

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 19</p> <p style="text-align: center;">Planning advice on waste water drainage</p>	Page no: 1 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

1. Purpose and scope

- 1.1 SEPA engages with the land use planning system to enable good development and protect the environment. This note provides guidance on waste water drainage when engaging with development plan and development management processes, with a view to securing implementation of SEPA's [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#), (which was worked up with input from relevant stakeholders including developers, Scottish Water and Local Authorities) and the adopted revised Memorandum of Understanding between Scottish Water and SEPA. Definitions and policy positions within this document are derived from WAT-PS-06-08 and the Memorandum of Understanding.
- 1.2 SEPA and Scottish Water are both aware that the water environment has a finite capacity to receive pollutants and recognise that the provision of sustainable drainage infrastructure is essential in protecting the water environment. Such infrastructure also has an important role to play in improving our future resilience to climate change. This guidance helps to demonstrate our commitment, as a public body under Section 44 of the Climate Change (Scotland) Act 2009, to Scotland's Adaptation Framework.
- 1.3 The Water Framework Directive (2000/60/EC) came into force in Europe in 2000 and was transposed to Scots Law via the Water Environment and Water Services (Scotland) Act 2003. The Water Framework Directive has two key objectives: to prevent deterioration, and to achieve Good Ecological Status by 2015. River basin management plans (RBMPs) have been produced as one of the requirements of the Water Framework Directive. These plans set out how the water environment will be managed over the next six years to protect the water environment and address significant issues. They specify measures or actions to achieve objectives. When assessing if a proposed activity will exceed the environmental capacity of the water environment, RBMP improvement objectives have to be considered. Further details on RBMP objectives and allocating environmental capacity can be found in section 5 of Scottish Water and SEPA's Memorandum of Understanding draft guidance notes.
- 1.3 For smaller scale developments (such as less than 25 houses) which are not within an area served by the public sewer or do not lie within one of our waste water drainage consultation areas (available as Geographic Information System layers on our [website](#)), planning authorities will be encouraged to refer to our standing advice instead of seeking site specific information. This is to reduce the consultative burden and speed up the planning process.
- 1.4 We consider that connection to the public sewerage system is the most sustainable and preferred option. However, this guidance note seeks to facilitate provision of a proportionate and flexible planning response to development proposals entailing drainage solutions not directed to public sewer. We generally would be satisfied with an environmentally acceptable private sewerage provision in rural areas with limited or no public sewerage system where there is little concentration of development. In areas where there is a greater concentration of development there are usually drainage solutions that will allow development to

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 19</p> <p style="text-align: center;">Planning advice on waste water drainage</p>	Page no: 2 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

proceed whilst protecting the environment that can be arrived at through discussions between all parties.

2. SEPA's approach to waste water drainage and planning

- 2.1 Drainage is a material planning consideration and should be considered during the formulation of development plans and before determination of all planning applications in line with [Scottish Planning Policy](#) and guidance, including Planning Advice Note (PAN) 79 [Water and Drainage](#).
- 2.2 PAN 79 states that "SEPA also has a role of raising strategic drainage issues in the context of its policies, including its Policy on Provision of Waste Water Drainage in Sewered Areas, to which the planning authority should have regard when preparing development plans and making decisions on planning applications" (paragraph 23).
- 2.3 SEPA's [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#) sets out our approach to waste water drainage in different planning scenarios. We should therefore follow the policy principles set out in this guidance when formulating our advice to planning authorities on development plans and development management consultations.
- 2.4 Waste water discharges require authorisation (registration or licence) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Planning permission is usually sought prior to CAR, and land with planning permission is often sold on before CAR authorisation is sought. It is therefore important to resolve difficult drainage issues early in the planning process.

3. Development plan policy on waste water

- 3.1 Development plans should include a policy which covers waste water in line with PAN 79 [Water and Drainage](#), paragraphs 26-29. Most development plans now include this policy but it is important to ensure this issue is formally brought to the attention of the planning authority at the main issues report stage so that it can be addressed in the proposed plan. As a key agency we play an important role in preparation of the main issues report and proposed plan, so the need for a policy covering waste water should be made clear from the outset.
- 3.2 Planning Circular 1/2009 *Development Planning* requires strategic development plan principle topics to cover strategic infrastructure including waste water (paragraph 14). In the first instance strategic development plans should direct development to areas with existing waste water capacity and they could usefully include a spatial strategy which directs development to these areas. In cases where there is insufficient capacity for development at water or waste water treatment works (Part 4 Assets), Scottish Water will provide additional capacity provided the following 5 criteria listed in section 3.2 of Scottish Water's ["Guide for obtaining new water and waste water services"](#) are met:-

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19	Page no: 3 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011
Planning advice on waste water drainage	

1. The development is supported by the Local Plan and has full planning permission. If the capacity in the Scottish Water system is the only reason preventing a development gaining full planning then outline planning would be accepted.
2. The developer can confirm land ownership or control through a solicitor's letter.
3. The developer can confirm plans are in place to mitigate any network constraints that will be created by the development through a Minute of Agreement with us or alternatively a letter showing commitment to mitigate network impact through Part 3 investment.
4. The developer confirms any time remaining on current planning permissions with the local council.
5. The developer can demonstrate reasonable proposals in terms of the development's annual build rate.

The planning authority should in the first instance discuss how best to address any waste water issues in the Plan area with Scottish Water and if required further appropriate discussion should take place with SEPA. For local development plans we would expect a specific waste water policy.

- 3.3 SEPA's [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#) considers that connection to the public sewer within settlements already drained by a public sewerage system represents the most sustainable option. Policy Principle 2 of the position statement states that:

"Through the consultation process for all appropriate development plans, SEPA will promote the inclusion of policies which require development proposals to connect to the public sewerage system."

An example of the type of policy we would seek (either as a stand-alone policy, or as an element of a wider policy) is as follows:

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals either in settlements identified in the plan with a population equivalent of more than 2000 or wherever single developments of greater than 25 houses and large scale business and industrial units are proposed.

In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:

- 1) *the development is unable to connect to public sewer for technical or economic reasons; and*
- 2) *the proposal is not likely to result in or add to significant environmental or health problems.*

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 19</p> <p style="text-align: center;">Planning advice on waste water drainage</p>	Page no: 4 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

Any such private system should discharge to land rather than water where ground conditions are suitable.

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its current investment programme that would enable the development to connect, a private system would only be supported if:

- a) *The system is designed and built to a standard which will allow adoption by Scottish Water.*
- b) *The system is designed such that it can easily be connected to a public sewer in the future.*

Typically, this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded

- 3.4 Through discussion with the planning authority, other equally acceptable wording may be arrived at. Supporting text for the development plan policy could usefully include references to the further guidance listed at the end of this guidance note as it may help developers identify suitable waste water solutions.

4. Development plan allocations and waste water capacity

- 4.1 [PAN79](#) highlights that “Planning authorities, Scottish Water and SEPA should not wait until the formal consultation stages of the development plan preparation process to discuss water and drainage issues. Working together is important throughout the process to ensure that, as they are prepared, development plans reflect an up to-date and accurate picture of water supply and drainage capacity and are informed by a shared understanding of how new development can be accommodated” (paragraph 28).

- 4.2 In some cases reference should be made to the adopted revised Memorandum of Understanding between Scottish Water and SEPA and its associated draft guidance note when reviewing the capacity of Part 4 assets and the environmental capacity of a waterbody. The key aim of the Memorandum is to provide the generic principles, approach and processes to be used to determine available capacity for development and identify the need for investment in Part 4 assets. Current information on waste water capacity can be found on the [Scottish Water](#) website at:

www.scottishwater.co.uk/portal/page/portal/SWE_PGP_CONNECTIONS/SWE_CORP_CONNECTIONS/ASSET_CAPACITY_SEARCH .

- 4.3 We will encourage the planning authority to assess proposals within development plans to ensure they make best use of existing capacity in the first instance. Section 2 of the draft guidance notes for the Memorandum of Understanding sets

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19 Planning advice on waste water drainage	Page no: 5 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

out how SEPA and Scottish Water will manage asset and environmental capacity. These should be referred to where a site has potential capacity issues.

- 4.4 We should suggest to the planning authority that the best practical way of achieving this would be an informal round table meeting with ourselves, Scottish Water and the local authority development plan team during the formulation of the main issues report. The local Operations team should also be involved in this as they provide valuable local information. This way any capacity issues can be highlighted early in the process and realistic solutions identified at the same time.
- 4.5 We should ensure that the Strategic Environmental Assessment of development plan policies and allocations clearly records the result of the above assessment and takes account of a connection to public sewer as the best environmental option when options are appraised.
- 4.6 If allocations of 25 houses or greater, or several contiguous allocations which are cumulatively of 25 houses or greater, are proposed in areas where connection to a public sewer is feasible but it is not a developer requirement we should lodge an objection, subject to Regional Regulatory Team consideration. We should state that in order to remove our objection, either a developer requirement to connect to the public sewer is added to the allocation or that the allocation is removed. Development plan allocations of greater than 25 houses in rural areas will be looked at on a case specific basis however in line with the draft guidance notes for the Memorandum of Understanding the preference would be for the development to have public sewerage systems and treatment works built to Scottish Water standards and taken over by Scottish Water. The feasibility of the adoption of such systems must be discussed with Scottish Water as early as possible.
- 4.7 We should encourage allocations of less than 25 houses, or several contiguous allocations which cumulatively equal less than 25 houses, to be located in areas where public sewer connection is feasible. However, we would not usually seek this through a formal objection unless the proposal was in a sewered area or is within a settlement with a population equivalent of greater than 2000 PE.

5. Development management and waste water

- 5.1 It is most effective if we comment on waste water drainage proposals early in the planning application process, at pre-application discussions, during scoping of environmental statements, and when considering applications for planning permission in principle. This will allow the location and layout required for suitable waste water solutions to be considered when proposals are at their most fluid and enable local solutions to facilitate development to be identified.
- 5.2 Many proposals will already address waste water drainage but some developments may not, or may propose a solution that is contrary to the principles set out in SEPA's [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#). Pre-application engagement should help to resolve issues in relation to the location of existing and programmed public sewer networks and environmental issues in relation to private systems.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19 Planning advice on waste water drainage	Page no: 6 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

- 5.3 For all small scale developments as set out in our Guidance Note [Advice on how and when to consult SEPA LUPS-GU09](#), our, [Standing advice for planning authorities on small scale local developments LUPS-GU08](#) should be used by planning authorities and forwarded in response to any enquiries from developers.
- 5.4 Our [Advice on how and when to consult SEPA LUPS-GU09](#) guidance highlights that we wish to be consulted on private waste water proposals shown on the Geographical Information Systems layer "Waste water drainage consultation areas". This layer was developed in consultation with local Operations teams to show areas where a proliferation of private waste water arrangements is currently causing environmental problems, and is available to view in the interactive map. Where we receive consultations for private systems in these areas we should consult the Operations team so that they can assess any potential environmental and health impacts. In particular the local Operations team should assess if the proposals are likely to be authorised under CAR and if not how the proposal can be modified to secure a waste water drainage solution which can be implemented on site. We should also assess whether the proposals are in line with our [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#) as per this guidance note. Currently there are proposals to review existing "waste water drainage consultation areas" and the guidance associated with them and this section will be updated when the review is completed.
- 5.5 Where we have been consulted in line with our [Advice on how and when to consult SEPA LUPS-GU09](#), there are a number of scenarios which we may have to consider in our response. These are summarised in Table 1 below, however for greater detail on the policy principles please refer to our [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#). Please note that this guidance is applicable for all development types, including marinas and other boat-mooring facilities, such as pontoons.

Table 1: Waste water drainage scenarios (ensure you have read the whole table to determine the correct response)

Development location	Proposal	Our response
Anywhere	Public sewer	No objection
Outwith, but within 1km of, a sewerred area in a settlement => 2000 PE identified in development plan.*	Private system	The practicality of connecting to the public sewer taking into account the specific physical characteristics of the site should be considered. Where connection is feasible objection unless proposal revised to connect to public sewer. Where developer has provided evidence that connection is not practical (see section 6.3 for further details)

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19	Page no: 7 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011
Planning advice on waste water drainage	

		private drainage systems will be considered on a case by case basis.
Sewered area which does not have capacity or connection problems in settlement => 2000 PE identified in development plan.*	Private system	Objection unless proposal revised to connection to public sewer. A temporary system is not acceptable here as connection to the public sewer can be made immediately.
Sewered area with capacity or connection problems in settlement => 2000 PE identified in development plan where developer has not demonstrated the proposal will meet the 5 criteria in Scottish Water's "Guide for obtaining new water and waste water services".	Private system	Objection unless proposal revised to connection to public sewer. Temporary private system not acceptable.
Sewered area with capacity or connection problems in settlement => 2000 PE identified in development plan. If development meets the 5 criteria in Scottish Water's "Guide for obtaining new water and waste water services" Scottish Water will instigate a growth project to provide additional capacity.	Temporary private system (see section 2 of <i>Policy and Supporting Guidance on provision of waste water drainage in settlements (06-08)</i> for further details on cases where temporary private sewerage systems are acceptable.	No objection provided that a condition ensuring connection to public sewer as soon as it becomes available is attached to any permission granted.
Sewered area with capacity or connection problems in settlement => 2000 PE identified in development plan. If development meets the 5 criteria in Scottish Water's, "Guide for obtaining new water and waste water	Permanent private system	Objection unless temporary private system and condition ensuring connection to public sewer as soon as it becomes available.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19 Planning advice on waste water drainage	Page no: 8 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

services” Scottish Water will instigate a growth project to provide additional capacity.		
Sewered area in settlement < 2000 PE	Private system	Object unless information detailed in section 1ii of WAT-PS-06-08 and Table 2 below is submitted demonstrating that private system is acceptable
Outwith but within 1km of a sewered area in a settlement < 2000 PE.	Private system	Object unless information detailed in section 1ii of WAT-PS-06-08 and Table 2 below is submitted demonstrating private system is acceptable.
The specific allocation in the development plan states that connection is required for the site.	Private system	Objection unless proposal revised to connection to public sewer.
The proposal is for greater than 25 dwellings in any location.	Private system	Objection unless proposal revised to connection to public sewer or growth provision agreed with Scottish water.
Proposal less than 25 dwellings and outwith sewered area in settlement < 2000 PE.	Private system	Standing advice would apply as we are unlikely to be consulted on these proposals.

* See Section 6 for further details.

5.6 Our [LUPS GU12 Guidance and templates for standard wording](#) provides some suggested wording for some of these scenarios and can be used as a basis for others. It also includes pre-application advice and scoping comments which can be used to inform planning authorities and applicants of our waste water policy. This wording should be used as the basis for our responses, but we must ensure that any site specific comments or information are also included to assist the planning authority and applicants.

6. Assessing ability to connect to public sewer within or close to settlement < 2000 population equivalent

6.1 For settlements < 2000 PE, Section 1ii of [SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#) sets out a

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19	Page no: 9 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011
Planning advice on waste water drainage	

number of site specific bullet points to assess if a private system is acceptable. Most of these bullet points do not require further explanation or are dealt with in Table 1 above, however assessing the ability to connect to the public sewer is often difficult.

6.2 Table 2 below should be followed when a private system is proposed for developments less than 25 dwellings within settlements with a population below 2000 population equivalent. Early engagement with SEPA should be encouraged to assist rapid resolution of issues. There should be very few cases when an objection has to be maintained when following table 2.

Table 2: Sequential procedure for proposals for private systems <25 dwellings within settlements with a population < 2000 population equivalent

Issue to consider	No	Yes
1. SEPA planner to contact local Operations team and ask - using their local knowledge, is connection to the public sewer physically feasible?	Move on to question 5.	Move on to question 2.
2. Has evidence been provided to demonstrate that approval in principle to connect to public sewer has been sought from Scottish Water?	Object and request that applicant seeks approval in principle to connection from Scottish Water.	Move on to question 3.
3. Has Scottish Water confirmed in writing that the development is within the waste water treatment works catchment and there is capacity?	Object and request that applicant seeks confirmation from Scottish Water. ¹ Where there is insufficient capacity move to question 3. Where it is uncertain that costs of connection are economically feasible move to question 4.	Object unless proposal modified to connection to public sewer.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
Land Use Planning System SEPA Guidance Note 19	Page no: 10 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011
Planning advice on waste water drainage	

4. Where there is capacity restriction, have discussions taken place between Scottish Water and SEPA? Discussions should take place to agree a limited scale of development that can occur during the investigation into future investment needs for the area. This would involve agreement on interim measures to allow limited/phased development ahead of provision of appropriate capacity at the treatment works. ¹	Where discussions have not taken place object and request that the applicant initiates discussions.	Where limited/phased development has been agreed an objection should be maintained unless proposal modified to connection to public sewer.
5. Does cost of connection to sewer make the development economically unfeasible compared with the cost of private treatment system, even collectively with other development proposals? Examples of the information outlined in section 6.3 should be submitted.	Maintain objection unless connection to public sewer made.	Move to question 5.
6. Does the local Operations team consider that the private proposal is environmentally acceptable?	Maintain objection unless connection to public sewer made.	Remove objection to private proposal.

¹ Scottish Water can only advise of capacity at the time of the planning enquiry, this does not then guarantee capacity at the time of connection.

6.3 Only if it can be clearly demonstrated by the developer that environmental risk is negligible and connection to the public sewer is not feasible, taking into account cost and/or practicability will we consider private drainage systems in these situations. Comparing the costs of a connection to public sewer and private system is difficult. Depending on the site, the following are examples of the issues which should be taken into account when considering the cost and/or practicability of connecting to the public sewer:

- The distance to sewer;
- Will wayleave to cross land be granted;
- Costs of land sewer will have to cross;
- Pumping costs dependant on gradient to sewer;
- The cost benefits of combining with other developments (if applicable);

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU19
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 19</p> <p style="text-align: center;">Planning advice on waste water drainage</p>	Page no: 11 of 11
	Issue No: Version 1.0
	Issue date: 26 August 2011

- The increase in value of property due to public sewer connection with no ongoing maintenance costs of private system;
- Costs of private system, including technology used to secure best environmental option, cost of land take i.e. loss of developable land within the site, access road costs, maintenance costs and who will fund these. The whole life costs of private system compared with public sewer should also be taken into account.

6.4 The above are examples of issues to be taken into account - we would not expect a developer to provide all of the above information. The Memorandum of Understanding between Scottish Water and SEPA includes some useful practical case studies which can be referred to when assessing the feasibility of connection to the public sewer.

6.5 We should maintain an objection until the developer submits adequate information to demonstrate that the costs of connection to a public sewer would be disproportionate to the costs of a private system. The environmental risk would also have to be negligible for us to consider that a private system is acceptable.

7. Sources of further guidance

7.1 There is a wide range of policy and guidance on waste water drainage available:

- a) [Scottish Planning Policy](#). Paragraphs 71, 74, 76, 77 and 210 are particularly relevant.
- b) Scottish [Planning Advice Note 79 Water and Drainage](#).
- c) SEPA's [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements WAT-PS-06-08](#).
- d) Memorandum of Understanding between Scottish Water and SEPA "Enabling sustainable economic growth in Scotland: Provision of Part 4 asset capacity".
- e) Scottish Water and SEPA's Memorandum of Understanding Draft Guidance Notes.
- f) [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005: A Practical Guide](#).
- g) Sewers for Scotland (2nd Edition- November 2007).
- h) Scottish Water and The Scottish Government's [The Development Plan Process: A guide to considering Water and Waste Water Services](#).