

Insert Name of Recipient

Local Authority

Insert Address

Our Ref:

Your Ref:

By email only to: Please Select Email

SEPA Email Contact:

Team Email

23 May 2023

Dear Insert Salutation

Legislation

!!SUMMARY!!

!!SITE!!

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on **!!DATED!!**. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing and habitat survey work has been completed and the layout developed further as a result.

National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information but some parts may be updated further in the future.

Advice for the planning authority / determining authority

To **avoid delay and potential objection** the EIA submission must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed



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development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment. We consider that the issues covered in Appendix 1 below must be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which provides pre-application advice and 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.”

1.2 Cases where it is clear that there will be wetlands on the site and it makes more sense to go directly to NVC (sections 3 & 4 of the appendix)– “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. For further information on assessments please refer to [LUPS- GU31](#) ,in particular sections 2.10 to 2.14. [Good practice during Wind Farm construction | NatureScot](#) also provides useful information on NVC survey method and mapping requirements.

Cases where much of the site is forested, an 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 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 EIA Report 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 1 in 200 year event plus climate change and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.”

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice 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 local compliance team at: [enter team email](#).

If you have queries relating to this letter, please contact [Team Email](#) including our reference number in the email subject.

Yours [sincerely](#)

[Insert Name](#)

[Job Title](#)

Planning Service

Ecopy to: [Email of agent/consultant, Planning Authority case officer etc.](#)

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 - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

Appendix 1: Detailed scoping requirements

This appendix sets out our minimum information requirements and we would welcome receipt and discussion around these prior to formal submission to avoid delays. 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 to **avoid delay and potential objection**. If there is a significant length of time between scoping and application submission the developer should check whether our advice has changed.

1. Site layout

- 1.1. All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent 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 where possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

- 2.1. The site layout should be designed to minimise watercourse crossings and avoid other direct impacts on water features. The submission must include a map showing:
 - a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m 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 and

drawings of what is proposed in terms of engineering works. Measures should be put in place to protect any downstream sensitive receptors.

- 2.2. 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](#).
- 2.3. Refer to our [Flood Risk Standing Advice](#) for advice on flood risk. Crossings must be designed to accommodate the 0.5% Annual Exceedance Probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment (FRA) must be submitted. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted in an FRA. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

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

- 3.1 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:
 - a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
 - i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale)
 - ii. peat depth survey showing interpolated peat depths
 - iii. peatland condition mapping
 - iv. NVC habitat mapping.
 - b) an outline Peat Management Plan (PMP).
 - c) an outline Habitat Management Plan.

Detailed advice

- a) Development design in line with the mitigation hierarchy

- 3.2 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:
- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories.
 - Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth.
 - Minimise impact on local hydrology.
- And
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the [Peatland Survey – Guidance on Developments on Peatland \(2017\)](#).
- 3.3 [The Peatland Condition Assessment](#) photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.
- 3.4 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.
- (b) The Outline Peat Management Plan (PMP) should also include:
- Information on peatland condition.
 - Information demonstrating avoidance and minimisation of peat disturbance.
 - Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
 - Proposals for temporary storage and handling.
 - Reuse volumes in different elements of site reinstatement and restoration.
- 3.5 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location

immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.

- 3.6 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for habitat restoration or improvement works in areas not directly impacted by the development, which may need to include locations outwith the development boundary).
- 3.7 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

(c) The Outline Habitat Management Plan should include:

- Proposals for reuse of disturbed peat in habitat restoration, if relevant.
 - Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development.
 - Outline proposals for peatland enhancement in other areas of the site.
 - Monitoring proposals.
- 3.8 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:
- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored.
 - Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.
- 3.9 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with

the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.

- 3.10 NatureScot's [technical compendium of peatland restoration techniques](#) provides a useful overview of the procedural and technical requirements for peatland restoration.

4. Disruption to GWDTE and existing groundwater abstractions

- 4.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification survey which includes the following information should be submitted:

- a) A map demonstrating all GWDTE and 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. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. 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.

5. Forest removal and forest waste

- 5.1. 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. 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](#).

6. Borrow pits

- 6.1. The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
 - b) A map showing any 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 250m. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks.
 - c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

- 7.1. 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 (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Guidance for Pollution Prevention](#) (GPPs) and our [water run-off from construction sites webpage](#) for more information.

8. Life extension, repowering and decommissioning

- 8.1. Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the [life extension and decommissioning of onshore wind farms](#). Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.

- 8.2. The submission needs to state that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).