

# PLANNING PERFORMANCE FRAMEWORK

April, 2019

Every day SEPA works to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet.



We call this **One Planet Prosperity**

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## 1. Introduction

Every day SEPA works to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet. We call this One Planet Prosperity.

We recognise that as a society, we are over-using our planet's resources, and if everyone lived as we do in Scotland, we would need three planets to sustain ourselves. In the 21st century, only those businesses, societies and nations which have developed ways to prosper within the planet's regenerative capacity will thrive.

Under our [One Planet Prosperity](#) strategy, we have set ourselves the major challenge of turning SEPA into what we believe will be one of the first 'Phase 2' Environment Protection Agencies in the world.

This will be an EPA that is even more effective at ensuring regulated businesses reach full compliance with environmental obligations. It will also be an EPA that helps as many businesses as possible to voluntarily go beyond the compliance standards.

During SEPA's 'Phase 1' period, we helped drive significant improvement in Scotland's environment. Phase 1 has been highly successful. We are not changing because it has failed. We are changing because we are evidence-driven and the evidence says all EPAs need to radically change to eradicate the remaining non-compliance challenges and to play our role in tackling the newer challenges of climate change, marine plastics, insect population collapse and more.

We will make this transition happen in 2019-20.

We have already started dismantling a lot of the internal structures, processes and cultural norms that underpinned our successful Phase 1 way of operating. We will continue to make progress in putting a lot of the replacement internal 'infrastructure' in place.

Our new Head of Water and Planning, David Harley, took up post in June 2018, and directly reports to our Chief Officer Circular Economy, John Kenny. David led an internal review of our Planning and Contaminated Land Service which our Agency Management Team approved in March. Section 2 below provides more detail. From April, the Service will continue to transition to deliver against its new direction. In doing so, we will fulfil our statutory land use planning, development and environmental assessment functions through smarter and new ways of working which most powerfully deliver against our regulatory and flooding strategies. This performance report outlines key areas of our Planning and Contaminated Land Service work between April 2018 and March 2019.

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## 2. A description of our Service

SEPA's Planning and Contaminated Land Service comprises 30 FTE highly skilled and experienced staff across seven local offices.

Our Service aim is to help deliver great places in Scotland which help communities and businesses thrive within the resources of our one planet. We will help to ensure regulated businesses reach full compliance with environmental obligations, and we will help as many businesses as possible to voluntarily go beyond the compliance standards.

Part of our role is to provide specialist environmental knowledge and expertise to Scotland's planning system, the development industry more widely, and strategic public sector activity through our Strategic Environmental Assessment (SEA) role, drawing on technical specialists across the organisation.

We will also increasingly work in new, more powerful ways to secure early and strategic engagement on planning and development, in collaboration with a range of other influencers. We will focus our effort on breakthrough opportunities which help the planning and develop sector significantly reduce its waste, pollution and/or its use of resources, find innovative ways to tackle compliance issues, and secure voluntary beyond compliance standards. Under this approach we will also continue to influence nationally strategic development policies and plans through our SEA role.

By adopting a place-based approach to our partnership work, we are aligning with the SG/COSLA Place Principle. This is intended to provide a collective focus to support inclusive economic growth and create places which are both successful and sustainable. A more joined-up, collaborative, and participative approach to services, land and buildings, across all sectors within a place, enables better outcomes for everyone and increased opportunities for people and communities to shape their own lives.

## 3. Performance Markers >

### Placemaking

#### a. Strategic planning and our new ways of working

##### i. Supporting preparation of sector plans for Housing, Strategic infrastructure (transport & utilities) and Water supply and waste water \*

Delivering against a key priority in our 2018-19 Annual Operating Plan, we have co-led preparation of our Housing sector plan. This plan will set out how we will regulate and work with the sector to improve environmental performance throughout the supply chain. Using our shared influence, we will support the transition to a circular economy to help maximise the long-term environmental, social and economic benefits for Scotland.

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A draft plan was published for consultation from December to February, with feedback informing the final plan, published June 2019.

The Service also helped SEPA prepare two further sector plans, also published for consultation between December and February and finalised May/June 2019.

Our Strategic Infrastructure (Transport & Utilities) sector plan will help SEPA play our role in helping Scotland develop infrastructure that creates a very different future for Scotland – infrastructure that locks in low environmental impacts and, therefore, better and more lasting social and economic success. A final version of the plan is due to be published by the end of June. Our SEA role has been, and will continue to be, an important aspect of this work.

Our Water supply and waste water sector plan recognises that water is essential to life itself as well as every aspect of our society and economy. How a society manages the provision of its water supply and its waste water services will be a key determinant of how successful it is. Ultimately, even a water-abundant national such as Scotland will have to unlock innovation on a grand scale. In the future management of water, we'll use less of it and we'll waste none of it.

## ii. **Scottish Water/SEPA Sustainable Growth Agreement\***

Delivering against a key priority in our 2018-19 Annual Operating Plan, we worked collaboratively to agree and publish the [Scottish Water/SEPA Sustainable Growth Agreement](#) in June last year. Under this Agreement, Scottish Water and SEPA commit to develop, trial and then seek to deliver (with partners) innovative ways of managing rainwater and waste water drainage to help protect the social, economic and environmental wellbeing of Scotland's towns and cities in a changing climate.

We are now in delivery phase and have made initial contact with Falkirk Council and Aberdeen City Council as possible trial authorities.

Our vision is for sustainably and effectively drained towns and cities where:

- impacts from sewer and surface water flooding are being prevented and reduced;
- river water quality is protected;
- the costs of pumping sewage and stormwater, including energy costs, are minimised;
- communities are enjoying the biodiversity and amenity benefits of the blue-green infrastructure that is also helping soak-up and manage rainwater.

## iii. **Scottish Land Commission/SEPA Sustainable Growth Agreement\***

The area of derelict and vacant land currently on Scotland's register exceeds 11,000 hectares and it is estimated that almost a third of Scotland's population lives within 500m of a derelict site. Many of these sites are in areas of high social deprivation.

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In November, the Scottish Vacant and Derelict Task Force was set up with the purpose of generating ideas and leadership to transform the existing approach to bringing vacant and derelict land back to productive use. One of the group's main aims is to act as a catalyst to bring about a substantial reduction in Scotland's long term vacant and derelict land by removing systemic barriers and realising productive opportunities, in the broadest economic, social and environmental senses. The group, led by the Scottish Land Commission, draws on the expertise of senior decision-makers from relevant regulatory agencies, private companies and third sector organisations. The Scottish Land Commission and SEPA have signed a Sustainable Growth Agreement to work together to achieve this outcome.

Work to date has included the commissioning and completion of a phase one report which has carried out a gap analysis of existing information on the vacant and derelict land register and examined the challenges and potential to accelerate the productive re-use of such land. This work has informed a 'Statement of Intent' for the group, which outlines a series of next steps moving forward in the next five to six years. These include making better use of data, embedding a joined up approach to prioritising sites in policy and funding decisions, demonstrating effective delivery approaches and the policy changes needed to support them, and embedding a socially responsible approach to land re-use to prevent more sites being abandoned.

SEPA's will continue to support and feed into the work of this group, providing multidisciplinary expertise, policy advice, early engagement, influencing opportunities and awareness raising.

#### **iv. Wider engagement to support future Sustainable Growth Agreements**

We have worked collaboratively with developer/landowner partnership, Shawfair LLP, and Midlothian Council to prepare a Sustainable Growth Agreement to inform planning and development of a major new settlement south east of Edinburgh. This practically demonstrates the fundamental importance of effective partnership working to deliver high quality, climate resilient and successful places which help communities and businesses thrive within the resources of our one planet.

All parties aspire to work together proactively in new ways throughout the planning process. A key focus is on early, constructive engagement to deliver outcomes in accordance with an agreed long term vision for the Shawfair development, whilst streamlining the planning application process by eliminating any unplanned blockages.

We held a workshop to help us agree joint aspirations for the SGA, and to help further strengthen relationships. Discussions are continuing with a view to jointly signing the tripartite SGA by the end of this year.

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**v. Strategic engagement with Stirling Council to support delivery of their City Deal**

We collaborated with Stirling Council to help prepare a masterplan for Stirling's River Park Area. The masterplan will be central to delivering City Deal projects for active travel, culture and tourism. As part of our collaborations with the Council, we supported public engagement events and provided specialist input to various multi-Agency meetings.

We also participated in an inaugural meeting with the Council's planning team to initiate similar support for a masterplan covering the Forthside area of Stirling, to support delivery of other City Deal projects.

**vi. Specialist advice to Local Authorities and developers to bring previously used land back into productive use**

Our Contaminated Land Specialists provided advice to Local Authorities and developers on 80 sites to help bring previously used land back into productive use. This advice related to pollution of the water environment arising from historical contamination, treatment and re-use of soils and appropriate, sustainable remediation to ensure that land is Suitable for Use following development.

Particularly notable engagement and partnership working activities include:

- extensive pre-planning engagement with stakeholders on site investigation and risk assessment for the former Carless Oil Refinery and MoD Oil Storage Depot in Old Kilpatrick, which has been on the vacant and derelict land register for many years. The site is identified as Contaminated Land under Part IIA of the Environmental Protection Act 1990, with part of the site also designated as a Special Site. Despite being in single land ownership, the site therefore has two enforcing authorities – SEPA and West Dunbartonshire Council.

Our contaminated land specialists have worked closely in partnership with the Council and the applicant, Malin Group, consulting to ensure that the site is suitably remediated for redevelopment. We were successful in ensuring that specific requirements of the Environmental Protection Act were been met alongside planning requirements, avoiding duplication of regulatory effort. This has resulted in planning permission being granted for site remediation activities.

The first phase of the proposed marine fabrication yard is currently being considered by the planning authority in advance of further work to begin site remediation.

- Earls Gate Energy Centre - a positive example of partnership and engagement work between SEPA, Falkirk Council and the applicant to deliver against the requirements of both the planning system and environmental regulation under

Pollution, Prevention and Control. Tripartite discussions and understanding of land contamination issues at the site has led to successful redevelopment of a brownfield site for industrial purposes, following remediation works.

- agreeing remediation objectives for hydrocarbon contamination at the former Exxon Oil Storage Facility at Bowling on the Clyde. Our contaminated Land Specialists worked closely with West Dunbartonshire Council and Exxon to agree remediation objectives prior to submission of a planning application for remediation activities. Future redevelopment of this site will include the key A82 relief road and commercial developments in line with the agreed masterplan.
- ongoing partnership working with South Lanarkshire Council, Glasgow City Council and Clyde Gateway on remediation of chromium contaminated groundwater and surface water resulting from the former White's Chemical works in the Shawfield Area of Glasgow. This contamination source is a pressure on the status of surface water bodies, including stretches of the River Clyde and groundwater bodies. Remediation and redevelopment is phased over 15 years and will enable redevelopment for commercial uses.

#### **vii. Working Group on Flood Risk and Land Use Planning**

Following commencement of the Flood Risk Management (Scotland) Act 2009, the Scottish Advisory and Implementation Forum for Flooding established a Working Group on Flood Risk and Land Use Planning. SEPA continues to host this Working Group, which meets on a quarterly basis, with representatives from our planning and flood risk hydrology functions, Scottish Government's Planning and Flooding Teams, Heads of Planning Scotland, the Royal Town Planning Institute Scotland, and the Society of Chief Officers of Transportation in Scotland. From time to time we invite representatives from other organisations to join our meetings.

A key aim of the Working Group is to strengthen the links between SEPA's planning and flood risk hydrology functions to help ensure a clear, robust and managed approach to providing appropriate advice on flood risk to Planning Authorities, as required by the Act. This year's activity has predominantly focussed on preparing new guidance on climate change allowances for flood risk assessment, which SEPA aims to publish in May following pilots with Fife Council, Edinburgh City Council and Argyll and Bute Council. The guidance will set out recommended allowances for climate change which can be applied to Flood Risk Assessments submitted in support of a planning application, and used by local authorities when undertaking a Strategic Flood Risk Assessment to inform the development plan.

#### **viii. Key agencies placemaking sub-group\***

A Key Agencies Placemaking Sub Group was established in June last year, chaired by SEPA. The sub group aims to work collaboratively to support the



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delivery of great places in Scotland by aligning resources, evidence and knowledge.

Early meetings focussed on gaining joint appreciation of the many benefits of working more collaboratively, and exploring lessons learned from previous joint working. In October, a workshop led by Architecture and Design Scotland helped secure collective agreement on how the sub-group could best mobilise itself to deliver against its ambition.

A proposed approach was endorsed by the full Key Agency Planning Group in March, and will be piloted with planning authorities throughout 2019.

#### **ix. Strategic Environmental Assessment**

The aim of our SEA activity is to ensure that the potential environmental effects of public sector plans, policies and strategies (including development plans) are understood and addressed during the plan-making process. We advised on 158 pieces of SEA casework from screening to environmental report stages. These covered a wide range of policies and plans at the local, regional and national level and dealt with topics which included climate change, forestry, transport, placemaking, and tourism,

We continued to work in conjunction with Scottish Natural Heritage and Historic Environment Scotland on nationally strategic plans, such as the Crown Estate Scotland Investment Strategy.

#### **x. Supporting ongoing practical delivery of A9 and A96 dualling**

We continue to engage proactively with Transport Scotland on the delivery of the A9 and A96 Dualling Projects.

Several individual projects on the A9 are approaching the Public Local Inquiry stage. SEPA expects to participate in this process in view of the representations we made during previous stages of the A9 Dualling Project.

Much of the A96 Dualling Project is currently at the route options assessment stage with SEPA providing detailed feedback, where appropriate, to ensure that the project is brought forward in the most environmentally sensitive manner possible.

#### **xi. Lochaber Delivery Group**

We continue to proactively engage with this Group, via the Delivery Implementation Team, to help coordinate activity in support of a £450 million private investment by GFG Alliance to drive industrial and economic change in the

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area. Plans include revitalising the aluminium smelter to construct state-of-the-art facilities to manufacture automotive products.

Much of our work this year has concentrated on enabling new hydro schemes to help power the site, as well as a large scale windfarm. Local housing has also been a priority. We have given environmental and placemaking support to the developers throughout the planning process.

## **b. Development plan engagement**

We responded to 137 development plan consultations, including all main stages plus consultations on supplementary planning guidance, design frameworks, simplified planning zones and forestry and woodland strategies. We also attended seven meetings across Scotland in relation to local development plans.

As a Consultation Authority for SEA we also advised on the environmental implications of development plan proposals, ensuring that these are considered early in the planning process in order to deliver sustainable development plans.

We have been encouraging planning authorities to explore more streamlined and effective preparation of strategic and local development plans that helps deliver placemaking. A new approach is being developed by the Highland Council in relation to the Inner Moray Firth Local Development Plan to identify more deliverable development sites more efficiently. The on-line system used by parties to bring forward development sites takes into account issues such as flood risk and identifies parameters which make for successful sites. It also challenges the lodging of unsuitable sites. A smaller set of more viable sites should result, cutting down on resource by all parties in subsequent evaluation.

We have had early engagement meetings with Glasgow City Council and East Dunbartonshire Council on their Local Development Plan 2. We explored ways of streamlining the process and how we could add the most value. As part of Glasgow's call for sites, we identified areas which should be left undeveloped as they may be prone to a significant risk of flooding. We also asked for prioritised waterbodies with morphological failures to be identified and safeguarded, to help deliver future improvement works. We have also been engaging with Glasgow City Council on District Regeneration Frameworks.

## **c. Development management**

We responded to 4343 planning application consultations, including 663 consultations where we provided pre-application advice in line with our commitment to pre-application engagement. Whilst we were consulted on a wide variety of development proposals, more than 30% of cases related to housing developments.

- Helping to deliver Scottish Government targets on affordable housing

We have been working with The Highland Council's housing department and their consultants to help deliver two of the largest housing allocations in the West Highlands and Islands Local Development Plan. Both sites are located in Fort William where issues such as flood risk, wetland habitats and deep peat make identifying large sites for development difficult. In these cases deep peat was a significant constraint and expense to development. However for one of the sites, Upper Achintore, a new design approach was taken of clustering development into areas of shallower peat and ensuring that open and amenity space coincided with the areas of deepest peat or areas of most ecological value peatland habitat.

Fort William already has an existing shortage in affordable housing, which is expected to become even more significant following the construction of the proposed £120 million expansion to the Liberty British Aluminium smelter in the town. Without additional housing the town cannot develop further. Helping the Council to fulfil its ambition to maximise housing opportunities in the town is therefore a very practical approach SEPA can take to support sustainable growth in local communities. It also fits well with the more strategic work we engaged with the local planning authority on, such as the local development plan itself and specific to this area, the Fort William 2040 Project, which provides a long term masterplan vision for the town and surrounding area.

- Aberdeen Harbour Expansion Project

Since 2012, we have had extensive engagement on this NPF3 £350 million project - a major project for the area which was granted a multi consent (Harbour Revision Order, Marine Licence, and planning application) in 2016. We continue to meet regularly with the construction company, Dragados, through the Environmental Advisory Group, alongside other key agencies such as Marine Scotland, SNH and the Fishery Board. In this way we ensure local sensitives, such as the bathing beach, SSSI and Tullos Burn and associated wetlands (which were part-funded by SEPA) are adequately protected and enhancement measures are delivered.

In December, our Planning North team were hosted on a site visit by the Environmental Clerk of Works. They began at the Project visitor centre - where SEPA has a temporary display, looking at the project's progress, challenges / solutions faced, and a presentation on their EMS system. A site visit allowed staff to see on-ground pollution prevention measures, and part of the production process to produce aquapods for the quay construction.

- Countesswells Development, Aberdeen

This major application across a 215ha site included proposals for approximately 3000 homes, employment, education, retail, leisure and community uses. Following our early engagement, proposals were included in the application for Planning Permission in Principle for re-naturalising existing watercourses including incorporating areas of habitat in the burn corridor, deculverting, including appropriate buffer strips and following best practice design guidance.

We further influenced the proposals by requesting various conditions be attached to the permission to protect and enhance the water environment, and also deal with

flood risk and drainage. We have worked with the developer on the design of the re-naturalised burn and to agree a non-standard SUDS solution for the initial phases of development. Most recently we attended and presented at a joint training event and site visit where the re-naturalised burn, SUDS basins and areas of natural planting were clearly seen to enhance the overall development site.

- Spaceports, North Scotland

Spaceports are a new form of economic development emerging in the North of Scotland. Sites coming forward lie in Sutherland, Western Isles and Shetland. We are working closely with the relevant planning authorities and other agencies through all stages of the application process to support these novel projects whilst ensuring protection of the environment.

- Ongoing participation in pre-application discussions for major developments

We continue to take part in the Highland Council pre-application service for major planning applications, which is routinely generating better quality planning application submissions.

- River Clyde Flood Risk Management Strategy

We have been working closely with Glasgow City Council on updating the River Clyde Flood Risk Management strategy. This will be used to inform development sites along the Clyde.

- Borderlands

We have undertaken some initial engagement with the Borderlands Inclusive Growth Deal which covers five Council areas including Dumfries and Galloway and the Scottish Borders Council. Borderlands is pursuing a strategic approach to the development of renewable energy, and a significant project is the regeneration of Chapelcross former nuclear power station to a Zero Carbon Energy Park.

- Perth West

Currently at the pre-application stage, the Perth West project is focused on positioning Perth as a leading UK city in the decarbonisation of its economy through an approach which delivers economic opportunity. We have met with the Council and the developer and working together we will aim to deliver and exemplar expansion of Perth that embraces placemaking. The planned development project principally involves the residential expansion of Perth (up to 1,600 units), an eco-innovation park, community education and healthcare facilities, commercial uses, open space, green networks and other infrastructure including a new A9 junction. The Perth West development concept emerged through a Scottish Government, Perth & Kinross Council landowner led charrette exercise in 2014 which led to the allocation of the site within the new and emerging Perth and Kinross Local Development Plan. The project forms part of the recently announced Tay Cities Deal, with £5million allocated by the UK Government to invest in on-site

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infrastructure, the Scottish Government's Capital Investment Programme launched in November 2018 and the Scottish Cities Alliance Investment Prospectus of 2018.

In parallel with the Perth West project, a further 220 hectares of land adjoining the site is being promoted in collaboration with Perth & Kinross Council, as a dynamic, smart grid, 'low carbon' energy park. Multi vector sources are being explored including solar, heat pump, biomass, combined heat and power and electricity storage. The Dupplin Energy Park has the potential to supply locally generated low carbon heat and electricity to existing businesses within Perth, the surrounding area and the Perth West development project. The intention is to host new business models and technologies to support climate change adaptation. Planning permission for a demonstration hydrogen and solar array has recently been granted planning permission, and features within the Tay Cities Deal.

## Capacity Building

### d. Sharing good practice, skills and knowledge

- Environmental Impact Assessment

EIA is required in order to assess and mitigate environmental impacts associated with large development projects and projects in sensitive locations. EIA can also be used to identify placemaking and environmental opportunities. This year we again engaged in two improvement exercises. Firstly, with SNH and HES, we co-led a two day staff training session on delivering efficient and effective EIA processes, including securing delivery of environmental enhancements. Secondly, with SNH and HES, we ran workshops on EIA best practice at last year's Scottish EIA Community Conference, attended by 105 environmental consultants and local authority professionals. Topics included securing environmental protection and going beyond regulation to achieve placemaking opportunities. This was again a valuable opportunity to promote One Planet Prosperity with many of the key people who work on major projects in Scotland.

- Continuous improvement to help build capacity

Each year our Planning Service engages with Councils and developers in a programme of liaison and training meetings, to seek feedback on the consultation process and identify how it can be enhanced.

This year we:

- committed to more strategic working on SUDS rather than provide site-specific SUDS advice. Accordingly, on 6 and 26 June we provided training to Highland Council planning staff at their request;
- worked with Aberdeenshire and Aberdeen City staff and SNH at a February workshop on how to secure placemaking and environmental opportunities

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through the planning process, with a follow-up session planned to explore delivery progress;

- assisted with a range of strategic and practical projects such as the Fort William Strategic Transport Stakeholder Workshop, Fort William Masterplan workshop, Highland Climate Change Workshop and Peat Innovation Project workshop;
- were an active partner in the Highland Housing Hub, set up to deliver increased housing, and increased affordable homes, in the Highlands through partnership working;
- met with the Glasgow City Deal Operational Infrastructure Group to improve our collective understanding of the existing infrastructure assets and explore opportunities for low carbon innovation in developments;
- met with Springfield Properties in Stirling in January to identify new ways of working to achieve environmentally excellent developments and establish new working relationships;
- were an active member of the Heads of Planning Scotland (HoPS) Energy and Resources sub-committee, and contributed to the revised position statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites;
- met with Scottish Water and Falkirk Council to explore joint issues in relation to development planning and development management in the local area;
- had high level engagement with Edinburgh Council to explore flooding issues in relation to the Water of Leith flood protection scheme.



As member of the Key Agencies group we contribute to the Partners in Planning initiative which aims to develop skills and build capacity across the planning system. We have provided input in a variety of areas including zero waste, flood risk and renewable energy.

At the launch event for the Partners in Planning web portal in September, Key Agencies outlined how to engage us all, and the benefits of early engagement on complex development projects. This included a short film and presentation on the role of the Key Agencies in the planning system, plus a facilitated workshop.



The first Key Agencies Conference, 'Planning for Positive Outcomes – Working with the Key Agencies', was held in January. This followed on from the Partners in Planning Event and was aimed at mid-career level planners. Attendees gained an understanding of the remits of the agencies and how to get the best out of working with us. The event showcased good practice when working with a range of other organisations as highlighted by Homes for Scotland, the DPEA, Scottish Futures Trust and East Lothian Council. The event was attended by over 90 delegates.

#### **e. Evidence and data-sharing\***

The key agencies sub-group on evidence and data-sharing is helping inform relevant bits of Scottish Government's Digital Planning transformation programme for a smart data driven planning system. The sub-group has been working alongside eight Local Development Plan (LDP) teams to develop in-depth user research through stories, interviews and focused workshop discussions, focusing on three key areas:

- identifying the suite of environmental information potentially relevant to LDP preparation, including meeting SEA requirements. Further learning is required to finalise and evidence conclusions around the most pertinent information suite, and to help unlock wider spatial planning approaches
- making appropriate linkages and cascading information from LDPs. Work has begun to examine user evidence to help unlock value from an improved cascade of information from LDP preparation to subsequent stages of the planning process.
- developing improved data/information user guidance specific to planning. Tailored user guidance for planners is needed to support appropriate and consistent use of environmental information through the planning process.

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## Service

### f. Decision-making timescales

During the reporting period SEPA provided:

- 129 development plan-related responses within agreed timescales, and eight outwith
- 3,801 planning application consultation responses within agreed timescales, and 542 outwith
- 157 strategic environmental assessment responses within agreed timescales, and one outwith
- 589 non-planning application responses within agreed timescales, and 48 outwith.

### g. Service statements and joint working agreements

Last year, the Key Agencies worked together to produce an updated [Joint Statement on pre-application](#). This sets out the principles governing the Key Agencies' commitment to effective and timely pre-application engagement with planning authorities and developers in relation to developments of national and major significance. The benefits of early engagement are a key feature of Scottish Government's Planning System. Effective early engagement allows for a more transparent planning and decision making process, early identification of issues and early Key Agency involvement. The updated joint statement re-affirms how the Key Agencies will help to meet the ambitions for an efficient, inclusive Scottish planning system.

### h. Engagement with service users

- New ways of working

Initial meetings with Aberdeenshire, Moray, Highland, South Lanarkshire and Argyll & Bute Councils have been held to discuss potentially new ways of working, particularly in relation to a more effective, streamlined approach to flood risk work. They are all interested in ensuring that their in-house flood team and SEPA are consulted with regards to flood risk on sites only when good information has been provided, and will be collaborating with us on this in the coming year to implement these processes.

- Moray Council Developer Liaison

At the most recent liaison meeting between Moray Council and SEPA, we devoted part of the meeting to pollution control in the construction of new developments. A



key outcome was to plan a Council/SEPA/development sector workshop on avoiding pollution during construction. We will provide an information session on Controlled Activities Regulations (CAR) construction site licences, and best practice where a construction site licence is not required. This is a further example of how, by taking a strategic, joint approach with Councils and developers, we can deliver efficiencies and better outcomes.

- External review of our planning responses

We engaged an external consultant to carry out a review of our planning responses which included a small customer survey of planning authorities and developers. The overall feedback was generally positive with improvement recommendations focussing on:

- communications – sometimes communications between different sections in SEPA e.g. planning or regulation, and the local authorities can cause confusion as they may not always reflect the full SEPA position. Our whole systems sector approach across SEPA will help resolve this, alongside internal awareness and improved processes
- consultation responses could be more concise with a summary of key points. We will consolidate our responses so they provide clear, concise and useable information
- there may be a duplication in work between SEPA and planning authorities in relation to flood risk as both parties have a duty to assess this. We are prioritising actions around flood risk advice which will both strengthen and provide greater certainty around our respective roles and responsibilities
- there was a desire for closer working on enforcement activities. We will explore strategic opportunities in the coming year where planning and environmental regulation interface
- developers stressed the importance of pre-application engagement. We are committed to early and strategic collaboration on applications of national and major significance where we can add most value.

## 4. Actions to meet 2018-19 improvement priorities

Our Annual Operating Plan gave us a commitment to review the Service in 2018-19 to deliver against SEPA's ambitions and wider Scottish Government planning reform objectives - to help support inclusive growth, housing and infrastructure delivery and empower communities.

We have completed the review and our Agency Management Team approved a new direction for the Service in March this year. In essence, we are moving the service from a mostly reactive operating model to a whole-systems, geographic placemaking-based model which helps us deliver great places in Scotland, and which allows businesses and

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communities to thrive within the resources of our one planet. Under our new operating model, we will actively engage with up-stream planning and development processes most powerfully to secure compliance with environmental obligations, and help operators achieve voluntary beyond compliance in ways that meet their business objectives.

Our immediate, short term priority is to find smarter, more efficient and effective ways of carrying out our statutory land use planning, environmental assessment, and planning-related duties so that we can create headroom to work in new, even more up-front and strategic ways which support the delivery of great places. In the longer term, our new, more powerful ways of working will create further headroom which will allow the Service to further embed its innovative approach.

Other actions we have taken to meet 2018-19 improvement priorities are summarised in the performance markers and evidence and data-sharing sections of this report, and are marked with \*.

## 5. 2019-2020 Service Improvements >

In 2019-2020 we will focus on:

1. implementing our current sector plans – making sure that operators understand their environmental obligations and how to meet them. And continuing to develop productive relationships with others to help achieve full compliance whilst helping as many businesses as possible to move beyond compliance. Specifically on the Housing sector plan, we will identify a housing developer we can work with to develop our aspirations for One Plant Homes and One Planet Places.
2. helping organisations achieve environmental, social and economic outcomes through new and existing Sustainable Growth Agreements.
3. influencing Scottish Planning Policy and National Planning Framework 4.
4. improving access to national flood risk maps for local authorities and making it easier for industry to understand what actions are required before they make a planning or planning-related application.
5. beginning to work with our sectors and with the insurance and finance industries to identify opportunities to move the liability for potential future flood damage from property owners and occupiers to developers