

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU9
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Advice for planning authorities on how and when to consult SEPA	

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. This guidance note provides direction on how and when we should receive consultations from planning authorities. We wish to focus our advice on consultations where we can add best value in protecting Scotland's environment and people and property from flood risk. This guidance note sets out how to consult us and what types of development we wish to be consulted on. We also have guidance on how and when we should be consulted on proposals from other Agencies. Please do not hesitate to contact the Planning Service at your [planning team contacts](#) 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. Please note that we can only process files of a maximum size of 25MB and therefore any supporting documents in excess of this file size should be divided into appropriately sized and named files.
- 2.2 It is important that you highlight your reason for consulting us to enable us to focus on the issue(s) which require our input. For example, flood risk. If this is not done then your consultation will be returned without comments. You should also identify where within the development hierarchy the application falls, i.e. local, major or national. Section 4 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. Procedures for pre-application engagement

- 3.1 We encourage pre-application discussions for the developments listed in section 4.1 below. 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.
- 3.2 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.

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4. When to consult SEPA

4.1 We wish to be consulted on the categories of development specified in the table below. If the development proposal falls below these thresholds but you consider that it raises an unusual environmental issue (eg. infilling with inert material to a depth greater than 2 metres), and you wish our advice, please clearly highlight the reason you are consulting us on the consultation. For routine issues such as drainage in relation to small scale developments you should refer to [standing advice for development](#).

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) unless it relates to wind turbines under 10 MW	All
4. Development proposals where the planning authority is specifically seeking flood risk advice	Developments with the exception of: i. Lower risk proposals that are covered by our standing advice in Appendix 2 of our standing advice for development ii. Surface water flood risk issues where SEPA has developed specific consultation guidance (see section 6 on page 5)
5. Proposals that include engineering works in the water environment	Only those which are not covered by standing advice e.g. a. culverting for land gain, diversions, realignment, flood channels; b. applications solely for water engineering works; and, c. water treatment works undertaken by Scottish Water
6. Mineral applications	All except those solely to a time extension.

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7. Energy generation e.g. windfarms and hydro	All above 10 MW; all scales of hydro; all anaerobic digestion; all biomass
8. Waste management applications	All
9. Cemetery developments	All
10. Fin Fish Applications	<p>Do not consult us on new or repositioning of feed barges, but otherwise consult us on fin fish applications.</p> <p>Consult us under the Town & Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment Order 2012 where the Scottish Government PDR Guidance advises consultation with SEPA, currently a) replacing an existing finfish cage or installing an additional cage (Class 21A) and changes are being made to benthic footprint; and b) adding longlines at a shellfish farm (Class 21E), but only if specific advice is required above that provided under our standing advice.</p> <p>Do not consult us on any shellfish applications.</p>
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:	All
<ul style="list-style-type: none"> 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 	

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greater than 2000 population equivalent as agreed with planning authorities c) Scottish Water waste water treatment works	
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. Flood Protection Works under Section 56 of the Flood Risk Management (Scotland) Act 2009	All
16. Hazardous Substances Consents	All

4.2 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 on [standing advice for development](#).

4.3 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, including wetlands.
- 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).

5. SEPA Geographic Information System (GIS) layers

5.1 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.

- All planning authorities have been provided with a planning sub-folder of the 2014 Flood Maps to be used as a screening tool to identify potential flood risk. We have prepared a [briefing note to planning authorities](#) to assist transition to the 2014 Flood Maps. The flood maps should be supplemented with any

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other flood risk information held by your internal flood prevention colleagues. We should be consulted on applications supported by an assessment of that risk in line with our [technical guidance on flood risk assessment](#).

- 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.

6. Planning Authority consultations on surface water flood risk

- 6.1 The surface water hazard map has been delivered to planning authorities to provide them with a high level awareness of surface water flooding issues to support the consideration of such matters within the land use planning system. The surface water hazard map may provide a starting point for planning authorities in their technical assessment of surface water management solutions. The hazard map combines pluvial sources and sewer model outputs to provide a strategic assessment of surface water flood risk.
- 6.2 SEPA would advise planning authorities to ensure appropriate assessment of surface water flood risk in consultation with their Flood Officers. Consultation with Scottish Water may also be necessary to clarify surface water drainage and flooding constraints from the sewerage system. Planning authorities should not use the surface water hazard map as a basis for routine consultation with SEPA.
- 6.3 Where the technical assessment indicates that there is a pre-existing risk of pluvial flooding and that those flooding issues are particularly complex, SEPA may be consulted for flood risk advice regarding the consideration of pluvial risks.
- 6.4 However, it should be noted that the management of surface water drainage and exceedance of surface water drainage systems are matters for the local authority to consider in conjunction with Scottish Water. Consequently, SEPA does not expect to be routinely consulted on these issues as they can be addressed by Sustainable Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C753) and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual Second Edition.
- 6.5 The consultation process for surface water flood risk is set out in the decision tree on page 6.

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Consultation process on surface water flood risk

