

SEPA position statement on land use planning, health and wellbeing

This document is a statement of SEPA's role and position on health and wellbeing relative to land use planning. It outlines how we intend to engage with the land use planning system on health and wellbeing issues to ensure that we effectively contribute to the delivery of our role in improving the health and wellbeing of the people of Scotland

1. Introduction

1.1 The Regulatory Reform (Scotland) Act 2014 requires SEPA to carry out its functions in a way that contributes to improving the health and wellbeing of the people of Scotland. SEPA's commitment to improving human health and wellbeing through improved environmental quality is embedded into our [Corporate Plan 2012- 2017](#) outcomes. In delivering these outcomes we aim to help address health inequalities, ensure that everyone has access to a good quality environment and is protected from environmental risks including flooding. SEPA's Health and Wellbeing Strategy will outline our vision and strategic direction to support the effective delivery of our new role.

"SEPA's approach should consider Scotland's natural environment as underpinning the health and wellbeing of communities, providing a stock of potential resources and assets able to produce value and on-going services to Scotland's economy."

Statutory Guidance on the General Purpose of SEPA and its contribution towards sustainable development (Scottish Government, March 2015)

1.2 This position statement sets out how we are, and will in the future contribute towards the health and wellbeing of the people of Scotland, through our engagement in the statutory land use planning system.

Through our engagement with the planning system we contribute towards the delivery of:

- **Development that is designed to improve health and wellbeing through sustainable place making** by providing high quality environments that promote healthy lifestyles;
- **Development that is free from significant risk to health caused by environmental harm or flood risk** by ensuring that new development proposals are well located, sited and designed;
- **Development that supports the health and wellbeing of communities** by ensuring that development proposals do not create unacceptable risks to adjacent communities; and,
- **Patterns of development that minimise greenhouse gas and local air quality pollutants** by promoting resource efficiency and green infrastructure.

1.3 Whilst we already contribute to these outcomes through our planning liaison role, moving forwards, we will seek to further strengthen the links between areas within our remit and the sustainable place making agenda. Table 2 (page 6) provides further detail on how our planning advice is and will contribute to these outcomes through different aspects of our engagement.

2. Context

2.1 In considering the links between environmental quality and health we work in partnership with NHS Boards, local authority planning and environmental health departments, the Health and Safety Executive, Health Protection Scotland, NHS Health Scotland and other organisations whose duties and activities also contribute to human health protection and improvement.

2.2 One of the challenges in dealing with such a multidisciplinary area is in understanding the interface between our role and that of other stakeholders. This position statement seeks to clarify our role and make it easier to understand how we influence health and wellbeing through the planning system.

2.3 Historically the focus of health issues in relation to the environment has been on the avoidance of pollution and danger from toxic, infectious, and physical threats. More recently there has been an increased awareness of the need to take a wider perspective on the interactions between the environment and its potential impact on wellbeing. Spatial planning has an important role to play in creating places that encourage healthy lifestyle choices. There is a growing recognition of the role of sustainable place making and green infrastructure in shaping living, working and leisure environments so that they will positively contribute to improvements in health and wellbeing.

“Health inequalities policy should be at the heart of the Scottish Government’s drive for social justice, a key plank of the Single Outcome Agreements and central to the preventative spend agenda. Priority must be given to addressing the upstream fundamental causes of health inequalities which include poverty and income, as well as the wider environmental factors such as housing and education over the downstream consequences like smoking and alcohol abuse.”

(Health and Social Care Alliance Scotland - Health Inequalities Policy Review for the Ministerial Task Force on health inequalities, May 2014)

“The evidence demonstrates a clear positive relationship between greenspaces and health, although the mechanisms which generate these positive effects are not always clear.”

(The links between health and greenspace: a critical literature review, Greenspace Scotland 2007).

2.4 Wide health inequalities still exist between the most and least privileged people communities in Scotland. The Christie Commission report, the Scottish Parliament Finance Committee Report on Preventative Spend and the Audit Scotland report on health inequalities all emphasised the importance of preventative spend as a means of reducing the potential future demands on health and social care and as a means of tackling health inequalities. A recent policy review by the Health and Social Care Alliance Scotland recognised the importance of tackling upstream environmental factors as an important area for action.

2.5 Health Scotland is currently working in partnership with the Scottish Government and Architecture and Design Scotland to create a Place Standard for Scotland. The purpose of the Place Standard is to support the delivery of high quality places and to maximise the potential of the physical and social environment in supporting health, wellbeing and a high quality of life. The Standard will build on key recommendations from [Good Places Better Health](#) and from [Creating Places](#) (the Scottish Governments policy statement on architecture and place).

National Planning Policy

2.6 Planning legislation¹ places a requirement on planning authorities to exercise their functions relating to the preparation of their development plan with the objective of contributing to sustainable development. The same requirement applies to the Scottish Ministers in the preparation of the National Planning Framework.

2.7 National Planning Framework 3 (paragraph 1.2) sets out a vision for a Scotland which is a successful, sustainable place where: *“We live in high quality, vibrant and sustainable places with enough good quality homes. Our living environments foster better health and we have reduced spatial inequalities in well-being.”*

2.8 Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes towards sustainable development. Paragraph 29 explains that this means that policies and decisions should be guided by a number of principles including:

- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and wellbeing by offering opportunities for social interaction and physical activity, including sport and recreation;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development; and,
- considering the implications of development for water, air and soil quality.

2.9 Planning Advice Note 51 (Planning, Environmental Protection and Regulation) paragraph 49 states that *“Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to a proven impact on health, is capable of being a material consideration, insofar as it may arise from any land use. Where however a proposal requires licensing under the Pollution Prevention and Control Regulations planning authorities should accept that as adequate and suitable for public health protection (see PAN 63 paragraph 85).”* The role of planning and environmental regulation are seen here as inter-related and complementary. Other topic specific PANs (e.g. those dealing with waste management planning, air quality, open space, design and place making, and strategic environmental assessment) also identify human health aspects as relevant to the planning system.

2.10 Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) require that certain aspects of human health are considered in the development of plans, programmes and strategies (including planning policy) and relevant development proposals respectively.

“Environmental quality is central to our health and well-being. Green infrastructure and improved access and education have a key role to play in building stronger communities. Our spatial strategy identifies where development needs to be balanced with a strategic approach to environmental enhancement.”

Paragraph 4.11, National Planning Framework 3, 2014

¹ Planning etc. (Scotland) Act 2006

3. How SEPA influences health and wellbeing issues through the planning system

3.1 SEPA is identified as a key agency under the Planning etc. (Scotland) Act 2006 and provides formal environmental advice in relation to development plans and on a wide range of development proposals across Scotland. Engagement with planning authorities from the earliest stages of plan preparation ensures we can support development plan proposals and the implementation of a genuinely plan-led land use planning system. Such early intervention helps maximise health and wellbeing benefits derived from land use planning decisions.

3.2 Through our engagement with the planning system we can provide advice to planning authorities to enable them to address potential health impacts of development, health inequalities and promote wellbeing through:

- **Sustainable place making** – creating places that can reduce health inequalities through accessible green infrastructure, minimise risks from flooding and contamination and promote sustainable resource use; and,
- **The location, siting and design of regulated facilities** to protect human health and achieve sustainable resource use.

3.3 When we provide advice on a planning application and we are also the environmental regulator we will assess the land use aspects of the planning application to clarify whether, on the information available at the time, the proposed development is potentially capable of being consented under the relevant environmental regulations. Our advice on the consentability of a proposal would not include the consideration of health impacts as these are a matter for the licence application. This approach is in accordance with Planning Advice Note 51². We would only object at the planning stage in very exceptional circumstances if we consider that a proposal is not potentially capable of being consented under the relevant regime. To fulfil this role and to avoid duplication we do not need the same level of information at the planning stage as we do at the licencing stage. For example, for waste installations, Scottish Planning Policy³ states that “*Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA*”. As the need for a Health Impact Assessment (HIA) is considered under the PPC regime we do not need to consider an HIA to inform our planning advice.

3.4 Twin tracking of the planning and licencing processes is strongly encouraged to facilitate a streamlined and integrated approach between the two regulatory regimes that can speed up consenting processes and reduce costs⁴.

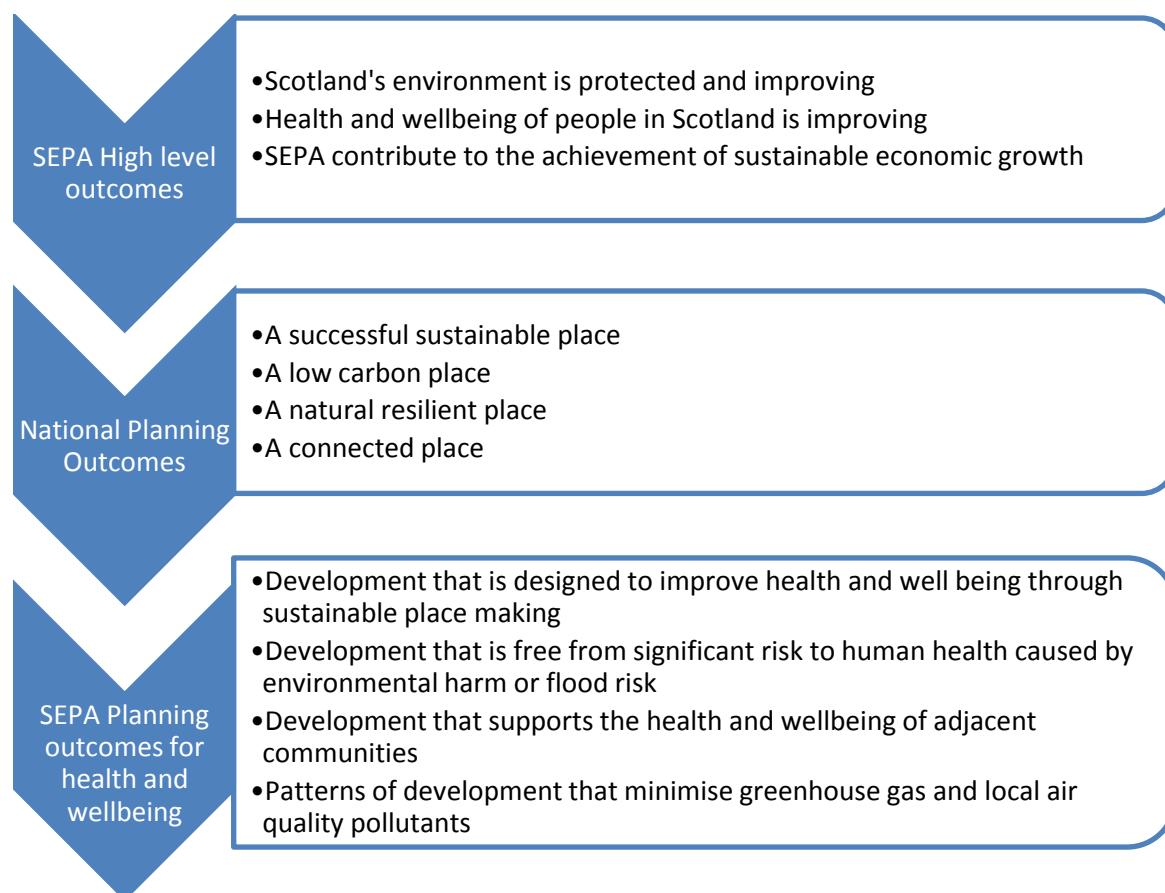
3.5 Our approach to planning and health also contributes towards our high level outcomes which are aligned with the delivery of the Scotland’s National Performance Framework. These provide a clear framework for the delivery of the national planning outcomes through our Planning Service. Within this context we have developed the four SEPA planning outcomes for health and wellbeing based on areas that fall within our remit as outlined on page 1 of this statement.

² Paragraph 38 of [Planning Advice Note 51: Planning, Environmental Protection and Regulation \(Scottish Government, 2006\)](#).

³ Paragraph 188 of [Scottish Planning Policy \(Scottish Government, 2014\)](#).

⁴ As advised in paragraph 44 of [Planning Advice Note 51: Planning, Environmental Protection and Regulation \(Scottish Government, 2006\)](#).

Figure 1: Relationship between SEPA’s high level outcomes, national planning outcomes and SEPA’s planning outcomes for health and wellbeing



4. Implementation

4.1 The implementation of the Regulatory Reform (Scotland) Act 2014 and other legislation such as the Flood Risk Management (Scotland) Act 2009 are presenting new challenges and will require new ways of working to help us deliver positive outcomes for the health and wellbeing for Scotland through our engagement with the planning system.

4.2 A more detailed overview of how we are and will in the future implement the SEPA planning outcomes for health and wellbeing through our planning liaison role is presented in Table 2. These are based on our role as a statutory consultee for development plans and development management and as a consultation body for Strategic Environmental Assessment and Environmental Impact Assessments. Operational guidance for development plans, development management and SEA are being reviewed and updated to ensure that we are effectively contributing towards the delivery of these outcomes.

Table 2: Areas where we address health and wellbeing through our planning advice

Planning outcomes referred to in column 3:

1. Development that is designed to improve health and wellbeing through sustainable place making by providing high quality environments that promote healthy lifestyles;
2. Development that is free from significant risk to human health caused by environmental harm or flood risk by ensuring that new development proposals are well located, sited and designed;
3. Development that supports the health and wellbeing of communities by ensuring that development proposals do not create unacceptable risks to adjacent communities; and,
4. Patterns of development that minimise greenhouse gas and local air quality pollutants by reducing the need to travel and promoting resource efficiency and green infrastructure

A. Strategic Environmental Assessment		
1. Area of work with link to health and wellbeing	2. We will provide advice on:	3. To help deliver planning outcome
Screening	Whether in our view significant effects on human health are likely as a result of the plan, programme or strategy.	1,2,3,4
Scoping	The potential human health impacts of plans and proposals caused by environmental factors such as pollution (e.g. emissions to air, soil or water), flooding and climate change that should be scoped into the SEA. Further guidance on the issues we expect to be covered can be found in our Standing Advice for Responsible Authorities on Strategic Environmental Assessment (SEA) .	1,2,3,4
Environmental Report	The adequacy and accuracy of the assessment of the identified human health impacts of plans, programmes and strategies caused by environmental factors, any planned mitigation measures to minimise these, and proposed monitoring measures.	1,2,3,4

2. Development Plans

1. Area of work with link to health and wellbeing	2. We will provide planning advice on:	3. To help deliver planning outcome
Spatial strategy	<ul style="list-style-type: none"> • The use of the Spatial Planning Assessment of Carbon Emissions (SPACE) tool to minimise greenhouse gas and other emissions that impact on local air quality. • The protection and enhancement of strategic green infrastructure, particularly within urban areas. 	1,4
Site allocations	<ul style="list-style-type: none"> • Potential issues arising from the location of existing SEPA regulated processes in relation to proposed development plan land allocations. • Potential issues arising from the location of allocations for uses requiring SEPA regulation in relation to adjacent land uses. • The impact of proposed allocations on flood risk both on and off site. 	1,2,3
Policy framework	<ul style="list-style-type: none"> • Providing a positive policy framework to ensure places are designed to promote health and wellbeing through: <ul style="list-style-type: none"> ➤ good air quality; ➤ avoidance of flood risk; ➤ sustainable resource management including the facilitation of zero waste objectives, the re-use of waste heat and district heating; ➤ sustainable water management including SUDS; and, ➤ the provision of green infrastructure. • Providing a positive policy framework to facilitate low carbon, low emission energy developments. 	1,2,3,4

2. Environmental Impact Assessment

1. Areas of work with link to health and wellbeing	2. We will provide planning advice on:	3. To help deliver planning outcome
Scoping advice	<ul style="list-style-type: none"> The potential human health impacts of plans and proposals caused by environmental factors such as pollution (e.g. emissions to air, soil or water), flooding and climate change that should be scoped into the EIA. The information requirements and any associated assessment requirements of identified human health impacts caused by environmental factors for inclusion in the Environmental Report (including those required to demonstrate the consentability of development proposals requiring regulation by us). 	1,2,3
Environmental Report	<ul style="list-style-type: none"> The potential consentability of development proposals requiring regulation by us (including the provision of adequate information to demonstrate this). The robustness of Environmental Statements in relation to methods of assessment used to assess potential human health impacts caused by environmental factors to ensure that the information submitted is adequate for decision-making purposes. 	1,2,3

2. Development Management

1. Area of work with link to health and wellbeing	2. We will provide planning advice on:	3. To help deliver planning outcome
Consentability	<p>The potential consentability of relevant development proposals in line with our Planning guidance in relation to SEPA regulated sites and processes. Any advice in relation to air quality, waste management will fall within the scope of our regulatory role as outlined in this guidance. In particular we will provide advice on:</p> <ul style="list-style-type: none"> • Potential issues arising from the location of existing SEPA regulated processes in relation to proposed development; and, • Potential issues arising from the location of proposed development that would require SEPA regulation in relation to adjacent land uses. 	2,3
Flood risk	<p>The potential flood risk caused by a development proposal on or off site. Particular attention will be paid to developments that could create a risk to human health as reflected in our land use vulnerability guidance.</p>	2,3
Water	<p>The potential impact of proposed developments on the ecological status of water bodies and, where relevant, related impacts on human health. This may include, for example, the potential impact of development on private water supplies.</p> <p>We will encourage the adoption of well-designed water management features and associated green networks which can contribute to wellbeing and healthy lifestyle choices.</p>	1,2
Contaminated land	<p>Potential issues relating to the impact of the proposed development on Special Sites and/or radioactively contaminated land.</p>	2