determine whether it is potentially capable of being consented. Requests for this



information, and any objections that are made to support such requests, will relate to the broad principles of consent and not to the detail required for determination of the environmental consent.

- DM.8 Some issues are relevant to both planning and environmental regulation, but for different reasons. Matters such as technology choice can be resolved by the submission of sufficient information at the planning application stage. It is the developer's own commercial risk if at a later regulatory stage changes to a proposal are required that necessitate a further planning application.
- DM.9 Emissions which could impact upon health are entirely under the control of our regulatory powers and can be restricted to acceptable levels which can be determined following Health Impact Assessment at the environmental regulatory stage. We do not comment on these matters at planning stage.

### ***Co-location***

- DM.10 New developments can introduce sensitive receptors (such as housing, schools or hospitals) to areas that are managed for existing impacts on air, noise and odour through SEPA's regulatory regime. This may specifically be an issue where the regulated facility may fail air quality assessments or limits due to the subsequent introduction of sensitive receptors on adjacent sites.
- DM.11 Where the application is for a new development which will be regulated by us, the applicant should consider the potential impact the proposal may have on existing or planned development on adjacent sites. This should include sites that have been allocated in the development plan, sites under consideration in an emerging development plan, and sites that have extant planning permission.

### ***Stack Height***

- DM.12 Where facilities include a chimney or stack, we are taking a precautionary approach requiring the submission of a Stack Height Sensitivity Analysis, using data modelling from a worst case scenario (proposed minimum stack height and using IED emission limit value). This information requirement is *not* an additional information request, it is instead outlining how information that is currently generally made available in application documents submitted at planning application can be best presented in order to enable better responses from TSU when asked the question "is this proposal capable of gaining consent". It is possible this will result in additional workload for TSU at the planning stage, but will provide a better response to the applicant.

### ***Stack Height Internal Consultation***

- DM.13 TSU should be consulted through PCS, clearly stating where the Stack Height Sensitivity Analysis can be found in the planning application documents.
- DM.14 A Stack Height Sensitivity Analysis using IED emission limit value must be submitted as part of the planning application. This information can form part of the Environmental Statement, Planning Statement or other supporting documentation. This precautionary approach will enable for better assessment by our TSU specialists when considering whether the proposed facility is potentially capable of gaining consent.

### ***Justification***

- DM.15 Paragraph 188 of Scottish Planning Policy defines the breakdown of roles between the planning authority and SEPA's regulatory function, stating that "Planning Authorities should determine

whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA". We will therefore expect all proposals to comply with our guidance on consentability.

- DM.16 Online Scottish Government planning guidance [Planning and Waste Management Advice](#) states in paragraph 30 that: "...As a statutory consultee, SEPA will advise on policy compliance and whether a proposal is capable of being consented, consistent with their regulatory function; avoiding overlapping licence and planning conditions."
- DM.17 The Climate Change (Scotland) Act 2009 introduces various targets to reduce greenhouse gases emissions within Scotland and is complemented by the Zero Waste Plan objectives that seek to reduce waste generation across the nation.
- DM.18 Where proposals include the thermal treatment of waste (for example, the treatment of municipal and/or commercial waste by combustion, gasification, pyrolysis, plasma systems and anaerobic digestion), applicants will be required to comply with [SEPA's Thermal Treatment of Waste Guidelines 2014](#) – which outline practical requirements to be considered for both the planning application and PPC Regulation stages, and are a material consideration in assessing proposals for waste from energy facilities.
- DM.19 The requirements for thermal treatment facilities are expressly set out within SPP (Paragraph 189) indicating that SEPA's Thermal Treatment of Waste Guidelines 2014 and addendum sets the policy for such facilities. This requirement is strengthened by SPP (paragraph 183) which indicates that links should be made between energy from waste sites/allocations and new development to enable the provision of renewable heat and energy with the potential for long-term demand. This arrangement should help achieve the delivery of Scottish Government targets for renewable heat (i.e. 11% of Scotland's heat from renewable sources).

**Special Note:**

**Statutory Consultee Consultation Arrangement – Appropriate Assessment**

- DM.20 Where both planning permission and a PPC licence are required, we prefer that planning permission and PPC licence applications are made at the same time. If a planning application is submitted before the PPC application, then it should include a general description of the proposed process, techniques and technology choice, in addition to either:
- a) details of proposed processes, techniques and technologies, an assessment of environmental impact associated with technology choice, including a detailed list of receptors, a description of potential impact on sensitive receptors, proposed mitigation measures and emissions standards to be achieved; **or**
  - b) demonstration that, assuming a worst-case scenario with sensitive receptors present, the development could reasonably be achieved through existing technology agreed defined emissions standards.
  - c) In the case of an application for an intensive pig or poultry farm, SCAIL Agriculture screening will be required to identify whether screening for relevant standards/critical levels will be exceeded at any designated sites and sensitive receptors. Where they are exceeded, SEPA will require further detailed modelling to better predict the impact on ambient air quality from the proposed site.
- DM.21 If this information is not provided, we may be unable to respond fully to a planning consultation, which might delay planning authority or Scottish Government decisions.

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## DM Requirement 2: Small scale biomass

### Small scale biomass

SEPA will object in principal to biomass proposals that are intended to use waste wood source materials which are of a scale that normally falls within the Waste Management Licence Part 5(1) exemption (capacity <50kg/hr) and are sited within an Air Quality Management Area.

The development would not be able to comply with the terms of the exemption, which is the only relevant SEPA regulatory control. Such facilities are not capable of being controlled under the PPC regime due to their size.

### Information recommendations

- DM.22 In order to determine if the proposal is one that we would object to in principal, we need to know what source materials will be used in the facility, the size of the proposed facility and whether the proposal is sited within an Air Quality Management Area.

### Internal Consultation

- DM.23 Planning staff will need to consult local Ops team to establish if the proposed biomass falls within this category.

### Justification

- DM.24 Biomass proposals that are intended to use waste wood source materials which are of a scale below the Waste Management Licence [Part 5\(1\) exemption \(capacity <50kg/hr\)and are](#) sited within an Air Quality Management Area, then the development would not be able to comply with the terms of the exemption, which is the only relevant SEPA regulatory control. Such facilities are **not** capable of being controlled under the PPC regime, and therefore it would not be capable of gaining consent under either regime. We will object in principle to these applications.

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## DM Recommendation 1: Co-location

### Co-location

Where a proposed new development is in the vicinity of a regulated site(s), Local Planning Authorities should give full consideration to the potential for negative impacts resulting from the interaction of the proposal and the regulated site and the need for any amendments to the new development to take into consideration, minimise, or avoid any potential negative impacts.

### Information recommendations

- DM.25 Where the proposal is for a new development adjacent to a regulated intensive pig or poultry farm, SEPA will require SCAIL Agriculture screening to be carried out. This should identify whether screening criteria for relevant standards/critical levels will be exceeded at any new sensitive receptors and where they are exceeded we will further require detailed modelling to better predict the impact on ambient air quality at the new development.

### What needs to be considered?

- DM.26 *New developments can introduce sensitive receptors (such as users of housing, schools or hospitals) and other land uses where human activity takes place (such as employment development) to areas that are managed or licenced through SEPA's regulatory regime.*
- DM.27 We regulate operations on licensed sites via the regimes and legislation we control via a PPC permit/Waste Management licence. However, due to the nature of the some licensed activity, even with the use of best industrial practice, mitigation and odour abatement techniques, it is possible there may be residual impacts outwith the site boundary. Such impacts may not necessarily represent non-compliance with the site licence conditions and therefore cannot be controlled by us. If there is a history of complaints associated with the existing licensed facility, then we will advise the planning authority of the nature of the complaints and whether any of the complaints have been substantiated by an officer. However, we will investigate complaints or issues arising from any perceived impacts in order to assess overall compliance with the site licence.
- DM.28 It is therefore important that the LPA fully considers whether it is appropriate for the proposed new development to be sited adjacent to a regulated site, and if the proposal is compatible with existing and proposed adjacent land use, (or where relevant whether it is appropriate for a proposed new site which will be regulated by us to be located adjacent to existing or planned land uses) and whether there are adequate separation distances between the sites or incorporated within the layout of the proposed development, for example to mitigate where possible for process failures which could generate odour problems.
- DM.29 We consider that decisions on development proposals such as housing close to regulated sites should be made with full knowledge of the potential interaction between the two. There are many examples of sensitive development being permitted close to regulated processes that result in requirements for tighter and more expensive controls for the businesses concerned in order to avoid nuisance. The developments can also lead to long term complaints in relation to – for example – odour and noise. This in turn results in disproportionate use of our resources to resolve such problems, which would not have arisen had the decision to place new development close to the source been taken in full awareness of the likelihood of impact on people.
- DM.30 Where the application is for new development taking place on sites adjacent to facilities we regulate, we recommend that the applicant contacts the operator of the regulated facility, and

in conjunction with SEPA discusses any potential issues which arise from the co-location of the new development. The proposed new development should not result in the existing licensed operating facility being non-compliant with our licensing regimes and the developer must consider the potential for impact from residual noise and odour arising from the existing licensed facility. When we consider it useful to do so, we will provide to planning authorities, information on the location and nature of such regulated processes and the technical standards to which they operate.

- DM.31 We recommend that the applicant discusses the proposed development with the operator of the regulated facility and with us. Any potential air quality issues must be identified and any mitigation or avoidance that will remove identified issues must be outlined as part of the planning application.
- DM.32 The design of buildings and layout of development on site should take account of any existing adjacent/nearby regulated facilities. New developments can be designed to minimise the impact of poor air quality on the occupants/sensitive receptors. For example, the layout of new development can allow for buildings to be located as far as possible from areas of poor air quality/regulated facilities that may have impact on human health. New development buildings could be designed to mitigate or minimise impact of poor air quality e.g. incorporating carbon filters to remove ammonia from air extracted externally, incorporate filters to remove PM10/25 from air before it reaches interior of buildings or incorporate these into air conditioning or include air conditioning where it previously was not included.
- DM.33 As this is a matter on which the planning authority must make an informed decision we will not object to a development proposal in this situation. With regards to potential impact on the new development of **residual** noise and odour arising from the existing regulated facility, the decision on the appropriateness of the co-location of the proposal with the existing regulated facility rests with the local authority and any consultation they have with their own Environmental Health colleagues. This position will be made clear in our response to the consultation. We will, in such circumstances, recommend that planning authorities consult the operator of the regulated site to enable the licence holder the opportunity to make representations to the planning authority.

#### **Internal Consultation**

- DM.34 Where the proposal is for a new development adjacent to a regulated intensive pig or poultry farm, SEPA will require SCAIL Agriculture screening to be carried out. The Intensive Agriculture team must be consulted to assess the results of this screening.
- DM.35 SEPA Planners will check GIS to see if any regulated sites (PPC, WML only?) are located close to the application boundary. If there are, then consultation with the local Ops team will be made to confirm details of the location, nature of regulated processes and the standards to which they operate, and if there have been any complaints raised regarding the site.

#### **Justification**

- DM.36 Paragraph 188 of Scottish Planning Policy (SPP) defines the breakdown of roles between the planning authority and SEPA's regulatory function, stating that "...Planning Authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA." We will therefore expect all planning authorities to give full consideration to compatibility with neighbouring landuses, in particular any potential for negative impacts resulting from proposed new developments and adjacent regulated sites.
- DM.37 Paragraph 191 of SPP clearly advises that, with regard to waste management facilities, the consideration of appropriate buffer zones should be undertaken by planning authorities, stating

that "Planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites."

- DM.38 A key consideration that planning authorities should give in relation to potential negative interactions of proposed developments and regulated sites (or proposed regulated sites and existing development) is contained in SPP paragraph 28 which states "...The aim is to achieve the right development in the right place..." The planning authority should therefore give consideration as to whether co-location of development with existing land use is appropriate, and that development requirements are attached as appropriate.
- DM.39 Planning Advice Note 51: Planning, Environmental Protection and Regulation (2006) provides support and advice relating to the role of the planning system in relation to the environmental protection regimes. It summarises statutory responsibilities of environmental protection bodies, including SEPA, and aims to minimise any overlap or duplication of environmental controls.
- DM.40 Clear advice is given with regard to advising an LPA if a proposal is capable of gaining consent. PAN 51 paragraph 49 states that "Whether authorisation or licensing under another regime would be approved or refused is not a material consideration although whether a proposal was '*capable of being licensed*' would be". Paragraph 50 goes on to list a number of environmental protection issues which might be regarded as material considerations by the planning authority.
- DM.41 With regard to potential nuisance issues arising from development, PAN51 paragraph 52 advises that "...There remains the possibility that...nuisance effects on neighbours arising from such proposals, may still raise planning issues. Similarly, any requirements for changes to licensing to further mitigate environmental impacts of established development may require amendments to the existing planning consent." This is explored further in paragraphs 64 – 65 which advise the LPA on their role in considering noise and nuisance; Paragraph 65 clearly states that "Noise and Nuisance may therefore be material considerations, both in terms of proposed developments that are likely to cause noise or nuisance and in terms of proposed sensitive developments which may be affected... (in the latter example) the local authority should seek to avoid situations where noise complaints from (the) new occupants would result in an abatement notice being served on the pre-existing use. Planning authorities will wish to consult environmental health officers in appropriate cases, even where the issues are considered as part of an Environmental Impact Assessment."
- DM.42 Further advice on the role of the planning system with regards to noise is provided in PAN 51 Annex Environmental protection regimes part 10.5 which states that "The land use planning system may be expected to have a role in improving the ambient noise climate, and to ensuring that the future occupants of new noise sensitive developments are protected from environmental noise."

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## DM Recommendation 2: Medium combustion plant directive

### Medium combustion plant directive

Proposals for combustion plants of 1MW capacity upwards may require, from 2018 onwards, to gain a permit from SEPA for operation. The Medium Combustion Plant Directive is currently being transposed into domestic legislation by the Scottish Government. It will require that combustion plant with a net rated thermal input of between 1 and 50MW coming into operation after December 2018 be registered/permitted by SEPA and will require to meet specified emission limits, depending on the size, type of fuel, etc. Plant that is put into operation before December 2018 will also have to register and meet emission limits but at a later date. For more information please contact SEPA directly.

### Information recommendations

- DM.43 Information must be provided outlining the size of the combustion plant, including whether it can or will be aggregated with any other existing or proposed combustion plants.

### What needs to be considered?

- DM.44 This recommendation is provided as an informative to planning applications for proposals for combustion plants of 1MW capacity upwards. The amendments to the PPC regulations to implement the requirements of the Medium Combustion Plant Directive (MCPD) were transposed in December 2017. They come into force for new plants from December 2018 and depending on size for existing plants in 2024/29. They apply to all combustion plants from 1-50MW, but it should be noted that currently combustion plants sized between 20-50MW are already covered by PPC Part B, and plants or installations sized greater than 50MW (including aggregate) are already covered by PPC Part A.

Size of combustion plant	PPC category	
>50MW installation aggregate	Part A (section 1.1)	
20-50MW individual plant	Part B (section 1.1 (a) or (b))	
>20MW installation aggregate	Part B (c)	EED requirements if applicable
1-20MW plant	Part B(d) (proposed)	MCP requirements

- DM.45 More detail is available on the [PPC combustion page](#) of our website.

### Internal Consultation

- DM.46 Consultation with Operations teams, TSU, to assess whether the proposal falls within PPC Part A, Part B or whether it must comply with the MCPD.

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