

# Guidance on SEPA engagement with the development plan process

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	Originator:	Katherine Lakeman
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## 1. Purpose and scope

- 1.1 SEPA engages with the land use planning system to enable good development and protect the environment. Land use planning is a development plan led system, so our engagement in development plans is our highest priority. The purpose of this guidance is to provide advice to all stakeholders in the planning process on how we engage with the development plan process and the issues that we wish to see addressed in their preparation.
- 1.2 [Planning Circular 6/2013 Development Planning](#) provides further guidance on the development plan process, the differences between strategic development plans, local development plans, action programmes and supplementary planning guidance, and how they are implemented. The Planning etc (Scotland) Act sets out the duties of a key agency and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 identifies SEPA as a key agency. A link to the regulations and further relevant information is provided on the [Scottish Government development plan web page](#).

## 2. SEPA's role in the preparation of development plans

- 2.1 Our statutory role as a 'key agency' is set out in Planning Circular 6/13. It sets out a minimum set of requirements on how we should co-operate with planning authorities at the following stages of plan preparation:
- the compilation of the main issues report (MIR);
  - the preparation of the proposed plan (PP); and,
  - the preparation of action programmes and proposed action programmes.
- 2.2 Further to these requirements we should, in accordance with the [Statement of Joint Agency Commitments](#), be pro-active in providing assistance, frontload our advice and maintain contact with development plan teams throughout the plan preparation process. Guidance on each of these stages and the nature of our engagement is outlined in Part A of this guidance.

## 3. Issues we expect development plans to cover

- 3.1 The range of issues we expect Strategic Development Plans and Local Development Plans to cover are outlined in the Development Plan Topic Tables (LUPS-DP-GU2a-e). These tables should provide a useful tool for both planning authorities and SEPA staff when assessing development plans. The information is not an exhaustive list of the issues to be considered, but provides a useful basis for the scope of issues we consider should be given due consideration. The tables should be used in conjunction with the advice in Part A on the nature of our engagement at key stages of the plan making process.

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## 4. Integration with SEA

- 4.1 The same case officer will lead on the Plan and the SEA. SEA responses and development plan responses will be presented as separate documents, as they are driven by different legislation at the various key stages of the development plan process but must cross-reference and compliment each other.

### Engagement at key plan stages

This section provides general guidance on the key plan stages and how we can most usefully engage at each stage to ensure that our interests are taken on board. This is not an exact science as it is likely that each Strategic Development Plan Authority (SDPA) and Planning Authority (PA) will adopt different processes and means of engagement with stakeholders. There are however, basic principles of engagement that should be followed to ensure an effective and consistent approach. The flow charts in [Appendix 3](#) highlight the key opportunities and requirements for engagement in the development plan process.

## 5. Pre MIR and MIR

### a) Engagement at the pre-MIR stage

- 5.1 The pre-MIR stage provides the greatest opportunity to influence the spatial strategy and policy direction of the final plan. It is therefore vital that we proactively engage with the SDPA or PA at the earliest opportunity prior to MIR preparation. Early contact with the development plan team to discuss their proposed approach to the MIR process and to find out how we can most usefully contribute towards this is vital if we are to effectively engage. It is beneficial if a key contact can be established early in the development plan team.
- 5.2 The Initial DP Information letter attached as [Appendix 1](#) is a standard response that we can present to development planning authorities at the earliest opportunity to give them a clear understanding of the issues relevant to us that the plan should cover, details of relevant information that we hold and where they can obtain further advice and assistance and information required to assess sites. In order that we provide relevant information at the earliest opportunity we should request from science helpdesk RBMP mapped data for the SDPA/ PA area and relevant extracts from pressures and measures database. Standard wording for these work requests is included in [Appendix 2](#). The information is referred to in Section 3.1 of [Appendix 1](#) letter and should be included with this initial response to the SDPA/ PA.
- 5.3 We should be proactive in offering to review informal MIR and policy drafts in order to maximise our opportunities to ensure our issues are covered within the proposed LDP/ SDP. Most PAs will submit sites for our consideration at the pre-MIR stage. Details of the internal assessment process are set out in the Pre-MIR project plan tab of the Development Plan Spreadsheet (LUPS-DP-SS) and additional information provided in paragraphs 5.9-5.11 below.

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Due to annual reporting requirements of effectiveness of DP engagement it is important that this work is completed in order that management staff in SEPA can obtain an annual record of how successful our engagement has been in DPs.

5.4 Some SDPAs/ PAs may prepare a series of 'topic papers' to encourage discussion as the first stage of the MIR process. Typically there will be a considerable amount of information submitted within these documents. Therefore the aim of our response to the topic papers is not to audit the document but focus on only key issues that affect SEPA, by highlighting omissions from the Development Plan Topic Table requirements and conversely by supporting the inclusion within the topic papers of issues identified in the Tables.

5.5 The pre-MIR stage is the stage at which the planning authority begins to collate baseline environmental data, identify the interrelationships of the plan with other plans, programmes and strategies, and prepare the scoping report which will set the context for the SEA. Paragraphs 32 and 57 of [Circular 6/2013 Development Planning](#) states that SDPs and LDPs respectively should be properly integrated with other statutory plans and strategies affecting the development and use of land. Engagement at this early stage will enable us to ensure that the planning authority identifies the significant environmental issues that need to be resolved through the plan preparation process.

**b) Engagement at the formal MIR consultation stage**

5.6 Once the SDPA or PA has reached a view as to the strategy that should be followed it will publish the MIR for public consultation, along with the monitoring statement of the previous DP for the subsequent rounds of DPs (see section 12 for further details). As a key agency SEPA has a duty under the Planning etc (Scotland) Act 2006 to co-operate with the PA in the preparation of the MIR. Links are provided in the initial development plan contact letter in [Appendix 1](#) to the standing advice for responsible authorities on SEA scoping consultations and also to a list of information required and relevant questions for the site assessment.

5.7 It is a key stage for SEA and will be accompanied by the first or draft Environmental Report (ER) which will be submitted separately through the SEA Gateway [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk). The ER should include the SEA site assessments, which should cover all the preferred and alternative sites, and also make an assessment of options for the main issues in the MIR. It should identify the significant environmental effects of the sites on each of the SEA issues and if significant negative environmental effects are identified, it should propose ways to mitigate these effects should the proposal be brought forward to the Proposed Plan. Whilst it is good practice to assess all sites, where sites are rolled forward from the previous plan and have already been assessed it is not necessary for these sites to be re-assessed. In this case the ER should make reference to where the previous assessment can be accessed. The findings of the ER should be used where appropriate to support and strengthen our response to the MIR, particularly in relation to identified significant environmental effects and proposed mitigation measures

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which may require alterations to the preferred option in the plan. Any deficiencies in the SEA site assessment on which we require the planning authority to take further action will be addressed in our response to the ER. Further information regarding SEA responses to development plans is available from [Scottish Government website](#) and [SEA database](#), as well as our [Standing Advice for Responsible Authorities on SEA scoping](#) and the [assessment proforma](#) which provides a suggested checklist aimed at integrating DP and SEA site assessment processes. The proforma is a suggested checklist and is not intended to be used prescriptively, and is considered a 'work in progress' so if any feedback is received from planning authorities please forward on to the national SEA planning staff. In addition our internal guidance is currently being updated and a link will be added to this document when it is available.

- 5.8 The MIR does not constitute a draft plan but aims to facilitate an open discussion on the main issues and options for the plan area that have arisen since the previous development plan and it will set out the authority's general proposals for development. Each main issue will generally be discussed, and a preferred and alternative option(s) identified. The options may be presented as a spatial strategy (e.g. growth areas for housing, employment land etc) and/or a general policy approach outlining how the Proposed Plan will deal with that issue. We should provide a clear view as to whether or not we support the 'preferred option'. If we consider that an alternative option is preferable we should, based upon our interests defined in the Development Plan Topic Tables, make recommendations in relation to the options as part of our response. If internal consultations are made with specialists on topics such as waste and air quality we should clearly state in the PCS consultation that the consultees are being asked to comment on the preferred option and whether this is supported or whether an alternative option is preferable. Justification should be provided by the consultees for the position taken. We should record our position with regards relevant main issues in the Previous Policies and MIR tab of the development plan spreadsheet.

**c) Proposed sites**

- 5.9 For LDPs, a list of potential sites will usually be included in the MIR, and details of potential strategic growth areas may be included for SDPs. The sites will be presented in the MIR as preferred and alternative sites. In order that we frontload the information to the planning authority and undertake a comprehensive site review we also require details of allocated sites that are to be carried over from the existing development plan, sometimes referred to as legacy sites.
- 5.10 The level of pre-MIR 'screening' of sites tends to vary between PAs. If we are to comment on potential and legacy sites (either before or as part of the MIR consultation) in a meaningful and timely manner we should encourage the planning authority to:
- have undertaken a screening of sites to ensure that the sites proposed are 'viable' in development terms and,
  - provide details regarding the allocations in an excel file as well as in GIS shape files with the following information in attribute tables and

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the excel file:

- Site reference- including previous DP references for legacy sites
- GIS shape file
- Proposed land use
- Settlement
- Greenfield or brownfield
- Easting/northing;
- Status of current planning permissions

- 5.11 This information should be collated as part of the SEA site assessment process and the requirements will be set out for the planning authority in our initial development plan contact letter ([Appendix 1](#)) along with specific details required by IS for shapefiles to be uploaded for more than one session into the interactive GIS.
- 5.12 The internal process for site consultations is set out in the MIR project plan tab of the Development Plan Spreadsheet (LUPS-DP-SS). Site review information is recorded in the 'Sites - all stages' tab of the spreadsheet, with detailed guidance provided in the 'Sites - all stages' guidance note in [Appendix 4](#) of this guidance.
- 5.13 For any sites which are unacceptable with regards impact on environment, location at flood risk or adjacent to certain licensed facilities and would be an objection in principle at PP stage we will advise in our MIR response that based on the information available we would object if they remain and therefore recommend that they are removed. Discussion should be had with PUM regarding any such sites and any co-location issues would need to go to RRT. To support objection in principle recommendations Operations and Flood Risk staff will compile detailed site specific factual responses containing all detail available which will be used as justification by planning staff along with relevant planning guidance references, including SDP and SEA findings where relevant in the planning response to the MIR.
- 5.14 If a site has already gained planning permission we should review our previous comments in PCS and update our position as required if additional information or alteration to policy/ legislation has occurred since our previous advice was given. We may have to respond with a different position to the DP allocation than we previously took with an older planning application. Any alteration in position would need to be clearly justified, agreed with PUM and recorded.

**d) Provide a review of existing development plan policies**

- 5.1 For all planning authorities we should undertake a review of the policies in the existing development plan. The purpose of this review is to use the guidance in the Development Plan Topic Tables to identify to the authority areas of policy coverage which are absent or inadequate and that need to be expanded upon in the DP or we would have to object and request modification if they remain absent or inadequate. In addition we should identify areas where policies need updating and support coverage that we are satisfied with. We should provide as much help as possible through suggested text alteration and provision of good examples from other

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authorities to help the planning authority address any issues raised. We support the approach of planning authorities that submit details within the MIR of how they plan to take forward the issues already addressed by their existing policies into their forthcoming plan. If this is the case then the policy review should be undertaken making reference to their proposed actions with regards issues pertinent to us. We should record our position with regards relevant previous policies in the Previous Policies and MIR tab of the development plan spreadsheet.

## e) Responding to the MIR consultation

5.2 We do not submit formal objections to the MIR but provide comment on its contents. Our comments should be framed as expressions of support, issues we encourage and aspects which we would object to and make representation requesting modification if they remain PP. The format of our response will vary as some planning authorities use an online recording system for comments. It is good practise however to provide:

- 1 a covering letter with a summary response table (compiled from the information in 'Sites-all stages' and 'Previous Policies' and 'MIR' tabs of the Development Plan Spreadsheet) highlighting all supports of preferred option, requests for site removal based on information held, recommendations for development requirements, support for attached development requirements and details of inadequate policy areas from the policy review. Standard wording for inclusion in responses is provided in [Appendix 5](#). The covering letter should clearly state that unresolved requests for site removal, policy coverage or development requirements would result in objection and request for modification at the proposed plan stage;
- 2 'Sites – all stages' tab of Development Plan Spreadsheet, with all irrelevant columns hidden;
- 3 site specific responses for any sites that we recommend are removed from the plan; and,
- 4 the existing DP policy review.

### Expressions of Support

5.3 If we have effectively engaged in the preparation of the MIR the focus of our response should be through expressions of support, which must include appropriate justification. It is important that we acknowledge aspects of the MIR that are aligned with our remit (including site development requirements) and will therefore help guide the forthcoming plan in meeting our requirements specified in the Development Plan Topic Tables (LUPS-DP-GU2a-e). This may be in support of the 'preferred option', or 'alternative option' or combination of parts of preferred and alternative options, issues to be included in the plan and/or proposed development requirements for specific allocations. An expression of support can help counter representations made by other parties to the MIR that are not aligned with our remit. We should use evidence from the ER in our expressions of support where applicable.

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### Recommendations

- 5.4 The Development Plan Topic Tables are split into minimum policy requirements which must be included in the proposed plan or we will object and request modification of the PP and additional aspects of key issues, and emerging issues which we encourage SDPA/ PA to include. For example, promotion of best practise or inclusion and consideration of emerging issues within the forthcoming DP. We should encourage the additional aspects by explaining and justifying the benefits, including using relevant evidence from the ER. However given that these areas of coverage go beyond minimum requirements we would not object and request modification to the PP if they were omitted but as it would be beneficial if the plan addressed them we will encourage their inclusion at this stage.

### Issues we would object to and request modification to the PP if they remain

- 5.5 If we consider that any aspect of the Main Issues Report (i.e. the main issues, preferred option, suggested sites, and/or identification of “other” issues, information provided regarding coverage in LDP of existing policy areas) has not had sufficient regard to the areas we consider the plan should cover we should identify such issues in a clear and concise way:
- 1 explain the ‘deficiency’;
  - 2 provide justification as to why we consider it be ‘deficient’ (backing this up with national planning policy, relevant statute and SDP policy requirements for LDPs (where applicable), and relevant evidence included in the ER);
  - 3 specify how we consider the matter could be best resolved;
  - 4 state that the lack of resolution would lead to a formal objection at the proposed plan stage and request for modification to PP, for sites make it clear that our position is based on information available at this time
- 5.6 Issues we would object to should be restricted to any concerns we have on the ability of the plan to deliver the policy coverage requirements specified in the Development Plan Topic Tables. Whilst it is not expected that all the requirements are explicitly referred to in the MIR it is important that it does not compromise the forthcoming plans ability to deliver them. For example if the role of the plan in contributing towards the objectives of the Zero Waste Plan is not identified as an issue (“main” or “other”) and there is a dearth of policy coverage in the existing plan we would want to highlight the need for this and state we would object and request a modification if not addressed. Similarly the allocation of sites without due consideration to flood risk, for example, would compromise the requirement to avoid development in areas at risk of flooding. Failure to identify such topics in the MIR would seriously compromise our ability to pursue further representations at the proposed plan stage.
- 5.7 Where recommendations are made we should always express our willingness to meet with the SDPA or LA, at the earliest opportunity, to fully explain our position with a view to agreeing a way forward to address them.



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## 6. Proposed Plan (and statutory supplementary guidance)

6.1 The proposed plan may be supported by statutory supplementary guidance (SG) providing greater policy detail on certain issues provided the intention to prepare this guidance is reflected in the actual policy wording. Statutory supplementary guidance can only cover topics specifically identified in the SDP or LDP as being topics for SG and are limited to the provision of further information or detail in respect of policies or proposals set out in the SDP or LDP. We may therefore be content for some key issues to be addressed in SG as long as a policy 'hook' is clearly provided in the proposed plan. For example, the proposed plan may include a general policy on protecting and enhancing the water environment but states that more detailed guidance on issues such as culverting and restoration are covered in SG. SG forms part of the plan, will be a material consideration and should therefore be subject to the same level of scrutiny and formal representations as the PP. The detail of the SG is however unlikely to be considered by the reporters at the DP examination (Planning Circular 6/13 para. 141).

6.2 The most efficient way of fulfilling SEA requirements with regards SG is for the scope and content of SG to be assessed within the SEA process of the DP. If the SG comes forward at a later date it could be screened out of requiring SEA if the scope and content were covered by the DP SEA or if the SG is no more than a minor modification to the PP, an interpretation of a policy already subject to SEA or relates to a limited area unlikely to result in significant effects. However, should the planning authority deem that a new SEA is required we should proceed as normal for development plan SEA consultations.

### f) Engagement at the pre-proposed plan stage

6.3 The SDPA or PA will use the responses to the MIR consultation and the associated ER consultation to inform the drafting of the proposed plan. A meeting to discuss any representations made to the MIR consultation, would be very beneficial at this stage. It is important that we seek to actively influence the emerging plan during this critical stage by offering, for example, assistance in drafting and providing feedback on policies and SG text. Whilst this may sometimes involve meeting tight deadlines set by the planning authority we should always seek to contribute in a helpful and positive way.

6.4 Potential objections should be discussed with the SDPA or PA as early as possible to ensure that they are fully aware of our concerns and to seek a resolution, prior to the publication of the proposed plan that is to the satisfaction of all parties concerned. We should ensure that all potential areas for objection/ modification are developed with regards to policy and guidance justification to ensure a consistent and comprehensive position, with amended policy or SG text proposed if this would address the issue. Similarly passing on details of good example policies from different authorities may be useful- although this should have been provided to the authority at the policy review stage with the MIR, but as time will have passed any new relevant information may be beneficial. Any draft policy wording we review or discussions which we have with the planning authority regarding potential

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objection sites should be saved in PCS as an audit trail.

**g) Proposed Plan consultation stage**

- 6.5 When the SDPA or PA has reached a settled view on what the final adopted plan should look like it will be published for public consultation. It is at this stage that we submit formal representations to the plan through ‘expressions of support’ or ‘modification requests’ which cover all aspects of the plan that we object to.
- 6.6 The proposed site allocations will be submitted as part of the formal plan consultation, and will be made up primarily of the preferred sites from the MIR process. We should clearly request, preferably prior to the proposed plan consultation being received, that the planning authority provide us with a table of previous MIR and current reference numbers for all sites and tell us which if any sites are new or altered. Any new or amended sites should be added/updated to the ‘Sites - all stages’ tab in the Development Plan Spreadsheet (LUPS-DP-SS) that was commenced at the pre/MIR stage.
- 6.7 A thorough review of sites will have been completed at the pre/MIR stage. However at the proposed plan stage detailed work must be undertaken to identify if our comments have been taken on board and to assess new or altered sites. Details of the internal process are provided in the ‘PP project plan’ tab of the Development Plan Spreadsheet.
- 6.8 If the planning authority has not followed our recommendations to remove sites we need to determine if we are going to object and make a formal representation to modify the plan to remove the site (discuss with PUM) and discuss with/ re-consult the relevant internal consultees (ICs). The ICs need to provide a detailed factual report for each site, updating those submitted for the MIR if new information is available, and planning staff then write up detailed modification representation (see para 6.12 for further details).
- 6.9 Where a development requirement which we requested at the MIR stage has not been added, we need to consider whether it affects the principle of the allocation being acceptable. For example the absence of the requirement for a FRA would result in a objection to the plan and representation requesting modification to the PP, however the requirement for a buffer strip or small scale de-culverting would need to be considered on a site specific basis.
- 6.10 If our recommendations from the MIR stage have been included with regards development requirements we should support these using policy and legislation justification
- 6.11 We should only maintain our objection and make a representation requesting a modification to a proposed plan where it fails to meet a requirement as specified in the Development Plan Topic Tables. We should support a plan where it has given due consideration to issues we have specified as requirements or has provided a statement of encouragement in line with the Topic Tables. As with the MIR expressions of support are important as they can help balance counter-arguments made by other parties when they are being considered by the SDPA or PA. Importantly, it may be referred to by the PA/ SDPA at Schedule 4 stage to counteract opposing views received

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through consultation or by the Reporter as part of the Development Plan Examination process (see Section 9). It is important to focus on whether the principles of our key requirements and recommendations are incorporated rather than any precise wording or suggested location within the policies that we recommended in earlier responses. PAs may choose to include the issues relevant to us within the DP in a variety of ways/ group different issues into policies etc but providing the principles we require or recommend are included we should offer our support.

6.12 The information we submit to the planning authority at this stage will be used by a Reporter as part of the Examination process (see section 9). Whilst we should always offer to provide further evidence as part of the Examination process if it is thought valuable to do so it is likely that we will *not* be given the opportunity to do so. It is therefore important that any representations (support or modification due to objection) are presented clearly and are supported by a strong evidence base informed by appropriate internal consultation. To assist with this standard wording on certain issues for inclusion in responses, where they are relevant, is provided in [Appendix 5](#). Representations must include the following:

- 1 state whether it is a representation of support or a requested modification to the PP due to objection;
- 2 a clear and concise description of the representation (one or two sentences);
- 3 a justification for the representation ie. the evidence base for it. This must focus on national planning policy, planning advice notes, relevant legislation, other statutory plans (including SDP where relevant) and strategies and any scientific or technical information we hold making it clear that our response is based on information available at this time;
- 4 in the case of requests for modification due to objection set out clearly how we consider the matter could be resolved to our satisfaction. This should include suggested changes to the wording of policies or removal/alteration of allocations. If relevant for specific site allocation objections make reference by date to previous responses to planning applications submitted for the site, and append a copy of the previous responses to the representation.

6.13 Modification representations should be discussed with the PUM and in accordance with the [overriding criteria for RRT](#) objections to specific sites / policies may require to be endorsed by the relevant Regional Regulatory Team (RRT). Time must be factored into the response preparation to allow for this.

6.14 It is good practise to provide a response summary table to the planning authority to accompany the specific individual forms in the covering letter. The information to compile this table would be taken from the information entered by the lead officer into the relevant columns of the Policy Summary PP-AP with regards individual issues and sites all stages tabs in Development Plan Spreadsheet. This has been found to be beneficial by a number of local authorities as it provides a brief overview of our response.

6.15 In addition the response summary table can be expanded for use in house to

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justify any representations from internal consultees that are not taken forward and therefore provide an audit trail. For information internal consultees should be informed if any of their representations are not taken forward.

- 6.16 The PP may not be supported by a revised ER as part of the SEA process if allocations were considered through the MIR and the PA/ SPDA deems that the proposed plan contains no significant new material or new material is considered not to have significant effects. Conversely if the PA/ SDPA considers that new material is likely to have a significant effect then a short addendum assessing this material may be published with the plan. PAN1/2010 highlights that the views of consultees on the revised or supplemented ER must be taken on board before the plan is adopted. We should therefore identify any elements of new material which we believe will have significant environmental effects, and as with the screening / scoping stages give a reason for why we think this to be the case. In reality there is likely to be unofficial dialogue with the PA/ SDPA regarding proposed updates to the ER in order that issues are addressed before the formal PP consultation and revised ER is published.
- 6.17 PAN 1/2010 para 4.41 states that as the Environmental Report is not a part of the proposed plan any comments on the revised ER (or addendum) should be made in the form of representations to the plan itself and included in the PP response to allow the Reporter to take them into account during the examination. Comments on a revised Environmental Report should be extracted from the PP response and sent to the SEA Gateway in the usual manner. If we have no representations to make we should simply acknowledge the revised ER. The findings of the SEA process in relation to significant environmental effects, in policy or site allocations should be used where appropriate to support our formal representations.

## 7. Schedule 4s

- 7.1 Once the consultation period on the PP has closed representations which request modifications to the PP that are unresolved are collated by the planning authority and grouped by issue onto forms known as Schedule 4s. These are provided to the reporter for their consideration in the development plan examination (see section 9). The planning authority provides recommendations in the Schedule 4 of how they think that the unresolved representation could be dealt with. We should record these in the 'Policy Summary' tab of the Development Plan Spreadsheet for any unresolved objections that we had which resulted in requests for modifications to the PP, and for issues with policy coverage that we support, where the PA has used our support to justify the policy wording.
- 7.2 Some authorities may seek to work with us to resolve non-notifiable modifications that we have submitted in our response to the proposed plan prior to the schedule 4s being passed to the Reporter. These are minor modifications that can be made by the PA without the need to publish a modified plan for consultation prior to the plan going to examination. This may be through meetings or emailed correspondence. We should be open to engagement with the planning authority at this time to continue to influence the content of the development plan.

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## 8. Modifications to the Proposed Plan

- 8.1 It is possible that upon consideration of the representations to the Proposed Plan the SDPA or LA may decide to make notifiable modifications to the plan. These are defined by Regulation 15 as those that add, remove or significantly alter any policy or proposal in the plan. In such instances we should, if necessary, submit any further representations following the principles established for the PP stage outlined in section 6.
- 8.2 Notifiable modifications to the PP may need to be supported by a revised, or an addendum to, the Environmental Report. We should proceed with the revised ER as previously outlined in Section 6.17. If we have no representations to make then we should simply acknowledge the revised ER.

## 9. Development Plan Examination

- 9.1 An examination provides a means of independently testing the issues from representations on proposed LDPs or SDPs. A key principle of the revised examination procedure is that, as far as possible, the Reporter should be furnished with all the information required to reach conclusions at the outset, known as frontloading. As there is no provision for those who have made representations to submit further material to the examination, unless required to do so by the Reporter, it is important that earlier representations on the plan are clear and cover all the issues specified in Section 6.
- 9.2 In a limited number of cases, it is possible that the Reporter may request further information from us if they consider that they do not have all the information they need to make a proper assessment of an issue. This would normally be provided as a written submission. Any written submissions must be endorsed by Unit Managers prior to submission to the Reporter.
- 9.3 The Reporter will also determine the format of the examination proceedings and these may comprise written submissions, hearings and inquiry sessions. If we are required to appear at a hearing or inquiry session liaise with Planning Unit Manager to discuss appropriate input from legal or other specialists.

## 10. Recording Outcomes of the Development Plan

- 10.1 Once the Reporter's recommendations and the subsequent adopted DP are published the relevant sections of the 'Policy Summary – PP to AP' and 'Site-all stages' worksheets of the Development Plan Spreadsheet should be completed.
- 10.2 In order that PCS has a clear record of all the stages post PP, the Schedule 4 report, Reporters findings and adopted plan should all be entered into PCS as separate entries requiring no response (linked to the proposed plan response entry). The relevant Schedule 4s and Reporters recommendations should be saved into the corresponding PCS entry (for policy supports as well as objections). The relevant information should be recorded in the 'Policy Summary – PP to AP' and 'Site- all stages' tabs of the Development Plan Spreadsheet and saved into the relevant PCS entry (Schedule 4s, Reporters

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Recommendations) with the final version in the published plan PCS reference. In addition the lead officer should update the annual FR reporting spreadsheet (on the 'Indicator Summary' tab) to record where discussions regarding the specific LDP FR policies are at the end of December each year.

- 10.3 Due to annual reporting requirements of effectiveness of DP engagement it is important that this work is completed in order that management staff in SEPA can obtain an annual record of how successful our engagement has been in DPs.

## 11. Proposed Action Programmes

- 11.1 Action programmes set out how the authority proposes to implement the plan, and SDPAs and PAs are required to prepare them for SDPs and LDPs. It is however worth noting that there is currently no statutory requirement for Action programmes to be implemented. They must set out:

- a list of actions required to deliver each of the plan's policies and proposals;
- the name of the person who is to carry out the action;
- the timescale for carrying out each action.

- 11.2 Proposed Action Programmes must be published and submitted to Scottish Ministers alongside the SDP or LDP. It is common practice to publish the Proposed Action Programme with the PP for consultation. It may, however, be published for consultation separately. In some instances we may be requested to respond to the Action Programme on the same representation forms as the proposed plan.

- 11.3 The types of action that may be included would be the delivery of key infrastructure and the preparation of supplementary guidance. Actions are not limited to those by the planning authority and we may be identified as a delivery partner, but not lead, for specific actions. In preparing Action Programmes the relevant authority must consult and consider the views of the Key Agencies.

### h) Engagement with the Action Programme

- 11.4 We are a statutory consultee for the proposed Action Programme and our input provides an important opportunity to achieve SEPA outcomes through firm action. When we are seeking early engagement on the proposed plan we should at the same time be seeking to influence the development of the Proposed Action Programme.

- 11.5 In preparing the action programme the planning authority has to consult and take account of any views we express. In our response to the action programme we should clearly and concisely:

- 1 Identify any actions in relation to our remit that we consider should be included which are not;
- 2 Provide a clear justification for their inclusion that includes a link to the relevant policy/proposal(s) in the plan, SEA mitigation and relevant policy/statutory support;

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- 3 Highlight any actions that are included which may have environmental implications that are related to our remit; and,
- 4 Suggest how any such actions could be amended to ensure that any environmental considerations raised are addressed (this may include the addition of SEPA as a delivery partner)
- 5 Request removal of SEPA from any actions which are outwith our remit where we have been identified as a delivery partner;

11.6 In responding, we must be mindful that actions must link to the delivery of the policies and proposals in the plan or mitigation proposed in the SEA. We cannot require actions to be included that have no link to the policies and proposals or SEA. Examples of actions that we may want to see included in SDPs and LDPs (subject to policy/proposal link) are presented below.

<b>SDP Action Programmes</b>	<b>LDP Action Programmes</b>
Identify opportunities for catchment flood risk management requirements including natural flood management measures.	Developer requirements for allocated sites relating to our interests eg. flood risk, river basin planning, zero waste.
LDPs to undertake an SFRA to inform spatial strategy/strategic allocations.	Statutory supplementary guidance to deliver the detail of policy areas relating to our remit such as flood risk, renewable energy developments, waste management and/or river basin planning interests.
Identify opportunities for strategic areas of SUDS in urban areas to free up sewer capacity	Delivery of flood management measures including food prevention schemes (and natural flood management measures) required to enable delivery of the proposals in the plan.
Explore strategic opportunities for maximising the re-use of surplus heat (heat mapping)	Plans for the local delivery of green infrastructure requirements. This may include statutory supplementary guidance on how green and blue networking will be taken forward in the LDP area, the economic advantages and multiple benefits in terms of Council objectives.
Deliver the mitigation measures identified through the SEA process (See PAN 1/2010 paragraph 4.42)	Deliver mitigation measures identified through the SEA process
Deliver flood prevention schemes required as an intervention to enable development within strategic growth areas	Heat mapping of plan area to identify potential heat sources for new development.
Plans for strategic delivery of green and blue networking.	

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## 12. Approval and adoption

- 12.1 Under Section 18(2) of the Environmental Assessment (Scotland) Act 2005 the planning authority is required to prepare a post-adoption SEA statement as soon as reasonably practicable after the adoption of the plan. We do not normally formally respond to this stage of the SEA. However, we may use it to engage in informal consultation with the planning authority regarding proposed monitoring arrangements.

## 13. Monitoring Statement

- 13.1 The monitoring statement for the LDP will be submitted with the next round MIR. Prior to the publication of the monitoring statement we should seek to inform the local authority what we believe the plan has delivered with regards our outcomes, and similarly which areas need further work in the next DP. The information gathered in the policy summary and site tabs in the Development Plan Spreadsheet should help inform this next stage in the DP process.
- 13.2 SEA monitoring should focus on the significant environmental effects of the plan and help the planning authority to gauge the effectiveness of any mitigation measures employed. The planning authority may combine monitoring requirements for the plan itself and the SEA. We should actively support this approach to monitoring as it will enable all relevant issues to be reported in a single monitoring statement to inform preparation of the next development plan and its SEA.



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## Appendix 1: Initial Development Plan information letter

Our ref: Our reference  
Your ref: Your reference

Insert name and planning authority  
Insert address

If telephoning ask for:  
Insert contact name

By email only to: Insert e-mail address(s) where applicable

dd month yyyy

Dear Sir / Madam / Name

### **The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 SEPA Engagement in the preparation of the Development Plan for xxxxxxxx**

Thank you for contacting SEPA in relation to the preparation of your Development Plan by way of xxxx dated xxxx. We place high importance on our engagement with development planning authorities and we welcome the opportunity to work with you. The lead point of contact for any liaisons on the plan will be xxxx xxxx (email: xxxx).

In order to assist you with the early consideration of issues relating to our remit we have prepared the attached information note which provides:

- an overview of the issues that SEPA would want to be addressed within the Plan (section 1);
- sources of information and guidance we hold that should assist you in shaping the Main Issues Report and baseline information for the SEA (sections 2 – 5); and,
- advice on how proposed allocations are presented for consultation to enable us to provide the most timely and useful feedback (section 6).

Please note that we will be contacting / have also made contact with your development plan SEA team separately.

Once you have had a chance to review this information please don't hesitate to contact us should you have any questions. We usually find that an early meeting to discuss the issues is mutually beneficial. Please let us know if you feel that this would be useful.

Yours insert closure (sincerely/faithfully)

Insert name  
Insert job title  
Planning Service

#### Attachments:

Appendix 1: SEPA Local Development Plan Information Note

Appendix 2: Local Authority Data Form

Separate file: Site allocation background information spreadsheet for completion

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## **Appendix 1: SEPA Local Development Plan Information Note**

### **1. SEPA Development Plan Guidance and Standing advice regarding SEA Scoping**

We have a series of information sheets to aid the development plan process. The information sheets provide you with information on the types of issues that we would expect to see covered in an LDP. They also include links to useful documents and other sources of information that could be used to inform the LDP.

The advice is split into five topic sheets with an additional overarching table regarding links of all the topics to climate change:

- Soils
- Flood risk
- Sustainable resource use
- Water environment
- Air quality and co-location

A copy of each of the topic sheets is attached for your information.

We have also prepared [Standing Advice for Responsible Authorities on SEA scoping](#) which provides advice on how to address the SEA issues within our remit at the scoping stage and aims to help the Responsible Authorities to focus the assessment on significant issues early in the SEA process. The advice provides guidance on:

- locating potentially useful information sources for baseline and assessment purposes;
- identifying other relevant plans, programmes and strategies;
- the type of information that we need provided at the scoping stage to assess whether the scope and level of detail proposed for an Environmental Report is appropriate in relation to the issues within our remit

In addition an assessment proforma has been developed by the Consultation Authorities with input from a number of planning authorities. The [assessment proforma](#) provides a suggested checklist aimed at integrating DP and SEA site assessment processes. The proforma is a suggested checklist and is not intended to be used prescriptively, and is considered a 'work in progress' and we welcome comments and suggestions for improvement.

The information sheets and SEA advice are available to download from our website at: [www.sepa.org.uk/planning/development\\_planning.aspx](http://www.sepa.org.uk/planning/development_planning.aspx)

### **2) SEPA Policies and Planning Guidance**

The documents available through the following links provide information as to our priorities and position with regards key environmental issues and may be useful in the production of topic papers and the MIR.

<b>SEPA Policies</b> – eg Groundwater Policy <a href="http://www.sepa.org.uk/about_us/policies.aspx">www.sepa.org.uk/about_us/policies.aspx</a>
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<b>SEPA Planning Guidance</b> <a href="http://www.sepa.org.uk/planning.aspx">www.sepa.org.uk/planning.aspx</a>
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## 2.1 Strategic Flood Risk Assessment (SFRA) Guidance

SEPA has produced a specific guidance document with regards SFRA and is available from the link below. This technical guidance has been produced by us to ensure planning authorities to make use of Strategic Flood Risk Assessment (SFRA) as a practical tool to help deliver real change in managing flood risk early on in the development plan process and feed into the SEA findings.

[www.sepa.org.uk/planning/flood\\_risk/idoc.ashx?docid=b010e4b4-6a3e-43ca-b24e-cc53328f53b3&version=-1](http://www.sepa.org.uk/planning/flood_risk/idoc.ashx?docid=b010e4b4-6a3e-43ca-b24e-cc53328f53b3&version=-1)

SFRA is designed for the purposes of informing the development planning process, primarily, to avoid increasing overall flood risk by avoiding areas of flood hazard. It constitutes a strategic overview of flood risk to the development plan area and should involve the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. It should be used to apply the risk based approach to the identification of land for development and for the development of policies for flood risk management, including surface water management. Planning authorities should prepare SFRA in consultation with us and other stakeholders with an aim to achieving co-ownership of the assessment.

## 2.2 Land Use Vulnerability Guidance

This guidance provides a framework to assist the assessment of the vulnerability of different types of land use to the impact of flooding and may therefore be useful during the risk assessment of potential site allocations. The guidance was developed through our Flood Risk and Land Use Planning Working Group which includes representatives from the Built Environment and Environment Divisions of the Scottish Government and the Heads of Planning Scotland. A link to the document on our website is provided below.

[http://www.sepa.org.uk/planning/flood\\_risk/idoc.ashx?docid=c1d04be4-eec0-4275-b7af-bcd680e80a95&version=-1](http://www.sepa.org.uk/planning/flood_risk/idoc.ashx?docid=c1d04be4-eec0-4275-b7af-bcd680e80a95&version=-1)

## 3. SEPA data for the xxxxx area

We can provide the following information which is bespoke to your plan area. A brief description of each data source and how it can be used in the development plan process is provided.

### 3.1 Water environment / River Basin Planning data

Please find attached the baseline information on the water environment for the xxxxx area. It includes a spreadsheet with the pressures and measures associated with the “baseline” rivers and transitional water bodies within the xxxxx council area based on the 2009 classification (including those, both fully and partially in the Council area). The “baseline” water bodies are those classified under the RBMP process. Please note that there will be other water bodies that are not currently classified (very small) and there is a requirement to protect these as well under WFD. This data has been derived from our [river basin planning interactive map](#).

The spreadsheet contains a lot of information but you should be able to use the filter tabs to make it more manageable. For example if you want to know which water bodies in the area are affected by foul drainage pressures you can filter by pressure

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type (column G - point source pollution) and get all the water bodies currently affected, if it is because of sewage disposal (column H - industry sector), which sewage works are causing the problem (column K - location description) and what measures are proposed and by when this is likely to be resolved. A useful column is also the "owner" column, i.e. who is responsible for implementing the measure that will address a particular pressure.

Two maps are attached showing the most up to date overall status of baseline water bodies within or partly within the xxxxx Council area.

This data can be used to identify the status of water bodies within the DP area and highlight pressures on specific water bodies and identify which, if any, of the measures required to improve the status of the water bodies the DP could help implement.

It can also be used to identify baseline information and existing environmental problems with regards the water environment for use in the SEA.

### 3.2) Data available for use on your GIS system

The following SEPA layers are all derived from the Ordnance Survey Panorama 1:50k dataset:

- Loch water bodies
- Transitional water bodies
- Coastal water bodies
- Groundwater bodies

The Panorama dataset is available free of charge from Ordnance Survey under Open Data terms and conditions. Contact should be made with your authority's One Scotland Mapping Agreement (OSMA) representative to obtain these terms and conditions (they are generally in the GIS team but may be planning or roads transport). If you wish to request the above layers please submit your request to [dataenquiries@sepa.org.uk](mailto:dataenquiries@sepa.org.uk)

- River water bodies

If you would like the river water body information to put on your own internal GIS systems to map with other constraints and information a licence is required for the CEH DRN. The reason for this is that the data is derived from the CEH 1:50k digital river network (DRN) and we cannot supply them to any third party unless you also have a relevant licence.

Your Environmental Health colleagues may already have a licence to use these maps. If your authority already holds a licence for the CEH DRN and wish to request the river water bodies GIS layer you can send a scanned version of your licence along with your request to [dataenquiries@sepa.org.uk](mailto:dataenquiries@sepa.org.uk).

If your organisation does not have a licence and one needs to be bought from CEH contact should be made with CEH via [spatialdata@ceh.ac.uk](mailto:spatialdata@ceh.ac.uk) (contact at CEH is Oliver Robertson, 01491 692342). Once you have obtained a licence please mail your data request and scanned copy of the licence to [dataenquiries@sepa.org.uk](mailto:dataenquiries@sepa.org.uk)

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The licence fees varying dependent on the geographical extent of data required. Some local authorities have already bought a licence while others are waiting to see if the issue can be resolved nationally. It has been raised with the Scottish Government, but no solution has been reached so far.

- Groundwater Vulnerability Maps

The groundwater classification maps were completed in 2004. The maps and accompanying report can be accessed on our website:

[http://www.sepa.org.uk/water/monitoring\\_and\\_classification/assessment\\_tools/interpretation\\_of\\_the\\_maps.aspx](http://www.sepa.org.uk/water/monitoring_and_classification/assessment_tools/interpretation_of_the_maps.aspx)

### 3.3 Waste infrastructure maps

We have published a series of waste infrastructure maps on our website [www.sepa.org.uk/waste/waste\\_infrastructure\\_maps.aspx](http://www.sepa.org.uk/waste/waste_infrastructure_maps.aspx). These maps are based on SEPA's Waste Sites and Capacity annual reports and Landfill Sites and Capacity reports which list the licensed/permitted waste management facilities in Scotland. The annual reports are published on our website [www.sepa.org.uk/waste/waste\\_data/waste\\_site\\_information.aspx](http://www.sepa.org.uk/waste/waste_data/waste_site_information.aspx)

These maps show existing waste management facilities in Scotland, and can be used to inform the development plan preparation. The map for xxxxx council is attached to this email. The map shows the location of each waste facility in the area regulated by us, and is imbedded with information about the site. To extract this information:

- 1) Open the PDF to view the map.
- 2) Select "Object Data Tool" by right clicking on the map, or by choosing it from the "Tools" drop down menu.
- 3) Once "Object Data Tool" is selected, pan the mouse over to one of the sites (the mouse arrow should turn into a cross hair) and click once.
- 4) A column should appear on the left side, split into three sections.
- 5) Click a further three times on the site icon/dot to bring up the site information in the columns. This information includes site location, type of waste facility, and the type and amount of waste treated at the site in 2008.
- 6) The site will also be outlined in red for easy identification. If the red outline identifying the site is not easy to see, at the top of the left hand column you should see a red square with an arrow beside it – this is a drop down menu that can be used to change the choice of the outline colour. Red is default, but any colour can be chosen to make it more visible.

This data can be used to ensure that waste management facilities in your area are protected from inappropriate neighbouring developments through the development plan process, by identifying the waste management sites in the proposed plan, and supporting their continued waste management use by incorporating appropriate policy wording within the development plan. In addition the identification of sites in the plan could also highlight opportunities, for example, for appropriate co-location of surplus heat users or processing industries which could utilise separated recyclates etc.

These data can also be used to identify baseline information and existing

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environmental problems with regard to the waste element of the material assets topic for use in the SEA.

#### 4) Other data, advice and guidance available

The table below summarises information available to download from our website which may be useful in defining the baseline environmental information and identifying existing environmental problems for the SEA.

In addition external sources of baseline information for SEA can be found in:

- Scottish Government SEA pages with links to relevant detailed guidance documents: <http://www.scotland.gov.uk/Topics/Environment/environmental-assessment/sea>
- **Scotland's Environment Web** which aims to provide in once place information on the state of Scotland's environment: [www.environment.scotland.gov.uk/](http://www.environment.scotland.gov.uk/)
- **Scotland's Soils website** which has key facts regarding soils functions and pressures and interactive maps and datasets which can be downloaded: <http://www.soils-scotland.gov.uk/>

<b>SEA Guidance on Air, Soil and Water:</b> <a href="http://www.sepa.org.uk/planning/sea/guidance.aspx">www.sepa.org.uk/planning/sea/guidance.aspx</a>
<b>State of the Environment Reports</b> – For Air, Water, Soil and Scotland <a href="http://www.sepa.org.uk/science_and_research/data_and_reports/state_of_the_environment.aspx">www.sepa.org.uk/science_and_research/data_and_reports/state_of_the_environment.aspx</a>
<b>Climate Change Information</b> <a href="http://www.sepa.org.uk/climate_change.aspx">http://www.sepa.org.uk/climate_change.aspx</a>
<b>Bathing water quality data</b> <a href="http://www.sepa.org.uk/water/bathing_waters.aspx">http://www.sepa.org.uk/water/bathing_waters.aspx</a>
<b>Water quality data</b> – such as the water quality classification scheme and monitoring and new classifications established to meet the requirements of the Water Framework Directive <a href="http://www.sepa.org.uk/water/river_basin_planning.aspx">http://www.sepa.org.uk/water/river_basin_planning.aspx</a>
<b>River level data</b> <a href="http://www.sepa.org.uk/water/river_levels/river_level_data.aspx">http://www.sepa.org.uk/water/river_levels/river_level_data.aspx</a>
<b>Flood information</b> <a href="http://www.sepa.org.uk/flooding.aspx">http://www.sepa.org.uk/flooding.aspx</a>
<b>Catchment Management Plans</b> – eg such as the Spey Catchment Plan <a href="http://www.sepa.org.uk/water/water_publications/catchment_plans.aspx">http://www.sepa.org.uk/water/water_publications/catchment_plans.aspx</a>
<b>Waste Strategy/waste data reports</b> – eg Waste Data Digests providing information about waste arisings <a href="http://www.sepa.org.uk/waste/waste_data.aspx">http://www.sepa.org.uk/waste/waste_data.aspx</a>
<b>Scottish Pollutant Release Inventory (SPRI)</b> – is a database of pollutant releases to air, water and land from SEPA regulated industrial sites <a href="http://www.sepa.org.uk/air/process_industry_regulation/pollutant_release_inventory.aspx">http://www.sepa.org.uk/air/process_industry_regulation/pollutant_release_inventory.aspx</a>
<b>Scottish Air Quality Database (SAQD)</b> <a href="http://www.sepa.org.uk/air/ambient_air_quality/uk/scottish_quality_database.aspx">http://www.sepa.org.uk/air/ambient_air_quality/uk/scottish_quality_database.aspx</a>
<b>Air Pollution Information System</b> <a href="#">Air Pollution Information System   APIS</a>

#### 5) Potentially Vulnerable Area Information

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Based on the National Flood Risk Assessment, we have identified Potentially Vulnerable Areas (PVAs) where the potential impact is sufficient to justify further assessment and appraisal of flood risk management actions. This required the setting of a threshold above which the total impact of floods in a given area is considered nationally significant due to the presence of, for example, strategic transport infrastructure or community infrastructure such as a hospital. These PVAs are based on catchments and are available to view from the link at the bottom of this section.

It is important to note, not all properties within a PVA are at risk of flooding and conversely not all properties outwith a PVA are free of flood risk. Detailed measures to address flood risk within these catchments will come forward through the Flood Risk Management Plans due out in 2015.

[www.sepa.org.uk/flooding/flood\\_risk\\_management/national\\_flood\\_risk\\_assessment.aspx](http://www.sepa.org.uk/flooding/flood_risk_management/national_flood_risk_assessment.aspx)

The Flood Map is the main source of SEPA information and your authority has a copy of planning subfolder which contains the relevant layers and should be utilised to ensure that strategic development areas and allocations avoid areas at risk of all sources of flooding.

[www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx)

## 6) Information requirements for screening potential sites

In order that we can provide you with comprehensive, accurate comments throughout the development plan process regarding potential sites we need you to provide us with an excel file as well as GIS shape files for the sites containing the following background information. For ease we have attached an excel table to this letter with these headers pre-populated for your authority to complete:

- Site Reference
- Previous Reference (where applicable)
- Settlement
- Site Name
- Easting
- Northing
- Proposed land use
- Preferred site or not
- Planning permission status
- Undeveloped or previously developed

In order that we can upload the information into our Interactive GIS in house please can you complete and return to your key planning contact xxxx the Local Authority data form attached to this letter in [appendix 2](#).

Given the complexity of the task that we undertake to assess the sites with internal consultees we ask for a consultation period of 6 weeks and that the sites have been pre-screened with only viable sites being submitted for consultation where possible.

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Due to past experience we recommend that a table is kept within your authority of all the reference numbers/ names used for each site from the outset of the process. The provision of this information to us at the later stages of the DP process makes matching up previous comments a lot more straightforward.



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## **Appendix 2: Local Authority Data Form**

In order to upload the Local Development Plan site shapefiles onto our GIS system we require the following detailed dataset information. Please fill in the tables provided below.

Please note that our system will only allow us to have a single legend for development plan sites. If you have separate layers for each land use (e.g. residential, mixed use and economic etc), you will need to amalgamate the dataset prior to sending it into us.

### **1) Meta Data Details**

Dataset	e.g. XX Council Local Development Plan Sites
Abstract	Insert brief description of dataset e.g. preferred and non-preferred sites for the X LDP e.g. site allocations for the X LDP
Location	SEPA GIS to complete this section
Availability	Internal uses only. Request for the data should be directed to <insert Council>
Attributes	
Filename	SEPA GIS to complete this section
Coverage	Insert Council Area
Data Supplier	Insert Council name
Digitised By	Insert Council name
Source	e.g. XX Council Local Development Plan
Source Scale	e.g. 1:1250
Source Date	e.g. December 2012
Dataset Status	Is this a finalised dataset or are updates on-going?
Update Frequency	If you intend to update the dataset, what is the frequency? (e.g. annually, infrequently, never etc).
Spatial Reference	e.g. British National Grid
Creation Details	e.g. Data captured by X Council.
Internal SEPA Contact	SEPA to complete - insert name of main planning service contact

### **2) Attribute Details**

Please complete this table with the attribute headings contained in the attributes table accompanying the dataset. As a minimum we required a site reference, name and proposed landuse. To allow us to check these details an extracted copy of the attribute table should also be sent into us.

Attribute	Description
-----------	-------------

*\* Please insert additional rows if required.*

*\* Completed examples of this table are provided on the next page.*

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#### Attribute Details - Example 1

Attribute	Alternative Title	Description
Area (hectares)		Area of the site in hectares.
Policy type		Type of land use proposed for the site.
Site Number		Reference number for planning site.
Site		Name of site.

#### Attributes Details - Example 2

Attribute	Alternative Title	Description
Trans		Transparency of fill in layer file
Site_ref		Site reference as shown within the Inner Moray Firth Local Development Plan - Main Issues Report
District		District where the allocation is located.
Settlement		Settlement where the allocation is located
Cfs_Ref		Reference used from the Call for Sites in April 2011
Site_Type		Proposed Use of the Site
Devt_plan		Name of Development Plan site
Id		Unique ID

### 3) Information Package

When complete please forward the following information to your SEPA planning contact:

- Completed form detailing metadata and attributes details
- A copy of the attributes table attached to the shapefiles for us to check
- The shapefiles

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## Appendix 2: Standard text for work request emails to Science Advice

Maps of the most current overall classification data for coastal, surface and groundwater bodies, and an extract of the measures data base for the geographical area can be obtained for the planning authority by generating 2 work request emails for Science Advice (they go to different parts of the team).

### **1. For Maps of overall waterbody status:**

Send to [science.advice@sepa.org.uk](mailto:science.advice@sepa.org.uk)

Entitle email: FAO EAU request to generate GIS waterbody maps for XXX council area

Please can you provide 2 maps with OS background, for external use of the current overall classification (currently 2011) for:

1. Coastal and surface
2. Ground water

Water bodies totally and partially within the XXXX council area.

Many thanks

### **2. For extract from pressures and measures database**

Send to [science.advice@sepa.org.uk](mailto:science.advice@sepa.org.uk)

Entitle email: FAO Environmental Quality Co-ordinators request to extract pressures and measures data for XXX council area

Please can you provide details of the pressures and measures data associated with all water bodies within or partially within the XXXX council area.

Many thanks

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### Appendix 3: Flow charts of SDP and LDP process highlighting points for influencing and periods of statutory consultation

Legend for both flow charts:

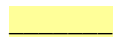
\* statutory period



Key influencing period (non statutory)

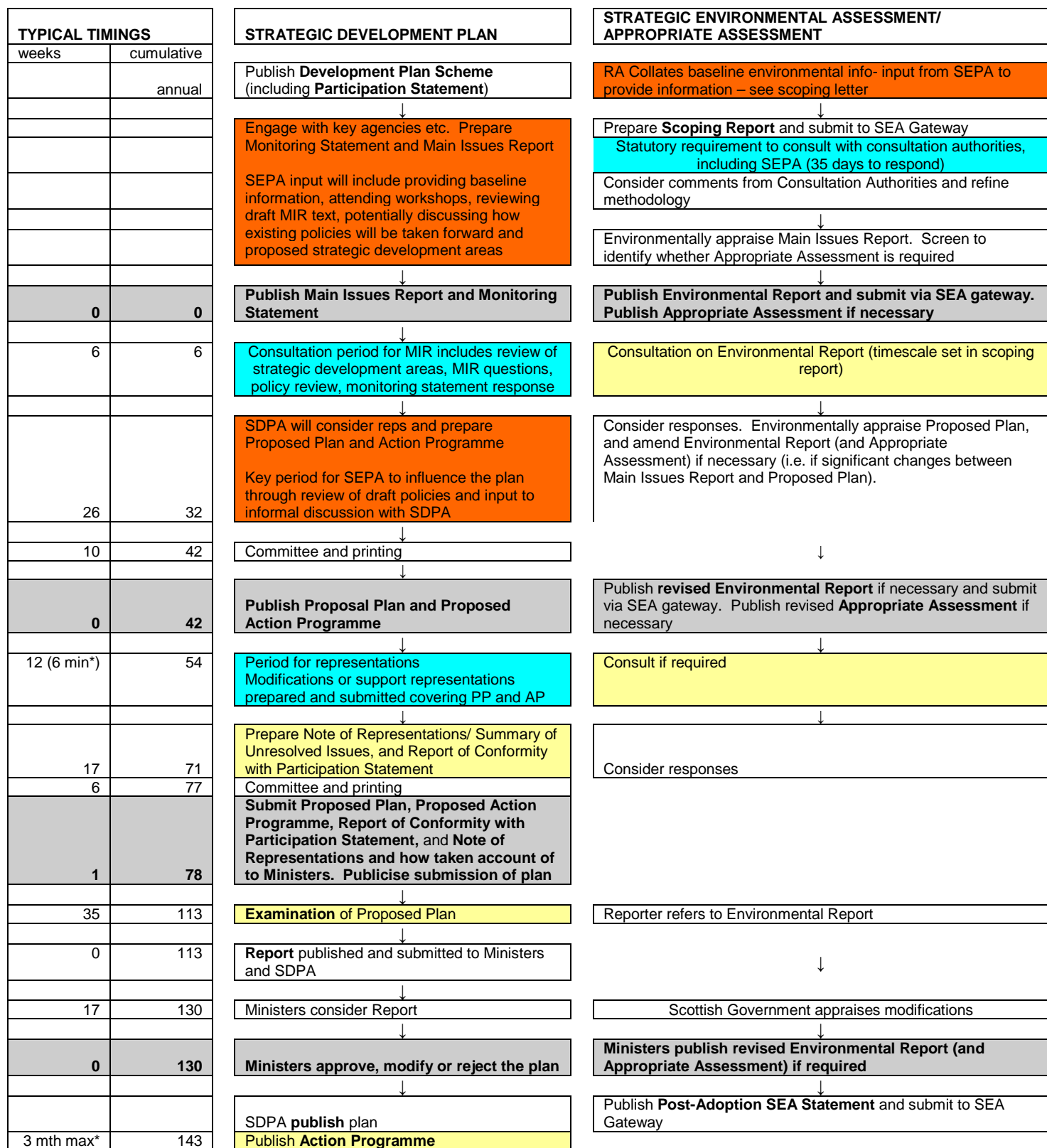


Statutory consultation period



Potential points where input may be required

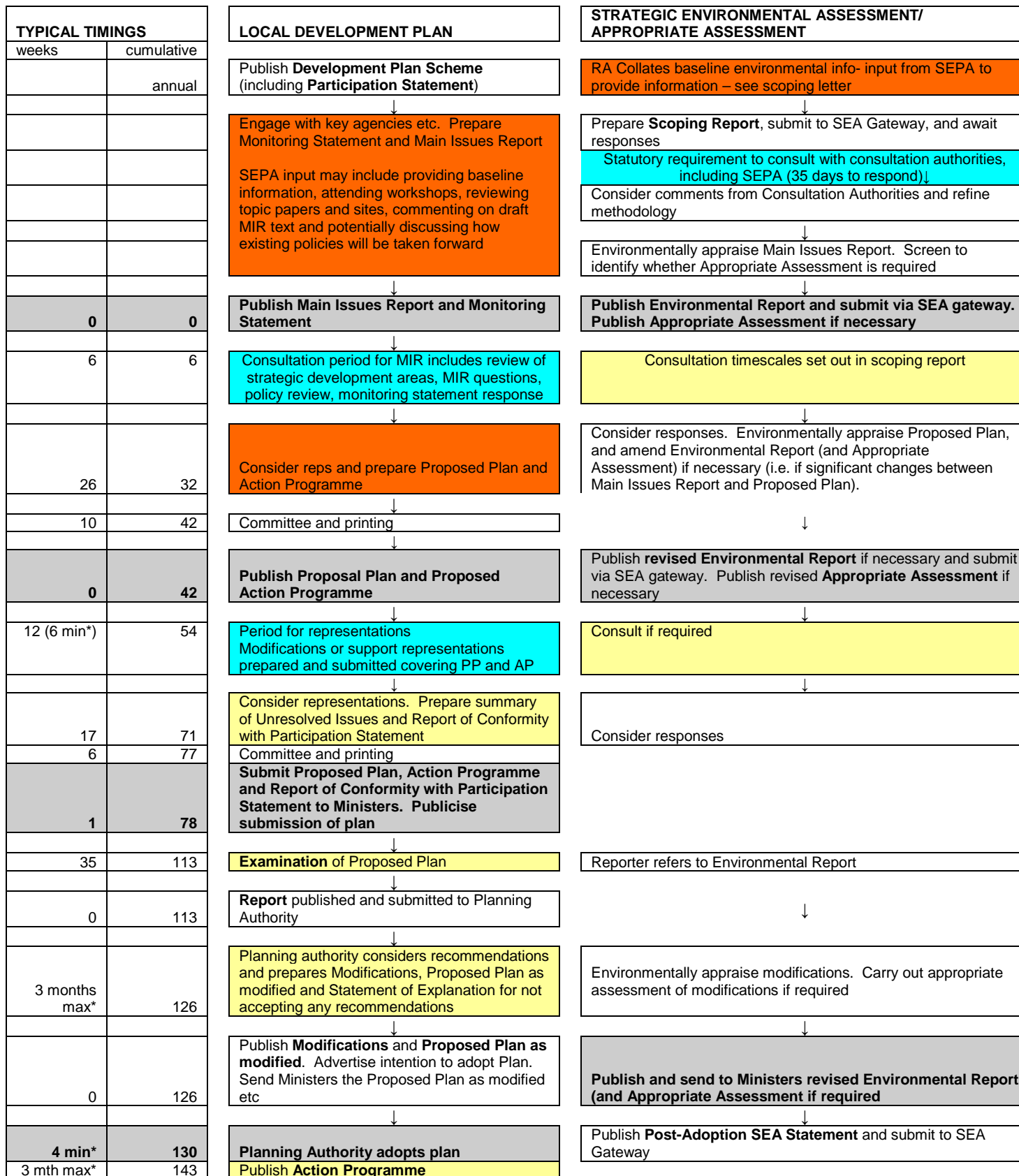
**FIGURE 1 – NORMAL STRATEGIC DEVELOPMENT PLAN PROCESS**



\* statutory period

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**FIGURE 2 – NORMAL LOCAL DEVELOPMENT PLAN PROCESS**



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## Appendix 4: Development Plan Spreadsheet Guidance

### 1. Introduction

- a. This guidance note is to help Operations, Flood Risk Hydrology and Planning staff who have been tasked with completing the development plan site spreadsheet (LUPS-DP-SS1). Sections 1 to 3 are relevant to all users while [Section 4](#) is relevant to Operations, [Section 5](#) for Flood Risk Hydrology and [Sections 6 and 7](#) for planning staff.
- b. We have a statutory role as a 'key agency' which is set out in [Planning Circular 6/2013 Development Planning](#). As part of that role we undertake a comprehensive review, with regards our issues, of proposed sites and those to be continued from previous development plan at key stages of the process in order that the allocations in the subsequent development plan account for environmental constraints.

### 2. Reasons for undertaking a comprehensive site review at the earliest opportunity

- a. We aim to undertake a comprehensive site review at the earliest consultation for a development plan in order to identify sites which:
  1. we object in principle and want to be removed from the plan as they are unacceptable with regards impact on the environment, location at flood risk or adjacent to specific facilities regulated by SEPA which are likely to cause nuisance even with regulatory controls in place (the last type will typically be very infrequent and must be sent to URRT)
  2. require modification or attachment of development requirements which will require a developer to incorporate specific issues into the development to make it acceptable (e.g. require a FRA is undertaken and development design accords with SPP, avoid unnecessary river engineering measures)
  3. look for opportunities for further improvements not formally identified through the river basin planning measures setting process , where appropriate (for example connection to the green network, incorporation of a buffer strip adjacent to watercourse, or improvements on water bodies such as naturalisation of a channel). We will encourage that these additional improvement issues are incorporated into site specific development requirements at the pre/ MIR stages however we will not object and request modification of the proposed plan if they are not included.

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- b. Our objection in principle and subsequent recommendation to remove sites from a plan may be challenged by the planning authority, reporter or site promoter/ owner. Therefore we must provide best available information based on data that we hold along with legislative and policy context for any removal request in the form of site specific information from the first consultation response. The information to be provided will vary with the specific issue but may include:
- details on number and type of complaints received and/ or potential for nuisance regarding a specific regulated site,
  - implications of the proposed development on water body status as assigned through the river basin planning process,
  - information clarifying why site drainage is infeasible,
  - location on flood map and
  - site specific FR information that we hold.
- (See appendix 1 for Ops and FRH examples)
- c. While undertaking the site review, please keep in mind that comments should focus on issues that can be addressed by the proposed plan. For example, issues that to be addressed need physical space on site that will therefore limit the developable area such as:
1. FRA required to ensure that development will not be at flood risk or will increase risk to existing development especially on the functional flood plain
  2. measures required to restore a watercourse running through a development site (eg removal of barriers to fish passage or opening up of a channelised watercourse)
  3. enhanced surface water treatment measures which may be necessary on sites where affected by mine water issues or within a sensitive receiving catchment
- d. If we fail to undertake comprehensive reviews of the sites it may result in:
1. ongoing resource implications for operations staff as complaints may be generated regarding regulated sites as a result of unsuitable co-location of development
  2. development located in areas at risk of flooding
  3. complaints from planning authorities and residents/ landowners if resultant development is inappropriately located in relation to environmental constraints
  4. missed opportunities to ensure the protection of the water environment, appropriate mitigation measures are applied and opportunities recognised where improvements to the water environment can be applied in line with the development process
  5. missed opportunities to identify sites which are unsuitable for development due to environmental constraints and to seek their removal from the development plan. This is an important opportunity as SPP (paragraph 32) identifies that once the development plan has been approved the principle of development at sites has been established and should not be revisited.

### **3. Internal consultee input at subsequent stages**

- a. A comprehensive review of the sites will not be required (by Operations staff) at subsequent consultations. The input from Operations will at subsequent consultations be



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primarily focused on new sites, those where the boundaries have been altered or where we have recommended removal but the site remains within the plan. However in order to catch any new issues planning staff will ask the relevant Ops/ TSU team if there are any new licensed sites or issues (eg complaints or mine water breakouts) that have arisen since the initial comprehensive consultation stage that may affect the proposed allocations. Using the ability to upload shape files for a session into the interactive map would allow Ops staff to quickly gain an overview of the location of the allocations relative to regulated sites (details provided in section 4.4 below).

- b. Flood Risk Hydrology will use professional judgement as to whether additional information has become available through new data sources, flood events or FRAs since the previous consultation that warrants a comprehensive review of all sites or whether comments can be limited to new or amended sites only.
- c. At the proposed plan stage the input from all internal consultees will focus on sites in the plan that we object to either in principle which we want to see removed from the plan or where additional development requirements are required to adequately cover the environmental issues at the site. In the terminology of the LDPs this will be worded as requesting a modification to the plan. All the issues which we take forward as a formal representation to request a modification of the proposed plan at this stage will become part of the development plan examination process and will be considered by a Reporter and we may have to appear at a public inquiry to defend the position we have taken.
- d. A separate response form is required for each site where removal is recommended. The response at this stage will be the same as, or build upon the work undertaken at the MIR stage (see appendix 1 for examples). Detailed justification is also required (in the relevant detailed comments column in 'Sites –all stages' tab of the Development Plan Spreadsheet) for development requirements at this stage.
- e. Planning staff will cross refer between the previous response and the next consultation document to ascertain if our requested development requirements have been attached to previous proposed allocations and will record this in the relevant column at the start of the subsequent consultation in order that we can support the requirements in the planning response. This is important as other parties may request that the requirements are removed and we should therefore be clear when development requirements are appropriate and necessary to address environmental issues at a site.

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#### 4. Completing the Spreadsheet- Operations

- a. Planning staff will send the consultation spreadsheet with a complete list of sites for review at the initial consultation (Main Issues Report (MIR)/ pre MIR stage), but only details of new, amended sites or those where we recommended removal but they remain in the plan at subsequent consultations. Planning staff will make it clear what stage the plan is at and what is required from Operations staff in the PCS consultation.
- b. Reference should be made to Appendix 1 and 2 of LUPS GU25 which sets out guidance on using the WFD pressures and measures database and a flow chart for site assessment in respect of river basin planning interests.
- c. Within the “normal” interactive GIS map in order to undertake the site review you will need to select the planning theme and the following GIS themes to be visible on the interactive map:
  1. WFD classification
  2. Licensing
  3. Morphology
  4. Designations
- d. Planning staff will advise if the site allocations have already been uploaded into the GIS interactive map by IS. If timescales have not allowed for IS to do this then the site shape files can be uploaded for one session to provide an outline of the allocation shapes only to aid the site review process by following the instructions below.
  1. Click the more tools button on the left hand side of the map
  2. Click the add shape button from the additional tools list
  3. The relevant parts of the shape file will have been made available to Ops staff from the planning service- follow instructions that come up under the map in GIS to find and load the shape files
- e. The most efficient method, if possible, is to have 3 computer screens, one showing the sites on GIS, one for site spreadsheet completion and a third to have the pressures and measures database open for reference when required. Furthermore planning staff will make a hard copy of maps or a CD showing the individual allocations available to help with the process, when the detailed shape files have not been uploaded into the interactive map.
- f. Planning staff will advise if there is an ArcGis computer available in the office you work in and will arrange directly with Ops colleagues to use this to complete the site review.
- g. It is beneficial for planning and operations staff to sit together to complete the spreadsheet, as it is a learning opportunity for planning staff and helpful for clarification. If this is not possible an intercall meeting may be a suitable alternative, as both parties could view the same GIS screen through this method.
- h. Tip for entering data into protected fields is that once the answer options have been used once within the column for subsequent rows just the first letter needs to be typed into the box for the whole word to appear.

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**Water Environment and Co-location questions from the spreadsheet and background information**

- i. Individual questions contained in the spreadsheet are provided in this section (**underlined**) with details relevant to answering the question (in italics) along with additional background information provided below each question:

**Is there a water body within or forming part of the site boundary or immediately adjacent to the site?**

*The term water body refers to both baseline and non baseline water bodies.*

*Yes is only applicable if:*

- 1) *Water body is fully or partially within the site boundary, or*
- 2) *Water body forms part of the site boundary*

*Immediately adjacent only applies if there is a water body immediately outwith the boundary of the allocation as the proposed development could still compromise future restoration opportunities for that water body or lead to deterioration in its status.*

*Comments must focus on what could be undertaken within the site boundary as we are unable to ask for developer requirements outwith the site boundary (even if only a few metres).*

- j. Please note that planning staff will include wording in the planning response highlighting that we recommend that a development requirement of an appropriately sized undeveloped buffer strip is attached at all sites where a water body is identified on the site, on the boundary or immediately adjacent to the site. It will be acknowledged that the site specific size of the buffer strip should be proportionate to the size of the watercourse.
- k. If there are no pressures that could be addressed or opportunities for improvement that could be taken forward by with the proposed allocation then no further details are required in the spreadsheet regarding the water environment.
- l. If there are multiple waterbodies within the development site it is recommended that details for the waterbody at worst status is completed in the boxes within the spreadsheet and details of the impacts on the other waterbodies are provided in the detailed comments on the water environment box.

**Would waste water drainage from the site exacerbate an existing point source sewage pressure or create a new pressure?**

*Note: This should not refer to Part 4 assets (ie STW and pumping stations) as inclusion in the plan will secure investment from SW for upgrade.*

**However issues surrounding private assets or Part 3 (ie. sewerage network) constraints should be highlighted in the Detailed Comments on the Water Environment column.**

*Please include details of either:*

- *the existing point source sewage pressure that would be exacerbated or;*
- *a new pressure that may be created and why.*

**AND**

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*an outline of any measure(s) that would need to be undertaken to adequately alleviate the pressure to facilitate the proposed allocation. These should be cross referenced to the RBMP measures database.*

If there are no mitigation options available to address the point source pressure that would be caused or exacerbated by the development then please write out a separate factual response detailing the reasons why the allocation would lead to deterioration in water environment. Please include details of the impact on water body status and the implications deterioration would have for meeting the objectives set against that water body for baseline water bodies identified in RBMP. The specific report is required to support the planning response recommending that the site be removed from the plan.

**What are the current pressures on the water body that could be exacerbated or addressed by proposed allocation?**

*Please use pressures and measures database and local knowledge as well as morphology layer in GIS to identify any pressures that the allocation could exacerbate or help address, as well as relevant mitigation and measures.*

*If there are multiple pressures relevant to the allocation please provide details in the Detailed comments on Water Environment section.*

If there are no mitigation options/ formal measures available to address water pressures relevant to the development then please write out a separate factual response detailing the reasons why the allocation would lead to deterioration in water environment. Please include details of the impact on water body status and the implications deterioration would have for meeting the objectives set against that water body for baseline water bodies identified in RBMP. This information is required to support the planning response requesting the removal of the site from the plan.

**Are there any formal improvement measures set against the water body through the river basin planning process that the site allocation could help address or would prevent being implemented?**

*Please check pressures and measures database to identify if there are any specific improvement measures set against the water body (ies) which could potentially be implemented through the development proposal or conversely improvement measures that would be ruled out were the development to go ahead.*

In certain instances an improvement will need to be put in place if a water body is to achieve the objectives set against it through the RBMP process. If the proposal would prevent such an improvement being implemented in the future, this needs to be detailed. Please provide details of any improvement measures that could be implemented or made infeasible through the allocation in the Detailed Comments on the Water Environment column.

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**Are there any further opportunities for improvement we should be encouraging (eg morphological improvements, additional SUDS for sensitive water bodies, green network connection)?**

*Please use local knowledge and the morphology layer on SEPA's internal GIS to help identify any opportunities to improve the water environment through the proposed allocation, over and above those formally set through the river basin planning process. All opportunities to address morphological pressures (e.g. culverts, channel realignment) should be highlighted regardless of whether or not they contribute to a downgrade in ecological status/potential. Other opportunities might include potential connections to blue networks, SUDS retrofit, implementation of water saving technologies etc*

Please note that planning staff will include text in the planning response to require SUDS in accordance with C697 at every site and for developments to connect to the public sewer where a connection is available.

**Background Data on Water body (4 boxes)**

Only complete if there are pressures and measures or areas for improvement that the site allocation could help address.

**Detailed Comments on Water Environment**

Please be mindful that the text entered into this column will be viewed by external parties.

*This column should be used to provide*

- 1. provide an overview of issues where you consider that an allocation could not be implemented without a deterioration in the status of the water body or development would result in a failure to put in place the necessary improvements set against the water body through the RBMP process (separate response required to expand on these issues)*
- 2. Highlight requirements that will need implemented if protection and improvement measures set against the water body through the RBMP process are to be met.*
- 3. Highlight addition mitigation and improvement measures not formally assigned through the RBMP process that we can encourage (eg. restoration, better integration with existing blue networks, morphological improvements, SUDS retrofit, water saving technologies, eradication of invasive non-native species etc)*
- 4. Please identify where appropriate water environment relevant development requirements are attached in order that we can support these in our response*

Please note if there is a formal RBMP measure against the water body then please highlight the measure owner, the current measure delivery date, and if action will contribute to meeting a WFD objective

**Sites where we can support the water environment relevant development requirements**

Please only record a yes in this box if we are satisfied that the proposed development requirements as written are sufficient to address water environment issues at the site. If there are any aspects that need to be modified or expanded to make them acceptable please use the water environment mitigation and detailed comments column to record these and put a no in this box.

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**Water Environment: Mitigation required by SEPA to make the site acceptable and avoid adverse effects**

These boxes are important to allow planning staff to distil the information that has been gathered through the site assessment process into removal requests, modification requests and encouragement issues (the last point is only applicable at pre MIR or MIR stage).

If either recommend removal or no comments on the water environment are appropriate then the other 3 boxes will be negative. However at the MIR stage it may be possible for a site to help implement a measure while we would want to encourage other aspects therefore boxes the middle two columns may both be yes for the same site. Any explanation that is required should be put in the Detailed comments on Water Environment box.

[Please see comments in paragraphs 3.3 and 3.4 regarding proposed plan stage responses.](#)

**Detailed comments on co-location issues with SEPA regulated sites**

Please be mindful that the text in this box will be viewed by external parties.

If the site is adjacent to or in the vicinity of any SEPA licensed sites, or if the allocation is for a process which would require regulation by SEPA but which is unlikely to be authorised due to an inability to mitigate risks arising from the location of the development, please provide details in this box. Please consult with your waste and PPC colleagues to identify if there is any history of complaint from adjacent regulated sites and whether there are any potential concerns regarding the prospect of development at the proposed location. Please include WML or PPC etc licence numbers in the comments for information.

**Summary of SEPA's position on co-location summary boxes**

Please only say yes to one box. If recommend removal is relevant please provide a separate detailed factual response regarding issues relevant to the site. Any such recommendation will require to be taken to RRT by planning staff following discussion with PUM. [Please see comments in paragraphs 3.3 and 3.4 regarding proposed plan stage responses.](#)

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## 5. Completing the Spreadsheet - Flood Risk Hydrology

- a. Planning staff will send the GIS shape files to FRH along with a spreadsheet populated with the background information only, for the initial consultation (at MIR or pre MIR stage). FRH will derive NGRs for sites if the information has not been made available from attributes data. Please do not rearrange the rows or columns within the consultation in order that we can join the Ops data back in with FRH data once the site review has been completed.
- b. Planning staff will make it clear what stage the plan is at and what is required from FRH in the PCS consultation.
- c. Prior to sending the subsequent consultations on to FRH planning staff will have identified which sites are new or that have amended boundaries since the previous consultation. In addition we will highlight if any sites that we had requested were removed remain in the current subsequent consultation. We recommend that any such sites are reviewed again in order that the site specific response can be updated or expanded as required.

### Technical Review of Flood Risk section

- d. Each site will be reviewed individually by FRH staff in accordance with the Vulnerability guidance (LUPS GU24), National Flood Risk Work Procedure for Development Planning (SS-NFR-P-004) and SFRA guidance (LUPS GU23).

### Flood Risk: Detailed Comments

Please be mindful that the text in this box will be viewed by external parties.

Detailed comments may include aspects for consideration in site specific FRA e.g. Structures complicate Flood Risk at site e.g. bridges, culverts etc or details of other relevant information we hold with regards FR at the site

If we are satisfied with regards the proposed development requirements (please see comments under next heading) please use this box to provide detail of what the acceptable development requirements are

### Sites where we can support the flood risk relevant development requirements

Please only record a yes in this box if we are satisfied that the proposed development requirements as written are sufficient to address flood risk issues at the site.

If there are any aspects that need to be modified or expanded to make them acceptable please use the flood risk mitigation and detailed comments column to record these and put a no in this box.

### Flood Risk: Mitigation required by SEPA to make the site acceptable Summary boxes

These boxes are important to allow planning staff to distil the information that has been gathered through the site assessment process.

### Recommend Removal

If the site is a removal request please prepare a site specific factual report setting out the reasons why the site is at flood risk and highlight that it is based on information available at this time. This

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will be used to support the planning response requesting the site be removed. An example of a FRH response to a site we wanted removed is attached in appendix 1.

Assessment of Flood Risk required

*If the technical review of FR has identified that further information is required regarding flood risk from fluvial or coastal source to inform development layout on site please answer yes to this column.*

Surface Water Hazard at site

*Advisory only: this column is to highlight to the local authority the fact that a surface water hazard has been identified at the site we will recommend in the planning response that the local authority take the issue forward through discussion with their flood prevention and roads department colleagues*



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## 6. SEA Environmental Report Review – for planning staff

7. Does the SEA identify all the significant environmental effects highlighted in our review of the site? And

If no to question 1 in previous box please identify effects that are absent from SEA (and highlight in SEA response)

You will need the site assessment from the environmental report (ER) and the proposed allocation details available electronically for speed of searching.

For each site check the SEA has identified the issues that our internal consultees have raised with regards flood risk and water environment and highlight any issues that are missing in the 2<sup>nd</sup> column.

8. Is the mitigation proposed in the SEA to address the significant environmental effects, relating to our interests, included in developer requirements?

If no to question 2 in previous box identify the additional development requirements required and highlight in MIR response

Please check the mitigation in the SEA and the proposed development requirements in the site details and highlight any issues not addressed in the development requirements in the second column.

## 9. Setting up spreadsheet for internal consultation – for planning staff

The first column in the spreadsheet is required to allow for the gathering of data regarding the outcome of individual sites initially with regards FR representations. For each plan area an identifying prefix for the council should be added – in case of comparison work at a later date. For example PKC001 etc. In order to fill in the column if you enter prefix 001 for the first site then just drag the cross in the bottom right corner down to fill in the rest of the columns sequentially. Please note for any new sites submitted at subsequent stages these should be added at the bottom of the existing data and be given sequential numbers.

For ease of use all irrelevant columns can be hidden. There are a variety of ways of doing this set out in the excel help, one of which is by highlighting the column at the top, then right clicking with the mouse and picking the hide option. Columns can be unhidden by highlighting the columns on either side of the hidden columns and selecting unhide from the right click menu.

The headings and site reference can be made always available on screen by freezing the panes. This is done by clicking in the first square in the spreadsheet in the column next to the site reference and going to the option in the view menu to freeze panes.

It is recommended for ease of working through the plan that the sites are sorted by settlement and then the spreadsheet is protected following the online excel help in order that the order of the sites are not altered.

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A tip from users is that colour coding different OPS teams sites, where there are multiple in a plan area has been helpful – as well as hiding and colour coding new, altered or continued potential objection sites at later stages.

A note of caution - in order that the drop down options remain intact do not cut and paste columns out of the spreadsheet to send to the ICs. Instead save the workbook with only the relevant columns available in PCS and ask FRH to pick it up from there. Then when their review of the sites is complete the data can be cut and pasted back in to the spreadsheet- this is why it is crucial that the sites are sorted then protected in order that the ICs do not amend the order.

## **10. General Tip – for planning staff**

To avoid getting a read only copy every time you open the spreadsheet use Excel 2010 for opening and saving. This is available to all planning staff from the path Start>All Programs>SEPA Citrix> Office 2010. When downloading the spreadsheet out of PCS save as “all files” and use office 2010 to open and save the document.

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## Appendix 5: Standard wording for development plan responses

### Cemetery allocations

Allocations XXX are identified as sites for cemeteries. Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of these allocations. Should investigations be carried out prior to adoption, in accordance with *guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)*, then we would be pleased to review our position.

If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our *guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)* before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

The protection of groundwater accords with the objectives of the Water Framework Directive and your associated duties as a responsible authority under the Water and Environment and Water Services (Scotland) Act 2003. These duties are reflected in paragraph 194 of Scottish Planning Policy which states that the planning system should promote the protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way.

### Co-location of sites to regulated processes

The proposed development sites XXXX are located adjacent to activities which are regulated by SEPA under a Waste Management Licence, Pollution Prevention and Control (PPC) Permit or Controlled Activities (CAR) Licence. The location of these sites may be found on [identify spreadsheet/table provided to planning authority]. We therefore recommend that your authority consults operators of adjacent regulated sites and your Environmental Health colleagues and considers the compatibility of these proposed development sites with the existing adjacent regulated activity [include where relevant] which may operate, or expand to operate, 24 hours a day.

Even with the imposition of regulatory controls and the use of best industrial practice, mitigation and abatement techniques, there may be residual emissions which could cause a loss of amenity and nuisance to users of adjacent land. Potential residual emissions or problems will vary with the type of regulated activity but may include odour, dust, noise, litter or pests.

Residual emissions can occur on sites despite being compliant with regulations controlled by SEPA. With regard to sewage treatment works control of odour issues are not within SEPA's remit but fall to the local authority.

Planning Advice Note 51 (PAN 51) (paragraph 64) states with regard to noise and nuisance that "The Planning system is (with the exception of PPC which controls noise from Part A installations) the only means to address these issues in anticipation, before problems arise. Statutory Nuisance is often only used as a method of last resort and is limited in its scope to abate a nuisance."

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Furthermore PAN 51 (paragraph 65) states that “New noise or nuisance sensitive developments have to be carefully considered in relation to existing noise or nuisance emitting land uses, for example, social housing adjacent to busy roads or railways, or social housing adjacent to an existing noisy industrial use. 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.”

### **Buffer strips**

We note that there is a watercourse within or immediately adjacent to sites XXXX. We therefore recommend that a development requirement is attached to these sites to ensure that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.

The inclusion of an undeveloped buffer strip accords with the objectives of the Water Framework Directive (WFD) and your associated duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out your statutory functions.

The provision of an undeveloped buffer strip provides a range of benefits including:

- Protection of the watercourse by intercepting and breaking down potential pollutants during the construction and operational phases of a development before they reach the watercourse;
- The provision of space for vegetation that can strengthen the banks of the watercourse, provide habitat opportunities, add aesthetic value and slow surface water run off at times of heavy rain;
- The provision of space for the watercourse to move over time through natural river processes and thereby also improving resilience to climate change; and,
- Safeguarding land within the functional flood plain from built development and providing access to your flood prevention colleagues to carry out any necessary maintenance work in the watercourse.

### **De-culverting opportunities**

A culverted watercourse runs through sites XXXX. There may be opportunities in these locations to restore the water environment to its natural state by removing the culvert. We therefore recommend that a development requirement is attached to the sites requiring a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for channel restoration.

Removal of the culvert and re-instatement of the watercourse accords with Water Framework Directive (WFD) objectives as it will help move the water body towards good status. It will support the delivery of your associated duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out your statutory functions.

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The benefits of removing the culvert include:

- restoration of the watercourse to a more natural form allowing habitat creation, both within the channel and in the riparian area;
- flood management through the provision of flood plain storage and energy dissipation;
- the ability to identify any pollution issues quickly and easily;
- the potential to provide amenity areas and sustainable active travel routes alongside the open watercourse; and,
- removal of the on-going maintenance costs and issues associated with blockages and siltation that can occur in closed culverts.

### Updated caveats for SEPA Flood Maps for Site Spreadsheet tab

#### Caveat 2

The sites have been assessed against the SEPA Flood Maps (published in January 2014). The Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are *indicative* and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).

#### Caveat 3

Contact should be made with your colleagues in the Roads Department and Scottish Water with regards sites at surface water flood risk.

### Flood Risk Assessment required

Sites XXXX are located in or adjacent to the functional flood plain or an area potentially at flood risk from any source. We therefore require that a development requirement is attached to these sites for a Flood Risk Assessment to be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. This is necessary to ensure that development is avoided within areas at medium to high risk (unless they accord with the risk framework in paragraph 263 of SPP) and there is safe dry pedestrian access and egress at times of flood.

The capacity of these sites to provide deliverable development land may be reduced due to flood risk and we recommend that you contact your flood prevention colleagues to discuss this further. Potential flood risk constraints should be taken into account when defining the number of units/ area of deliverable development land available on these sites.

If a development requirement addressing this issue is not attached to each of the sites we would object and seek a modification to the proposed plan.

This requirement accords with the principles of sustainable flood management the cornerstone of which is avoidance of flood risk in the first instance. It will also ensure that potential developers are informed at the earliest opportunity that there are flood risk issues affecting the site that may constrain the developable area.

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Paragraph 255 of SPP identifies that the planning system should promote a precautionary approach to flood risk from all sources and paragraph 256 states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere.

The requirement also supports the delivery of your authority's duty under the Water Environment and Water Services (Scotland) Act 2003 to promote sustainable flood management.

### **Support sites with development requirement for FRA**

We support the development requirement for a Flood Risk Assessment to be undertaken prior to development occurring for the following sites XXX.

The inclusion of a development requirement for a Flood Risk Assessment will ensure that potential developers are informed that there are flood risk issues affecting the site at the earliest opportunity and that the developable area of the site may be constrained by flood risk.

The inclusion of the requirement accords with paragraph 255 of SPP which identifies that the planning system should promote a precautionary approach to flood risk from all sources and paragraph 256 which states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere.

In addition the requirements to identify land at risk of flooding from any source through a Flood Risk Assessment and to avoid development that does not accord with the SPP are in keeping with your authority's duties under Water Environment and Water Services (Scotland) Act 2003 to promote sustainable flood management. The requirements are also supported as a climate change adaptation measure.

### **Water Environment support relevant development requirements**

We support the development requirements relating to the water environment attached to sites XXX.

The inclusion of development requirements covering XXX accords with the protection and improvement objectives of the Water Framework Directive and therefore with your authority's duties as a responsible authority under the Water and Environment and Water Services (Scotland) Act 2003, to ensure compliance with the Water Framework Directive and River Basin Planning process in carrying out their statutory functions.