Notes
This document outlines SEPA’s position on the protection and enhancement of the water environment in line with land use planning. It is based on SEPA’s interpretation of national planning policy and duties and requirements under relevant legislation.

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**Why we comment on this topic**

**DI.1** The Scottish Government recognises that the health of Scotland’s water environment is intrinsically linked to the health and wellbeing of our communities. By protecting the quantity and quality of our water supply, the physical structure of the water environment and therefore the ecosystem it supports we are safeguarding our capacity to ensure Scotland’s sustainable economic growth.

**DI.2** SEPA’s statutory purpose under the *Regulatory Reform (Scotland) Act 2014* is “to protect and improve the environment, including managing natural resources in a sustainable way. Except where inconsistent with that primary purpose, we must also contribute to improving the health and wellbeing of the people of Scotland and to the achievement of sustainable economic growth”.

**DI.3** We assist the delivery of the Scottish Governments national and planning outcomes by providing environmental advice on the water environment in responding to development plans and development management proposals across Scotland on the water environment. The advice we provide contributes directly to four of our corporate targets as detailed in table 1 below.

**Table 1: Policy hierarchy**

<table>
<thead>
<tr>
<th>National Planning</th>
<th>Protecting &amp; Enhancing the Water Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcomes Relevant to the protection and enhancement of the water environment</td>
<td>Scottish Government National Outcomes</td>
</tr>
<tr>
<td><strong>A natural, resilient place</strong> - helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use</td>
<td><strong>A successful sustainable place</strong> – supporting sustainable economic growth and regeneration, and the creation of well-designed sustainable places</td>
</tr>
<tr>
<td><strong>A low carbon place</strong> – reducing our carbon emissions and adapting to climate change able economic growth and regeneration, and the creation of well-designed sustainable places</td>
<td><strong>A connected place</strong> - maintaining and developing good internal and global connections</td>
</tr>
<tr>
<td><strong>Policy Principles</strong></td>
<td><strong>Protection</strong></td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
<td>Protecting and improving the environment (including managing resources in a sustainable way). As long as it is not inconsistent with the above we will also contribute to (a) improving the health and well being of people in Scotland, and (b) achieving sustainable economic growth.</td>
</tr>
<tr>
<td><strong>Corporate Outcomes</strong></td>
<td><strong>Scotland’s environment is protected and improving</strong> - protecting the environment, communities and human health by ......implementing legislation proportionately and rewarding good</td>
</tr>
<tr>
<td><em>(relevant to the water environment)</em></td>
<td></td>
</tr>
</tbody>
</table>

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### Planning Objectives

<table>
<thead>
<tr>
<th>Planning Objectives</th>
<th>Development Plan Guidance</th>
<th>Development Management Guidance</th>
<th>Background Paper</th>
<th>Standing Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensuring the appropriate protection and enhancement of Scotland’s water environment in accordance with the Water Framework Directive and other relevant legislation.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Promoting the multiple benefits which can be derived from the sustainable management of water resources - improved water quality, valuable contributions to open space, biodiversity, green infrastructure and amenity targets. Flood Risk Management and mitigation of and adaptation to climate change.</td>
<td></td>
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<td></td>
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<tr>
<td>Supporting delivery of river basin management plans</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Statutory Context

**DI.4** Planning authorities have historically been required to consult SEPA in respect of certain activities affecting the water environment in line with Schedule 5 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (“the 2008 regulations”). The Water Framework Directive (2000/60/EC) (WFD) and accompanying Water Environment and Water Services (Scotland) Act 2003 (WEWS) have extended these duties and require Authorities to take a much more holistic approach to protecting and improving the water environment, actively contributing to a system of river basin planning. Importantly the WFD defines the water environment to include all wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater.

**DI.5** River basin planning provides an integrated framework for coordinating action with the aim of achieving “good ecological status” for Scotland’s water bodies by 2027 both by ensuring improvements and preventing any further deterioration. “Ecological status” is a combined measure of chemical water quality, the quantity of water available to sustain species, the variety and number of water dependent plants and animals species present and the physical structure of the water environment which provides habitat.

**DI.6** Two river basin management plans (RBMPs) provide coverage of Scotland; the Scotland RBMP and the Solway Tweed RBMP. Broad measures contributing to Directive objectives are set out in the RBMPs. Progress in achieving improvements and preventing any further deterioration is reported in detail at the end of each six year river basin planning cycle i.e. 2009-2015, 2015-2021 and 2021-2027. The second Scottish RBMP published in 2015 details progress to date in working to achieve “good ecological status” across Scotland, sets out a picture of the current pressures facing our water bodies and puts in place a new set of objectives and measures focusing on water management priorities for the next six years.

**DI.7** SEPA have been designated lead authority for ensuring compliance with WFD requirements under the 2(1) Water Environment and Water Services (Scotland) Act 2003 (WEWS). Responsible authorities have also been designated under the WEWS (Designation of Responsible Authorities and Functions) Order 2011, including:
- Local authorities;
- National park authorities;
- Scottish Natural Heritage;
- Scottish Water;
- Forestry Commission Scotland;
- District Salmon Fishery boards;
- British Waterways; and
- The Fisheries Committee.

DI.8 Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with WFD objectives (WEWS 2 (2)). In doing so, responsible authorities must contribute to the RBMP process set up to ensure the successful implementation of the Directive.

DI.9 Planning authorities are ideally placed to address pressures on the water environment associated with land use. As well as ensuring future development does not result in further downgrading of the water body, land use planning can ensure improvements in the water environment by addressing existing historical pressures relating to water quality, quantity and morphology (physical form). The RBMPs have identified the key pressures affecting Scotland’s water environment as follows:

- Physical Condition (e.g. modifications to beds, banks and shores as the result of historical engineering, electricity generation, urban development, land claim);
- Barriers to fish movement
- Water quality (e.g. rural and urban diffuse pollution, wastewater, land contamination, point source pollution)
- Flows and Levels (e.g. alterations to water flows and levels as the result of electricity generation, public water supplies, agricultural irrigation, business water use); and
- Invasive non-native species.

DI.10 Supporting the implementation of the RBMP’s will ensure the healthy and productive functioning of economically significant water uses and supply safe and healthy drinking water thereby contributing to ecosystems services. Natural biodiversity will flourish, supporting fish and shellfish stocks and enabling Scotland to mitigate and adapt to the pressures of climate change.

DI.11 The regulatory controls introduced under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) – “CAR”, are identified as an important measure in the RBMPs to address these pressures. Activities regulated include abstraction of water, the impoundment of water in surface waters and wetlands, discharges to the water environment and engineering works in or near to inland waters. However, SEPA’s engagement in development planning and development management alongside other responsible authorities and stakeholders can help ensure that these pressures are avoided or mitigated. Working within the modernised planning system, early pro-active engagement with planning authorities, other agencies and the development sector will be key in promoting compliance with the Directive and achieving its objectives.
Table 2: Water environment duties relating to planning

<table>
<thead>
<tr>
<th>Statue</th>
<th>Relevant Sections</th>
<th>How this is applied</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Environment and Water Services (Scotland) Act 2003 (WEWS).</strong></td>
<td>2(1) - SEPA have been designated lead authority for ensuring compliance with WFD requirements</td>
<td>Provides the context for our lead in coordinating the river basin management planning process. We identify requirements and recommendations in our correspondence to planning authorities. These reflect the prioritisation process put in place through the RBMP process to achieve WFD objectives.</td>
</tr>
<tr>
<td></td>
<td>2(2) - Designation places an obligation on public bodies whose plans and activities impact on the water environment “to carry out their normal statutory functions in a way that secures compliance with WFD objectives”</td>
<td>Provides the context for the role of Planning Authorities in protecting and enhancing the water environment. Authorities are required to take account of the prioritisation process put in place through the RBMP process in working to achieve WFD objectives.</td>
</tr>
<tr>
<td></td>
<td>2(4) (b) (i) Responsible Authorities are required to “promote sustainable flood risk management”</td>
<td>Importantly this requirement relates solely to the protection of the water environment rather than other receptors. Continuity between rivers and their floodplains is important in maintaining valuable habitat such as wetlands and reducing the risk of flooding downstream. It is important that development on the flood plain is avoided wherever possible as this removes riverine habitat and creates a need for flood risk management techniques to be employed in order to provide compensatory storage for flood waters.</td>
</tr>
<tr>
<td></td>
<td>2(4) (b) (ii) Responsible Authorities are required to “contribute to the achievement of sustainable development”</td>
<td>Measures proposed in support of the RBMP will be considered in the wider context of sustainable development e.g. action to ensure the upgrading of a public sewage treatment works resulting in a sustainable long term means of sewage disposal.</td>
</tr>
<tr>
<td></td>
<td>2(4) (c) Responsible Authorities must “adopt an integrated approach by co-operating with each other with a view to co-ordinating the exercise of their respective functions”</td>
<td>RBMPs provide an integrated framework for coordinating action in meeting both the “prevention of deterioration – i.e. “protect” and the “enhance” Directive objectives and require a source-to-sea approach to be taken in integrating land and water management to improve the quality of Scotland’s water environment. In doing so RBMPs must link to relevant aspects of a wide range of other planning process including land use, flood risk management, marine and coastal planning.</td>
</tr>
</tbody>
</table>
| **Town and Country Planning (Development Planning) (Scotland) Regulations 2008** | 3.—(1) In preparing a strategic development plan or a main issues report the strategic development planning authority are to have regard to—
(e) any river basin management plan relating to the strategic development plan area; |
| | Highlights the requirement for development plans and RBMPs to inform each other’s preparation. This will maximise the chance of the Plans objectives being aligned with one another. |
| **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008** | Schedule 5.1—planning authorities, must, before determining an application for planning permission for development, consult with SEPA where the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding; and where the development consists or includes carrying out of works or operations in the bed or on the banks of a river or stream. |
| | Provides the context for us being consulted and commenting on certain development management applications. Including those where engineering works are proposed within the vicinity of a watercourses |
| **Flood Risk Management (Scotland) Act 2009** | 48 Consistency and co-ordination with characterisations and plans under the 2003 Act*
(1) SEPA—
(a) must secure appropriate consistency in the information in flood risk assessments, flood hazard maps, flood risk maps and flood risk management plans prepared under this Part with information contained in characterisations of river basin districts and river basin management plans prepared under Chapter 2 of Part 1 of the 2003 Act,
(b) must co-ordinate—
(i) preparation and review of flood hazard maps, flood risk maps and flood risk management plans under this Part with preparation and review of information mentioned in subsection (2), and
(ii) making available such maps and plans for public inspection with making available such information for such inspection, and
(c) may, where it considers it appropriate, integrate any such flood hazard map, flood risk map or flood risk management plan with the information mentioned in subsection (2).
(2) The information referred to in subsection (1)(b)(i) and (c) is— |
| | Sets out requirements whereby assessments, maps and plans prepared under the Flood Risk Management (Scotland) Act must be prepared with due consideration having been given to relevant information supporting the river basin planning process. |
(a) as respects flood risk maps and flood hazard maps, characterisations of river basin districts prepared under Chapter 2 of Part 1 of the 2003 Act, and
(b) as respects flood risk management plans, river basin management plans prepared under that Chapter.

(3) A lead authority responsible for preparing a local flood risk management plan must secure appropriate consistency in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans prepared under Chapter 2 of Part 1 of the 2003 Act.

**DI.12** The legislative background outlined above, along with Scottish Planning Policy 2014 and Planning Circular 6/13, directs planning authorities to secure compliance with the WFD and actively engage in the river basin planning process protecting improving and promoting the sustainable use of our water environment.

**DI.13** Public body duties introduced through the Climate Change (Scotland) Act 2009 require SEPA to commit to the delivery of the Scotland’s Climate Change Adaptation Programme (2014) in a sustainable manner. The Adaptation Programme identifies the integration of climate change adaptation into existing development and implementation practices as a key strategic priority. Less predictable weather patterns and a potential increase in the occurrence of droughts and flooding are likely to increase the importance of enhanced flood storage, adequate filtration and drainage capacity and the efficient use of water. Appropriate consideration of the water environment in the preparation of development plans policies and assigning development allocations will be key if a proactive response to climate change is to be taken.

**Policy Context**

**Table 3: Water environment duties relating to planning**

<table>
<thead>
<tr>
<th>Statue</th>
<th>Relevant Sections</th>
<th>How this is applied</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scottish Planning Policy (2014)</strong></td>
<td><strong>Delivery Development Planning</strong></td>
<td>Provides the context for considering the contribution that blue networks can makes towards other planning authority objectives e.g. active transport, open space biodiversity, flood management. Aligning RBMP measures in support of wider blue-green infrastructure objectives can do much to aid the protection and improvement of the water environment.</td>
</tr>
<tr>
<td></td>
<td>222. Development Plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, biodiversity, forestry and woodland, river basins, flood management, coastal zones and the marine environment.</td>
<td>Taking account of RBMPs in preparing SFRA will help avoid pollution and physical damage to the water environment as a result of flooding. It may aid Planning Authorities in weighing up Natural Flood Management.</td>
</tr>
<tr>
<td></td>
<td>260. Plans should use strategic flood risk assessment (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency</td>
<td></td>
</tr>
<tr>
<td><strong>Planning Circular 6/2013 “Development Planning”</strong></td>
<td><strong>Plan Preparation</strong></td>
<td><strong>LDP Preparation</strong></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
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</tr>
<tr>
<td>32. SDPs should be properly integrated with other statutory plans and strategies affecting the development and use of land. In preparing a SDP or Main Issues Report, section 8(1) of the Act requires the SDPA to take into account the National Planning Framework. Regulation 3 (as amended) also requires it to have regard to river basin management plan relating to the area.</td>
<td>Highlights the need for Planning Authorities to take account of river basin planning in preparing LDP and SDPs.</td>
<td></td>
</tr>
<tr>
<td><strong>Climate Change (Scotland) Act 2009</strong></td>
<td><strong>Part 4</strong></td>
<td></td>
</tr>
<tr>
<td>44 Duties of public bodies relating to climate changes</td>
<td>Highlights the need for planning authorities to adapt to and mitigate the effects of climate change on the water environment. These are likely to include increased rainfall (resulting in greater surface water runoff and consequently flooding), hotter summers with increased change of drought( likely to result in tighter controls being required on abstraction), changes in aquatic ecosystems as species adapt to these changing environmental conditions etc.</td>
<td></td>
</tr>
</tbody>
</table>

### How we comment on this topic

**DI.14** Influencing the location and design of developments and therefore the capacity of the water environment to cope with and support growth, the land use planning regime is central to the delivery of river basin planning objectives. This guidance aims to aid SEPA planners in providing proportionate, concise, timely and helpful advice in respect of water environment interests. While developed primarily for planning authorities working under the land use planning system, this guidance also relates to the management of any land which Local/National park authorities either own or are responsible for.

SEPA’s overarching objectives in providing advice to planning authorities on the protection and enhancement of the water environment are to:

- Ensure appropriate protection and enhancement of Scotland’s water environment in accordance with the Water Framework Directive and other relevant legislation.
- Promote the multiple benefits which can be derived from the sustainable management of water resources - improved water quality, valuable contributions to open space, biodiversity, green Infrastructure, flood risk management, climate change health and amenity targets.
- Support delivery of RBMPs and where possible local Flood Risk Management Plans.
DI.15 This background paper provides the context and justification for the advice contained in the Development Plan topic guidance notes. It also explains how our requirements and recommendations can be achieved.
Development Plans

DP.1 The Development Plan topic table covering the water environment outlines key requirements and recommendations relating to the protection and improvement of the water environment which SEPA will be looking to see incorporated in development plans going forward and reflected in settlement strategies/proposals maps and action programmes.

DP.2 These requirements and recommendations reflect the legislation, policy and guidance outlined above. It is recognised that each authority has its own style of plan preparation with the coverage given to the water environment varying as a result of local water pressures, opportunities and requirements. An element of professional judgement and interpretation will be necessary in assessing whether individual Plans meet the requirements set out in the topic paper.

DP.3 Emphasis must be placed on the long term legacy of Development Plans and the potential to deliver multiple benefits by managing the interface between the built and water environments in a sustainable and sympathetic manner.

DP.4 Appropriate awareness raising amongst the planning authority’s Development Plan team in the earliest pre-MIR stages will be key in ensuring the Plan is developed taking account of current pressures on the local water environment and measures proposed to aid its improvement. The SEPA planner leading on each Development Plan should ensure that the Development Plan team have an understanding of the manner in which land use planning activities both contribute to and mitigate various water pressures and identify potential opportunities to take forward improvements. Every effort must be made to influence proposals in their infancy when project design is at its most fluid and avoid our interests falling to be considered in the form of outstanding matters which require to be addressed through condition. Research has shown success in discharging conditions to be extremely variable.

Aligning RBMP requirements with wider planning authority objectives

DP.5 Embedding river basin planning interests by promoting the protection and improvement the water environment through land use planning will make a significant contribution in respect of other land use planning policies. Likewise delivery of action in support of interests such as biodiversity, open space, green (blue) networking and flood risk management will contribute to river basin planning objectives. It is crucial that these linkages are made from SDP plan level downwards if the significant cost savings and multiple benefits associated with joint and parallel working are to be realised. Table 4 below provides advice on how RBMP requirements can best be aligned with wider planning authority objectives. Benefits to developers and the wider public are also worth highlighting (Table 5).

DP.6 Planning authorities need to take a strategic approach in ensuring the protection and improvement of the water environment. As well as new development authorities also need to consider how improvements might be supported as part of existing development (particularly on Council owned land) and as part of regeneration proposals in their area e.g. initiatives to enhance and open up water features, potential to retrofit SUDS, deculvert etc. Planning authorities can lead on and contribute to work being undertaken through formal catchment-planning initiatives e.g. Loch Leven Catchment Management Plan put in place to address nutrient enrichment of the Loch and initiatives supporting the management and removal of aquatic invasive non-native species (INNS) such as Giant Hogweed.

DP.7 Measures which the planning authority are responsible for leading on or need to be aware of should be reflected in any Action Plan supporting the Development Plan. These will include:

- Those which the planning authority themselves have been tasked with taking a lead on in their capacity as a “responsible authority” under WEWS – e.g. site specific requirements requiring to be taken forward in line with a given site allocation in a Local Plan.
- Those which the wider Council (other departments e.g. Roads, Flood Risk etc.) have been charged with taking forward – e.g. river engineering works and the planning department need to be aware of

- Measures which have a lead outwith the local authority but which may have implications for planning. For example improvements to Wastewater Treatment works which will support a large development proposal, a condition requiring that measures are put in place to support a relevant Action Plan e.g. the Loch Leven Catchment Management Plan (put in place to address diffuse source pollution) or an Action Programme focused on preventing the further spread of and requiring the removal of Aquatic Invasive Non-Native Species.

How improvements might be funded

DP.8 There are a wide range of funding streams set up to support integrated initiatives looking at both social and environmental concerns. Improvement works in support of river basin planning are well placed to exploit these funds because of their ability to provide a wide range of social, economic and environmental benefits. Examples of the types of improvement works which planning authorities might usefully consider is detailed below. Please note funding may be allocated to scope out costed options for proposed restoration works.

DP.9 Where proposals align with RBMP priorities there may be potential for regeneration/restoration projects to be partially funded through SEPA’s Water Environment Fund (WEF). The focus of the fund is to tackle impacts on the physical condition (morphology & fish barriers) of water ecosystems. Importantly, funding will only be provided in support of projects that go beyond the recipients own duties or regulatory responsibilities. Previous projects have resulted in multiple benefits for both SEPA, Planning Authorities and the local residents of the final development, restoring watercourses in line with RBMP objectives while contributing to regeneration, green infrastructure requirements and associated targets relating to Open Space, Amenity, Biodiversity and Health. Further details on previous case studies and site-specific advice on new proposals is available by contacting SEPA’s WEF team via restoration.proposals@sepa.org.uk

DP.10 It is important that SEPA’s Planning Service inform the WEF team of any proposed improvements works initiated through the Planning system. Likewise the WEF team should inform SEPA Planning where they have received proposals which may pass through the planning system. This will help ensure that externals receive a consistent SEPA approach and all appropriate checks e.g. potential risk from flooding are carried out.
Table 4: Planning authority objectives which can be delivered through the implementation of river basin planning measures in Development Planning

<table>
<thead>
<tr>
<th>Economic development</th>
<th>A high quality water environment enhances local landscape providing more attractive locations for business investment, tourism and in turn economic development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved water quality</td>
<td>Reduced levels of pollution lowers the level of public funding requiring to be spent on water purification.</td>
</tr>
<tr>
<td>Open space/Green infrastructure targets</td>
<td>Integrated habitat networks are enhanced through the creation of buffer strips, river restoration measures and riparian planting. Such measures will contribute to local authority open space, core paths green infrastructure targets, biodiversity, health, amenity targets.</td>
</tr>
<tr>
<td>Single outcome agreement indicators</td>
<td>The integration of water features as focal points along cycle and walkways can provide recreational and educational opportunities through increased access to nature. A more attractive environment in the proximity of developments can improve health and wellbeing and provide communities with a chance to become involved in shaping their environment.</td>
</tr>
<tr>
<td>Flood risk management</td>
<td>Measures such as deculverting, the use of SUDS, provision of buffer strips and the creation and safeguarding of natural flood plain in the form of riparian habitat and wetlands all have potential to reduce and manage flood risk providing they are appropriately designed and located.</td>
</tr>
<tr>
<td>Biodiversity targets</td>
<td>Improving the ecological quality of the water environment, avoiding the introduction of non-natives and addressing riparian invasive non-native species will contribute towards Authority’s biodiversity targets.</td>
</tr>
<tr>
<td>Mitigation and adaptation to climate change</td>
<td>The protection of native species through the creation and management of diverse habitats; reduction in flood risk through appropriate river restoration and sustainable drainage measures; and, creation of “wetlands” in support of natural flood management will contribute to both the mitigation of and adaptation to climate change.</td>
</tr>
</tbody>
</table>

Table 5: Benefits to developers of implementing river basin planning measures

| Economic | Improvements to water features incorporated within green/blue networks will result in an enhanced “sense of place”. This in turn will aid regeneration and business growth resulting in increased land and property values. |
| Improved open space resulting in support from planning authorities | Improvements in water features will contribute to high quality design. This in turn will increase land and property values supporting regeneration and improving developer reputation and sales. |
| Community engagement | Delivery of river basin planning measures often lends itself to joint funding. Potential for community involvement in regeneration projects (including water environment improvement) projects often results in a reduction in local opposition to a development. |
| Improved drainage techniques | The incorporation of sustainable drainage measures fulfils national planning policy requirements and helps manage flood risk as well as contributing to river basin planning objectives such as, improvements in surface water quality, enhanced biodiversity etc. |
SDP & LDP requirement 1: Delivery of river basin planning – protection and improvement

Local & Strategic Development Plan requirement 1: Delivery of river basin planning – protection and improvement

Policies and allocations protect and enhance the water environment by ensuring:

- support for the delivery of the relevant river basin management plan for the local development plan area including the water body specific objectives to address identified pressures; and
- new developments protect, and where possible improve the water environment.

Context

<table>
<thead>
<tr>
<th>National Planning outcome(s)</th>
<th>A natural, resilient place</th>
<th>A successful sustainable place</th>
<th>A low carbon place</th>
<th>A connected place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning principle(s)</td>
<td>Protection</td>
<td>Improvement</td>
<td>Sustainable use</td>
<td>Multiple benefits</td>
</tr>
<tr>
<td>SEPA Planning objectives</td>
<td>Ensuring appropriate protection and enhancement of Scotland’s water environment</td>
<td>Promoting the multiple benefits which can be derived from the sustainable management of water resources</td>
<td>Supporting delivery of river basin management plans and possibly local flood risk management plans</td>
<td></td>
</tr>
</tbody>
</table>

How this can be achieved

DP.11 The SDP and LDP should reflect the duties of the LDP authority as a “responsible authority” under the Water Framework Directive (WFD) (2000/60/EC). It should reflect both the protection and improvement objectives of the Directive and the need to support the delivery of the relevant river basin management plan (RBMP). Opportunities should be taken to link this agenda with other policy areas of the plan such as sustainable place making, delivery of green infrastructure and potential flood risk aspects.

DP.12 It is important to note that RBMP and WFD refer to the entire water environment, not just baseline water bodies. As such, all water courses need to be taken into consideration. Water management should influence the vision, spatial strategy and site layout of proposed developments.

Policy Framework

DP.13 The policy framework should require proposed developments to enhance and improve the water environment where appropriate (i.e. where the water environment forms part of or adjacent to the boundary of a proposed development site). It should achieve this by ensuring:

- proposed developments support the delivery of, and do not impede, delivery of actions in the RBMP. Measures can be identified through the RBMP Water Environment Hub which provides maps, graphs and text relating to pressures and measure. Reference to the Water Environment Hub and a requirement to check for measures should be included in the supporting text;
- the natural water environment is used to inform the siting and design of development. Proposed developments are guided by the catchment approach underpinning the second RBMP by adopting an integrated and sustainable approach to water issues in...
terms of finding room for water and new developments alongside seeking to protect and improve water quantity and quality; and

- all new developments protect, and where possible take opportunities to improve water bodies that may be affected by the development. Improvements may be achieved through:
  - De-culverting;
  - Re-meandering
  - Removal of redundant structures posing a barrier to fish passage – e.g. dams, weirs.
  - Measures to address barriers to fish passage resulting from culverting, bridge aprons etc.
  - Creation of habitat diversity in-stream
  - Improvements to bankside vegetation through the planting of native species and measures to avoid the spread of aquatic invasive non-native species.

DP.14 The supporting text should explain that the water environment includes all wetland, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater.

Proposed allocations

DP.15 All water bodies located on or immediately adjacent to a proposed allocated site should be identified and their current classification stated. There are three key areas of RBMP which need to be identified in relation to proposed allocated sites. The table below identifies what action needs to be taken in relation to a water bodies classification within/on the boundary of an proposed allocation.

<table>
<thead>
<tr>
<th>Water body classification good or high</th>
<th>Protect – Regulatory services (formerly operations) staff should identify if the proposed development could cause any downgrade to onsite or downstream water body classification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water body classification moderate, poor or bad</td>
<td>Improve – Regulatory services staff should identify if the pressures causing a less than good classification are within an allocated site. If so, the proposed RBMP measures should be explored to identify if development within the allocated site would be able to improve the water environment.</td>
</tr>
<tr>
<td>Water body classification close to classification boundary</td>
<td>Protect – Regulatory services staff should identify if a water body is close to a classification boundary (i.e. between good and moderate). This should be identified to ensure that a proposed development does not cause a downgrade.</td>
</tr>
</tbody>
</table>

DP.16 Planning authorities should focus on those allocations where;

- there may be a potential impediment to the delivery of an RBMP measure;
- they can support the delivery of an RBMP measure; or
- the allocations could lead to an unacceptable impact on the water environment

DP.17 The RBMP measures (therefore developer requirements) that SEPA will ask of proposed allocations could provide an opportunity to achieve improvements e.g. through removal of culverts etc.

Water Environment Fund
DP.18 Guidance supporting the LDP should make reference to the fact that Water Environment Funding (WEF) will be considered against the capital costs of any restoration project carried out specifically for the purposes of improving the water environment to achieve a river basin management plan objective, rather than facilitating a proposed development. Further details of priority projects for WEF are available on the SEPA website at www.sepa.org.uk/environment/water/water-environment-fund/.

Supplementary Guidance

DP.19 Where an authority chooses to adopt a high level policy, we would encourage supporting guidance to be provided in the form of statutory planning guidance detailing the authorities contribution to the RBMP process in their area.

DP.20 Supplementary guidance text may include reference to the need to ensure protections and enhancement of all aspects of the water environment including ensuring the protection of Groundwater Dependent Terrestrial Ecosystems (GWDTEs), avoiding the contamination of groundwater from pollutants and the protection of private water supplies and avoiding the spread of and promoting the removal of aquatic invasive non-native species (INNS) where these have been identified as an issue for the LDP area.

DP.21 The supplementary guidance or LDP should make it clear that further analysis by surveying will be necessary for any development proposed where GWDTEs are present and that the output from this surveying may result in restrictions to development.

Justification

DP.22 Local authorities and National Park authorities have been designated "responsible authorities" under the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with WFD objectives (WEWS 2 (2). In doing so, responsible authorities must contribute to the RBMP process set up to ensure the successful implementation of the directive. These duties are also reflected in paragraphs 194 & 195 of Scottish Planning Policy (SPP).

DP.23 The Town and Country Planning (Development Planning) Regulations 2008 specifically mentions the need for planning authorities to have regard to any RBMP in preparing an SDP & LDP (part 3, 10(1)(e) & (f) respectively). This is reflected in Planning Advice Note (PAN) 51 “Planning, Environmental Protection & Regulation”, which recognises the fact that development plans and RBMPs will be required to inform one another and RBMPs may be a material consideration in determining planning permission” (Paragraph 21).

DP.24 SPP paragraph 194 Introduces a policy principle that the planning system should promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and coordinated way.

DP.25 SPP Paragraph 222: States that development plans should be based upon holistic, integrated and cross-sectoral approach to green infrastructure and should be informed by relevant, up-to-date audits, strategies and action plans relating to a range of issues including flood management, river basins and coastal zone.

DP.26 NPF3 Paragraph 4.3: states that Scotland has abundant water resources, including iconic lochs and river networks and an extensive canal network, which contribute to the quality and distinctiveness of our environment. Clean, high quality drinking water is vital for quality of life and the success of our food and drink sector.

DP.27 NPF3 Paragraph 4.11 states that the management of the water environment is not just a national opportunity but a global issue and that innovation and investment will be required to develop our reputation as a Hydro Nation.
**LUPs requirement 2: Construction works and structures in and around the water environment**

**Local Development Plan requirement 2: Construction works and structures in and around the water environment**

The policy framework protects and enhances the water environment by seeking to avoid (or remove) instances of construction works and structures in and around the water environment.

### Context

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<tr>
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| SEPA Planning objectives | Ensuring appropriate protection and enhancement of Scotland’s water environment | Promoting the multiple benefits which can be derived from the sustainable management of water resources | Supporting delivery of river basin management plans and possibly local flood risk management plans |

### How this can be achieved

**DP.28** The river basin management plans (RBMPs) identify that engineering works and structures in the vicinity of a water body may act as a pressure on the water environment. Pressures likely to have a significant adverse impact to the water environment include culverts, bridges, watercourse diversions, bank modifications and dams.

**DP.29** The second RBMP places considerable emphasis on addressing physical pressures to the water environment. As responsible authorities, planning authorities have a role to play in addressing many of these pressures as they are well placed to help address physical pressures arising from structures and engineering works.

**DP.30** Proposed works and structures which may result in a change to the physical condition of the water environment require to be considered in the context of the wider catchment. E.g. as sediment moves at a catchment-scale or along coastal zones, proposals must be considered at a wider scale. If there is a measure to prevent a site from erosion, it must be ensured that this does not create damage downstream.

**DP.31** SEPA will look for the Local Development Plan (LDP) to include a clear policy presumption against further culverting and engineering activities in the water environment, either as a stand-alone policy, or as an element of a wider policy. The policy should highlight that the potential impact of any engineering proposals requires to be considered on a catchment-wide basis.

**DP.32** The second RBMP has highlighted restriction to fish migration as a separate key physical condition pressure. We will highlight the need for existing fish passage to be maintained and barriers removed in line with development proposals.

**DP.33** LDPs or supplementary guidance should contribute to improvements in physical condition (water body form and function) by promoting restoration works such as deculverting, removal of historic weirs, allowing rivers to be regain their natural course etc.

**DP.34** Measures which authorities should consider in respect of the spatial strategy and alongside any proposed allocations demarked at site-scale include:
Deculverting and provision to ensure further culverting is avoided.

- Removal of redundant structures posing a barrier to fish passage – e.g. dams, weirs.
- Measures (removal or provision of pass) to address barriers to fish passage resulting from culverting, bridge aprons etc.

**Justification**

DP.35 Local authorities and National Park authorities (therefore Strategic Development Plan authorities) have been designated “responsible authorities” under the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with Water Framework Directive (WFD) objectives (WEWS 2(2)). In doing so, responsible authorities must contribute to the RBMP process set up to ensure the successful implementation of the directive. These duties are also reflected in paragraphs 194 & 195 of Scottish Planning Policy (SPP).

DP.36 The Town and Country Planning (Development Planning) Regulations 2008 specifically mentions the need for planning authorities to have regard to any river basin management plan in preparing an LDP (part 3, 10(1)(f)). This is reflected in Planning Advice Note (PAN) 51 “Planning, Environmental Protection & Regulation”, which recognises the fact that development plans and RBMPs will be required to inform one another and RBMPs may be a material consideration in determining planning permission” (Paragraph 21).

DP.37 SEPA’s “Position Statement on the Culverting of Watercourses” outlines the Agency’s formal position on culverting, why it is to be avoided and the exceptional cases where culverting will be considered permissible.
LDP requirement 3: Wastewater drainage provision

Local Development Plan requirement 3: Wastewater drainage provision
The policies and allocations should ensure connection to the public sewerage system.

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How this can be achieved

Policy framework

DP.38 The spatial strategy of the local development plan (LDP) needs to be informed by the capacity available in the water body receiving the discharge and the location of existing waste water drainage infrastructure. This is to ensure that development does not impact adversely upon the water environment due to its resource in supporting the needs of the local community and wider biodiversity.

DP.39 The LDP should also reflect the relevant river basin management plan (RBMP) pressures and measures relating to wastewater drainage capacity in the LDP area in developing the spatial strategy and/or proposing allocations.

DP.40 A policy covering wastewater drainage is essential at the LDP level. We recommend that any policy is developed in accordance with the advice in paragraphs 26-29 of Planning Advice Note (PAN) 79 Water and Drainage and offer to collaborate on any proposed wording.

DP.41 Any policy covering wastewater drainage must demonstrate the authority’s commitment to have foul drainage connected to public sewerage system and describe the rare exceptions where private treatment systems may be considered acceptable. Policies should reflect SEPA’s Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements (WAT-PS-06-08).

Allocations

DP.42 SEPA will conduct our interaction with Scottish Water and planning authorities in respect of drainage matters as detailed in the “Memorandum of Understanding: Enabling sustainable economic growth in Scotland – provision of part 4 asset capacity”. The key aim of the memorandum is to provide the generic principles, approach and processes to be used to determine available capacity for development and identify the need for investment in Part 4 assets. Current information on wastewater capacity can be found on the Scottish Water website and planning authorities should contact Scottish Water directly.

DP.43 Section 2 of the draft guidance notes for the memorandum of understanding sets out how SEPA and Scottish Water will manage asset and environmental capacity. This will be particularly relevant where a site has potential capacity issues. Section 5 of the notes highlight the fact that RBMP improvement objectives will require to be considered in assessing if a proposed activity will exceed the environmental capacity of the water environment.
**Justification**

DP.44 Local authorities and National Park authorities (therefore Strategic Development Plan authorities) have been designated “responsible authorities” under the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with Water Framework Directive (WFD) objectives (WEWS 2(2)). In doing so, responsible authorities must contribute to the river basin management plan process set up to ensure the successful implementation of the directive. These duties are also reflected in paragraphs 194 & 195 of Scottish Planning Policy (SPP).

DP.45 The Scottish Water/Scottish Government publication “The Development Plan Process: A guide to considering Water and Waste Water Services” provides a simple guide to how the Scottish Government intend wastewater drainage to be considered during the development plan process. Planning Advice Note (PAN) 79 highlights that “planning authorities, Scottish Water and SEPA should not wait until the formal consultation stages of the Development Plan preparation process to discuss water and drainage issues. Working together is important throughout the process to ensure that, as they are prepared, Development Plans reflect an up to-date and accurate picture of water supply and drainage capacity and are informed by a shared understanding of how new development can be accommodated” (paragraph 28).

DP.46 SEPA’s position on wastewater drainage and our procedures for assessing capacity are set out in detail in SEPA’s Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements, WAT-PS-06-08, a document worked up with input from relevant stakeholders including developers, Scottish Water and local authorities.

DP.47 The SEPA publication ”The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) - A Practical Guide” sets out the criteria covering SEPA’s regulation of wastewater in Scotland.

LDP Requirement 4: Provision of SuDS

Local Development Plan requirement 4: Provision of SuDS

The policy framework ensures the provision of appropriately designed SuDS with sufficient space to accommodate them and provision of temporary/construction phase SuDS.

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<td>Supporting delivery of river basin management plans and possibly local flood risk management plans</td>
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How this can be achieved

DP.49 Statutory requirements relating to sustainable drainage systems (SuDS) are outlined under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (General Binding Rules 10). The discharge from all new developments discharging to the water environment must pass through SuDS with all reasonable steps taken to ensure protection of the water environment. There are two exceptions to this requirement:

1. Where the development is only a single dwelling;
2. Where the discharge is directly to coastal waters (this does not include transitional waters).

DP.50 SuDS are appropriate in both urban and rural situations. Cost effective SuDS solutions can be employed in almost every situation. The alternative is the use of combined systems, however, this takes up valuable capacity in the in the public sewerage network. The lead SEPA planner should ensure that the multi-benefits (e.g. biodiversity, reduction of flood risk, water quality, green networks etc.) associated with SuDS are highlighted to the Local Development Plan (LDP) authority at the very earliest stages of plan preparation.

DP.51 Well designed and appropriately maintained SuDS can protect water quality, attenuate flow (therefore reducing flood risk) and enhance biodiversity. SuDS ponds can be incorporated into blue/green networks as focal points along active transport routes.

DP.52 The LDP authority should highlight the statutory requirements relating to SuDS and encourage going beyond these to achieve multiple benefits. The need for sufficient space to be set aside on site to accommodate the SuDS is needed. It is not considered sufficient for this to be covered by Statutory Planning Guidance.

DP.53 The advantages of controlling surface water drainage at source (through for example permeable surfaces, green roofs etc.) should be promoted and SEPA will offer to assist the Development Plan authority in considering a strategic approach for the use of SUDS across the Plan area. Policy text should highlight the need for appropriate long term maintenance arrangements in order that SuDS features remain functional post-development. Scottish Water will adopt certain types of SuDS where these accord with their design standards.

DP.54 SEPA also requires that the need for construction phase or temporary SuDS to avoid siltation of the final SuDS scheme is accounted for in the LDP policy.
**Justification**

DP.55 The second river basin management plans (RBMPs) identify SuDS as an important measure to prevent and reduce pollution from diffuse urban sources, (Appendix 8 Table 8.8, 2nd Scotland RBMP refers).

DP.56 The regulatory requirements for SuDS under the Water Environment Controlled Activities (Scotland) Regulations 2011 are summarised in the Controlled Activities Regulations: A Practical Guide (June 2016). Full details as to how SEPA will apply these requirements is outlined in SEPA’s Regulatory Method (WAT-RM-08) Sustainable Urban Drainage Systems.

DP.57 The importance of SuDS is reflected in Scottish Planning Policy (SPP) which highlights the importance of minimising the risk of surface water flooding (para 255 refers). The importance of having a comprehensive drainage assessment carried out where drainage is constrained (para 267) and need to ensure that appropriate long term arrangements are put in place for their maintenance (para 268).

DP.58 Detailed guidance on the construction of temporary/construction phase SuDS is outlined in Control of Water Pollution from Linear Construction Sites (CIRIA publication C648). Further generic guidance on site assessment for SuDS and multi-benefits arising from their effective integration on site includes:

- SuDS manual C753 (2016) – CIRIA publication
- SUDS for Roads (June 2015) - CIRIA publication
- Sewers for Scotland 3rd Edition (April 2015) – Scottish Water
LDP requirement 5: Buffer strips

Local Development Plan requirement 5: Buffer Strips
The policy frameworks and development allocations should ensure that appropriately sized buffer strips are provided between developments and adjacent watercourses.

Context

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How this can be achieved

Policy framework

DP.59 A buffer strip is an area of land where no development is permitted and is maintained in permanent vegetation that helps to control soil and water quality and has other environmental benefits. The effectiveness of a buffer strip will be influenced by the width of the buffer, its characteristics (slope, vegetation and soil type), and how it is managed.

DP.60 Buffer strips between built development and the boundary of any water course can bring multiple benefits in terms of the water environment including space for natural fluvial processes to occur; provision of natural habitats which promote biodiversity; contributing to green networks and open space allocations; stabilising banks and reducing soil erosion; reducing pollution from surface water run off; opportunities to undertake restoration of straightened or realigned water courses in the future; and delivery of RBMP and multiple benefits by providing a green/blue network.

DP.61 A buffer strip of a minimum of 6m on either side of the watercourse is recommended and should be proportional to the bank width, with wider rivers having a larger buffer strip than a narrow burn. This will be measured from the top of the bank. The table below provides recommended minimum widths however, these will be dependent on site conditions such as the nature and topography of the surrounding land and as such maybe required to be larger.

<table>
<thead>
<tr>
<th>Width to watercourse (top of bank)</th>
<th>Width of buffer strip (either side)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1m</td>
<td>6m</td>
</tr>
<tr>
<td>1-5m</td>
<td>6-12m</td>
</tr>
<tr>
<td>5-15m</td>
<td>12-20m</td>
</tr>
<tr>
<td>15m+</td>
<td>20m+</td>
</tr>
</tbody>
</table>

DP.62 A buffer strip is still required for ditches, however, there is some discretion to reduce the buffer strip to a minimum of 3m depending on requirements for access for maintenance.
DP.63 We recommend that 6m is a minimum and developers may be required to allow for a greater width where site specific issues relating to site conditions, topography, flood risk, pollution control pressures, physical condition, climate change mitigation, native species habitats, active travel and recreation are known to apply. Where these situations arise, the hydromorphology team should be consulted.

Justification

DP.64 Local authorities and National Park Authorities (therefore Strategic Development Plan authorities) have been designated “responsible authorities” under the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with WFD objectives (WEWS 2 (2)). In doing so, responsible authorities must contribute to the river basin management plan process set up to ensure the successful implementation of the directive. These duties are also reflected in paragraphs 194 & 195 of Scottish Planning Policy (SPP).

DP.65 The Town and Country Planning (Development Planning) Regulations 2008 specifically mentions the need for planning authorities to have regard to any river basin management plan in preparing an LDP (part 3 (1)(f)). This is reflected in Planning Advice Note (PAN) 51 “Planning, Environmental Protection & Regulation”, which recognises the fact that development plans and RBMPs will be required to inform one another and RBMPs may be a material consideration in determining planning permission” (Paragraph 21).

DP.66 Scottish Planning Policy (256 & 257) states that development must not take place within the functional floodplain and the need to protect the whole of these areas will override the buffer width guidelines.
SDP & LDP recommendation 1: Multiple benefits of blue/green networks

**Strategic and Local Development Plan recommendation 1: Multiple benefits of blue green networks**

Policies and allocations should ensure that multiple benefits are delivered as a result of improvements to the water environment, through the development of green/blue infrastructure and sustainable placemaking.

This recommendation should be included in our responses where it is considered relevant and our response relates to the early stages of Development Plan engagement – i.e. up to and including the MIR stage. It is unlikely that it would be proportionate to pursue this at proposed plan stage however professional judgement will require to be exercised in such instances.

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| SEPA Planning objectives | Ensuring appropriate protection and enhancement of Scotland’s water environment | Promoting the multiple benefits which can be derived from the sustainable management of water resources | Supporting delivery of river basin management plans and possibly local flood risk management plans |

**How this can be achieved**

**DP.67** Potential opportunities to enhance the blue/green network and sustainable placemaking of the strategic development plan (SDP) and local development plan (LDP) area should be identified as early as possible. Collaboration between the local authority and SEPA during the writing of the plans can help to identify multiple benefits. Consideration should be given to how the development can relate to the Scottish Government’s climate change targets and Adaptation Programme.

**DP.68** Plan policy and/or supporting guidance should cover the need for developers to take account of, protect and enhance existing blue networks from the earliest stages of project design. Details of the multiple benefits that can be achieved through a green infrastructure approach to development planning can usefully be included in supporting text or as the topic of supplementary planning guidance.

**DP.69** Some authorities are already taking forward an integrated approach to green networking in their area. SEPA should be aware where this is occurring and how it might relate to any development management proposals on which we are consulted.

**DP.70** Natural flood risk management is a key multiple benefit. It is advised that an LDP makes linkages to RBMP and flood risk both on site and downstream.

**DP.71** When responding to proposed LDP allocations we should suggest where green linkages and infrastructures may be appropriate and recommend that appropriate requirements are put in place possibly in the form of a development brief.

**DP.72** Planning authorities will be responsible for taking forward the measures they agree with SEPA in support of the 2nd river basin management plans (RBMPs). These measures are likely to relate to proposals detailed in SDPs, LDPS and other authority plans/strategies such as those focusing on biodiversity, open space and green networking.
DP.73 SEPA considers that local and national park authorities are particularly well placed to contribute to physical improvements in the water environment and commitments in this regard should be reflected in both the SDP and LDP. Potential to put in place further improvements will occur on a site-by-site basis in respect of both new development, existing development and regeneration proposals. Opportunities will also arise for councils to contribute to projects focused on catchment wide issues.

DP.74 The Integrating Green Infrastructure (IGI) approach initiated by the Glasgow and Clyde Valley Green Network Partnership is an excellent example of how green infrastructure can be placed at the core of the master planning process and a development designed around this. The project has taken a strategic approach to SuDS design, adopting the philosophy that “surface water is best kept at the surface rather than being piped underground”. As well as enhancing biodiversity and contributing to green and blue networks this ensures any sources of pollution are quickly and easily identified and can be addressed. The significant benefits arising from keeping surface water on the surface is also reflected in the useful Scottish Government guidance “Green Infrastructure: Design and Placemaking”.

**Justification**

DP.75 Local authorities and National Park authorities (therefore Strategic Development Plan authorities) have been designated “responsible authorities” under the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Designation places an obligation on public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with Water Framework Directive (WFD) objectives. In doing so, responsible authorities must contribute to the RBMP process set up to ensure the successful implementation of the directive. These duties are also reflected in paragraphs 194 & 195 of Scottish Planning Policy (SPP).

DP.76 The Town and Country Planning (Development Planning) Regulations 2008 specifically mentions the need for planning authorities to have regard to any river basin management plan in preparing an SDP and LDP (part 3, 10(1) (e) & (f) respectively). This is reflected in Planning Advice Note (PAN) 51 “Planning, Environmental Protection & Regulation”, which recognises the fact that development plans and RBMPs will be required to inform one another and RBMPs may be a material consideration in determining planning permission” (Paragraph 21). “Planning Circular 6/2013 “Development Planning” makes specific mention to the need to consider strategic greenspace networks at SDP level (para 41).

DP.77 The Scottish Government’s vision for green infrastructure is given detailed coverage in SPP where it is defined as: -

“the ‘green’ and ‘blue’ (water environment) features of the natural and built environments that can provide benefits without being connected. Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.”

DP.78 The wide reaching benefits of green infrastructure in delivering planning targets is recognised by the Scottish Government and reflected in the designation of the Central Scotland Green Network as a “national development” within the NPF3. The SPP provides comprehensive coverage of these benefits and what requires to be put in place in terms of policy provision if green infrastructure provision is to be effective(para 219-221 & 232). Recognition of these multi-benefits is also reflected within the NPF (para 4.14-4.15).
LDP Recommendation 2: Retrofit SuDS

Local Development Plan recommendation 2: Retrofit SuDS

The policy framework should ensure that opportunities are taken to retrofit SuDS, wherever possible, for developments that involve a change of use and/or redevelopment.

This recommendation should be included in our responses where it is considered relevant and our response relates to the early stages of Development Plan engagement – i.e. up to and including the MIR stage. It is unlikely that it would be proportionate to pursue this at proposed plan stage however professional judgement will require to be exercised in such instances.

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<td>DP.79 Drainage is a material planning consideration. The importance of considering the natural flow of water and the potential to enhance local blue networks and the advantages of employing source control SuDS measures should be highlighted in the earliest stages of development plan preparation. These measures will minimise the need for hard engineering being used to support proposed development (thereby reducing physical impacts) while maximising opportunities to implement enhancement measures.</td>
</tr>
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<td>Promoting the multiple benefits which can be derived from the sustainable management of water resources</td>
<td>DP.80 These points can usefully be covered in planning policy or statutory supplementary guidance.</td>
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<td>Supporting delivery of River Basin Management Plans and possibly local Flood Risk Management Plans</td>
<td>DP.81 Where the LDP puts forward regeneration proposals or proposed allocations involve a change of use, we will strongly recommend that the authority ask for the retrofit of SuDS be employed during and following redevelopment onsite.</td>
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Justification

DP.82 The second river basin management plans (RBMPs) identify SuDS as an important measure to prevent and reduce pollution from diffuse urban sources, (Appendix 8 Table 8.8, 2nd Scotland RBMP refers).

DP.83 The regulatory requirements for SuDS under the Water Environment Controlled Activities (Scotland) Regulations 2011 are summarised in the Controlled Activities Regulations: A Practical Guide (June 2016). Full detail as to how SEPA will apply these requirements is outlined in SEPA’s Regulatory Method (WAT-RM-08) Sustainable Urban Drainage Systems.

DP.84 The importance of SuDS is reflected in Scottish Planning Policy (SPP) which highlights the importance of flooding in minimising the risk of surface water flooding (para 255 refers). The importance of having a comprehensive drainage assessment carried out where drainage is constrained (para 267) and need to ensure that appropriate long term arrangements are put in place for their maintenance (para 268).
Further guidance on site assessment for SuDS and multi-benefits arising from their effective integration on site include:

- SuDS manual C697
- SUDS for Roads (June 2015)
- Scottish Government publications Scottish Planning Advice Note 61 Planning and Sustainable Urban Drainage Systems and
- Scottish Planning Advice Note 79 Water and Drainage and Designing Streets: A Policy Statement for Scotland
**Glossary**

These definitions are the interpretation of SEPA’s planning service of the water environment terms used within this guidance. Please refer to the glossary in SPP for the definitions of more common planning terms.

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<td>Water Body</td>
<td>A unit of surface water, either the whole of part of a river, loch, transitional water, coastal water.</td>
</tr>
<tr>
<td>Measure</td>
<td>Water Framework Directive (WFD) term to define an action needed to be taken to achieve WFD objectives.</td>
</tr>
<tr>
<td>Pressure</td>
<td>Activities which have the potential to have adverse effects on the water environment.</td>
</tr>
<tr>
<td>Classification</td>
<td>Method to define the environmental condition/status of water bodies.</td>
</tr>
<tr>
<td>Water Environment</td>
<td>all wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater.</td>
</tr>
<tr>
<td>Ecological Status</td>
<td>A combined measure of chemical water quality, the quantity of water available to sustain species, the variety and number of water dependent plants and animals species present and the physical structure of the water environment which provides habitat.</td>
</tr>
<tr>
<td>Physical Condition or Morphology</td>
<td>Description of the physical form and condition of a water body i.e. width, depth, structure and condition of river bed and bank.</td>
</tr>
<tr>
<td>Flows and Levels</td>
<td>alterations to water flows and levels as the result of electricity generation, public water supplies, agricultural irrigation, business water use.</td>
</tr>
<tr>
<td>River basin management plan (RBMP)</td>
<td>Plan which sets out the environmental objectives within for all water bodies in the river basin district and a summary of the programme of measures to be taken to achieve those objectives. The plans are reviewed and updated every six years.</td>
</tr>
<tr>
<td>Ground Water Dependent Terrestrial Ecosystems (GWDTE)</td>
<td>Wetlands which are critically dependent upon groundwater flows.</td>
</tr>
<tr>
<td>Invasive non native species (INNS)</td>
<td>Species of plant or animal that is not native to a specific location (an introduced species), and which has a tendency to spread to a degree believed to cause damage to the environment.</td>
</tr>
</tbody>
</table>