Scottish Environment Protection Agency

Buidheann Dìon Àrainneachd na h-Alba

SEPA Standing Advice for Planning Authorities and Developers on Development Management Consultations

November 2020

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**

1. Purpose and scope

1.1 SEPA wishes to prioritise, simplify and accelerate our engagement with the planning system in a manner which reinforces the role and responsibilities of planning authorities and developers. For development management, we want to focus our advice on consultations where we can add best value to protecting Scotland's environment. In practice this means that we no longer wish to be consulted on certain types of development. Instead, we wish to be consulted on the developments detailed in the SEPA guidance note How and when to consult SEPA, which also includes details of the GIS layers mentioned below. Standing advice for small scale windfarms is provided in Appendix 1. For all other small scale local developments please refer to the following standing advice.

2. Flood risk advice

2.1 Our standing advice for lower risk planning applications affected by flood risk can be found in SEPA flood risk standing advice for planning authorities and developers. This supersedes the advice that was previously presented as Appendix 2 to this guidance.

3. Waste water drainage

3.1 Drainage is a material planning consideration and should be considered before determination of all planning applications in line with Scottish Planning Policy and guidance. All developments in or adjacent to public sewered areas should connect to the public sewer. Where there are public sewer capacity or connection problems, we still expect solutions to be arrived at that allow connection to the public sewer. If connection is not possible and a temporary private system is proposed, provided that Scottish Water have confirmed in writing infrastructure improvements, a planning condition (which is known to meet the requirements of Circular 4/1998) should be attached to ensure connection to the public sewer as soon as connection becomes available and removal of the temporary system. Scottish Water operates an online GIS tool detailing the extent of the public sewer infrastructure. Further guidance on accessing and using this tool should be sought from Scottish Water. Where a permanent private system is proposed within an area served by public sewer, please consult us.

3.2 Outwith sewered areas, the principle of private foul drainage systems are generally acceptable unless they fall within the consultative areas of 'cumulative drainage impact' as defined on your GIS system, when we will provide further advice. We prefer private waste water discharges to be made to soakaways where ground conditions are suitable rather than discharges to water. Waste water drainage systems should also be designed and located in accordance with the Building Standards Technical Handbooks however planning authorities should ensure a development can be drained in accordance with Planning Advice Note 79 Water and Drainage. Please refer to your internal building standards colleagues for advice on the Building Standards Technical Handbooks.

4. Swimming pool drainage

4.1 SEPA prefers discharges of filter backwash from swimming pools to discharge to the foul sewer. In addition, all discharges to the foul sewer must be acceptable to Scottish Water.

4.2 The discharge of filter backwash to an existing soakaway or surface waters, is also acceptable, but only following dechlorination. Our preferred method is non-chemical removal of chlorine by leaving to stand for at least 5 days or until no chlorine is detectable prior to discharge. The applicant will have to obtain a CAR authorisation, or modifications to an existing authorisation, for the discharges from SEPA.

4.3 When emptying the entire pool contents for maintenance or cleaning, our preference would be to discharge to the foul sewer (if available and acceptable to Scottish Water). However, the pool water could be removed by tanker provided the water is disposed of at a suitably licensed facility. Depending upon the effluent volume and content, a discharge to land or surface waters (following dechlorination) may be capable of being authorised by CAR, but the applicant should discuss this with SEPA's local Environmental Protection & Improvement team.

5. Surface water drainage

5.1 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) includes a requirement that surface water discharge must not result in pollution of the water environment. It also makes Sustainable Drainage Systems (SUDS) a

requirement for new development, with the exception of runoff from a single dwelling and discharges to coastal waters. We encourage surface water from *all* developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 209).

5.2 SUDS help to protect water quality and reduce potential for flood risk. They are appropriate in both urban and rural situations. Cost effective SUDS solutions can be found for almost every situation, and can be a cheaper alternative to traditional drainage measures. SUDS also provide opportunities for increased amenity and biodiversity value of sites.

5.3 Where the alternative is use of combined systems, SUDS increases capacity in infrastructure for future developments and reduces the risk of pollution events. Discharges to combined sewers should be avoided. Scottish Water will only accept surface water into a combined system in exceptional circumstances, and we would expect Scottish Water and the applicant to ensure that all reasonable efforts are made to remove surface water from the combined sewer.

5.4 It is important to ensure that adequate space to accommodate SUDS is included within the site layout (especially when considering applications for planning permission in principle). Each individual type of SUDS feature, such as a filter drain, detention basin, permeable paving or swale, provides one level of treatment. For example, surface water treated by permeable paving then in turn by a detention basin, ie runoff passing through both features in series (not in parallel), would be classed as receiving two levels of treatment whereas surface water treated by two detention basins would be classed as receiving one level of treatment.

5.6 For all developments, run-off from areas subject to particularly high pollution risk (eg yard areas, service bays, fuelling areas, pressure washing areas, oil or chemical storage, handling and delivery areas) should be minimised and directed to the foul sewer. Where run-off from high risk areas cannot be directed to the foul sewer we can, on request, provide further site specific advice on what would be the best environmental solution.

5.7 Developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.

5.8 The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing run-off to pass through several different SUDS before reaching the receiving waterbody.

5.9 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of the local authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues. This would not be a role for SEPA's flood risk hydrology function.

5.10 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found within CIRIA's C753 manual entitled *The SUDS Manual* at www.ciria.org. Advice can also be found in the SEPA Guidance Note LUPS GU12 Planning Advice on Sustainable Drainage Systems (SUDS) and SEPAs regulatory method WAT-RM-08 for SuDS. Further information can also be found in the Water Assessment and Drainage Assessment Guide produced by the Sustainable Urban Drainage Scottish Working Party (SUDSWP).

6. Engineering activities in the water environment

6.1 In order to meet the objectives of The Water Framework Directive, developments should be designed wherever possible to avoid engineering activities in the water environment. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. We prefer the water environment to be left in its natural state with engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams avoided wherever possible. Where watercourse crossings are required, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. If the proposed engineering works are likely to exacerbate flood risk then a flood risk assessment should be submitted in support of the planning application and we should usually be consulted. We would not normally want to be consulted on applications for replacement culverts or bridges where the dimensions are the same. In such circumstances planning authorities should refer to our flood risk standing advice.

6.2 Scottish Planning Policy states that the planning system should promote flood reduction by avoiding the construction of new culverts and where possible open existing culverts (paragraph 255). Planning applications should be determined in line with this planning policy.

6.3 Further guidance on the design and implementation of crossings can be found in our Construction of River Crossings Good Practice Guide. Best practice guidance is also available within the water engineering section of our website. For your information, where a culvert is shown to be unavoidable, it should be designed in accordance with the Scottish Government's River Crossings and Migratory Fish: Design Guidance.

6.4 Some engineering activities in the water environment require authorisation under the Water Environment (Controlled Activities) Regulations 2011 (as amended) i.e. the "CAR Regulations'. Further details of the types of activities that may require authorisation under the CAR Regulations can be found in SEPA's CAR Practical Guide. It is advised that a developer should contact the relevant local SEPA team to discuss any activities that may be subject to these regulations.

7. Space for waste management provision with site layout

7.1 In accordance with Scottish Planning Policy, space for collection, segregation, storage and possibly treatment of waste (eg individual and/or communal bin stores, composting facilities, waste treatment facilities etc) should be allocated in the planning application site layout. Please consult with your internal waste management colleagues to determine what space requirements are required within the application site layout. Some local authorities have an information sheet which details space requirements.

8. Oil storage

8.1 Proposals for oil storage facilities are generally acceptable provided they are located and designed in accordance with the technical handbooks and Water Environment (Oil Storage) Regulations (Scotland) 2006. Please refer to your internal building standards colleagues for advice on the technical handbooks. Please consult us on any proposals for underground oil storage for residential developments.

9. Contaminated land

9.1 Advice on land contamination issues should be sought from your contaminated land colleagues because they are the lead authority on these matters. If your contaminated land colleagues require advice on issues relating to the water environment then they should contact our contaminated land specialists directly.

9.2 We will provide advice directly to planning authorities on development in relation to radioactive contaminated land and designated contaminated land Special Sites as described in the SEPA guidance note How and when to consult SEPA.

10. Air quality and noise

10.1 Advice on air quality and noise should be sought from your environmental health colleagues because they are the lead authority on these matters. We will provide advice on air quality and noise where we have a regulatory role in controlling them as described in the SEPA guidance note How and when to consult SEPA.

11. Agricultural developments

11.1 Agricultural developments should be located and designed in accordance with The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (as amended) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Applicants should be directed to www.sepa.org.uk/land/agriculture/agricultural_regulation.aspx to ensure their development complies with these Regulations. In order to comply with these Regulations it is important to ensure that any surface water associated with yard areas is conserved on the farm for disposal, and any part of any slurry storage system is located at least 50m from any potable water supply and 10m from any surface water or wetland.

11.2 Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. These measures could be incorporated through the development of an infiltration system, such as a filter trench or soakaway at the site. You can find further guidance on how to comply with the above Regulations in the *Code of good agricultural practice* at www.scotland.gov.uk/Resource/Doc/37428/0014235.pdf and in the PEPPAA *Code of Good*

Practice at http://www.scotland.gov.uk/Publications/2005/03/20613/51366 which provides practical advice on minimising pollution.

12. Regulatory and pollution prevention advice for applicants

12.1 We regulate a number of matters covered by this standing advice including; waste water drainage, surface water drainage, swimming pool drainage, private water abstractions, waste management, oil storage, slurry and silage storage and water environment engineering. If developments contain these elements, the applicant should be referred to the planning section of the SEPA website at www.sepa.org.uk/planning so that they can ensure their proposals will meet all relevant regulatory requirements.

12.2 Best practice advice in relation to pollution prevention can also be found in our series of Pollution Prevention Guidelines. Paper copies of this advice are available upon request to your local SEPA planning team.

13. Existing groundwater abstractions

13.1 Roads, excavations and other works associated with developments can disrupt groundwater flow and impact on groundwater abstractions such as private water supplies. If groundwater abstractions are identified then the applicant should seek to ensure that:

- roads, tracks and trenches are routed at least 100m; and,
- buildings, excavations and quarries are located at least 250 m

from the abstraction.

14. Shellfish applications

14.1 Shellfish farms are not regulated by SEPA, although associated infrastructure such as shore base facilities and depuration systems may be regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

14.2 Shellfish farms are dependent upon good water quality in order to produce shellfish which meet required food standards set by the Food Standards Agency (Scotland). The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 identifies shellfish water protected areas. The applicant should identify if the proposed site is

located within a shellfish water protected area and it would be in their interest to liaise with the Food Standards Agency on whether or not the shellfish water protected area has complied with the guideline standards for faecal coliforms in biota.

14.3 As part of our regulatory remit we monitor waters against the standards for sewage related bacteria set out in the Regulations to ensure that discharges to the water environment will not adversely impact on shellfish water protected areas. In addition, any new sewerage discharge proposed within, or with the potential to impact upon, a shellfish water protected area has to comply with SEPA's microbiological policy. In view of this, we strongly recommend that any new shellfish farm sites should be located within an existing shellfish water protected area.

14.4 Outwith shellfish water protected areas we recommend that it is established if there are any Scottish Water assets, trade discharges or other private treatment works in the area. The applicant should be aware that the potential input of coliforms into the water body from treatment works could affect the classification of shellfish grown.

14.5 The applicant should also be aware that, regardless of location, land run-off, including that from grazing livestock, has the potential to impact upon water quality and shellfish classification.

14.6 We consider that the issue of whether or not shellfish are likely to be marketable as a result of the impacts of water quality issues to be a commercial risk to the applicant. The above issues should be taken into consideration when assessing the commercial viability of the shellfish farm in the proposed location.

14.7 In addition to the above, the Planning Authority may wish to consider if there are other active shellfish or fin fish farms in the vicinity.

14.8 Scottish Natural Heritage can advise on protection of designated natural heritage protected areas.

Appendix 1: Standing advice for small scale wind-farms below 10 MW not subject to formal Environmental Impact Assessment

1. Purpose and scope

1.1 SEPA applies the same principles to windfarm development as it does to all development management. We focus our site-specific comment on the larger, more environmentally significant developments, and provide to planning authorities standing advice tailored for schemes below 10 megawatts (MW) and not subject to formal Environmental Impact Assessment. For all other small-scale developments please refer to the main body of this guidance note.

2. Flood risk

2.1 Refer to SEPA Flood Risk Standing Advice.

3. Waste water drainage

3.1 Drainage is a material planning consideration and should be considered before determination of all planning applications in line with Scottish Planning Policy and guidance. All developments in or adjacent to public sewered areas should connect to the public sewer. Most windfarms are located outwith publicly sewered areas and will require welfare facilities for workers.

3.2 Outwith sewered areas, the principle of private foul drainage systems is generally acceptable unless they fall within the consultative areas of 'cumulative drainage impact' as defined on your GIS system, when we will provide further advice. We prefer private waste water discharges to be made to soakaways where ground conditions are suitable rather than discharges to water. Waste water drainage systems should also be designed and located in accordance with the Building Standards Technical Handbooks however planning authorities should ensure a development can be drained in accordance with Planning Advice Note 79 Water and Drainage. Please refer to your internal building standards colleagues for advice on the Building Standards Technical Handbooks.

4. Surface water drainage

4.1 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) includes a requirement that surface water discharge must not result in pollution of the water environment. There are specific controls as described within the CAR Practical Guide to be met in order to comply with CAR at both construction and operation stages. It would be helpful if the applicant's attention could be drawn to these requirements.

4.2 Comments should be requested from the local authority's roads department and flood prevention unit on the SUDS strategy on water quantity and flooding issues.

5. Engineering activities in the water environment

5.1 In order to meet the objectives of The Water Framework Directive, developments should be designed wherever possible to avoid engineering activities in the water environment. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. We prefer the water environment to be left in its natural state with engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams avoided wherever possible. Where watercourse crossings are required, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. If the proposed engineering works are likely to exacerbate flood risk then a flood risk assessment should be submitted in support of the planning application and we should usually be consulted. We would not normally want to be consulted on applications for replacement culverts or bridges where the dimensions are the same. In such circumstances planning authorities should refer to our flood risk standing advice: INSERT LINK TO NEW DOC.

5.2 Scottish Planning Policy states "*Culverts are a frequent cause of local flooding, particularly if the design or maintenance is inadequate. Watercourses should not be culverted as part of a new development unless there is no practical alternative and existing culverts should be opened whenever possible. If culverts are unavoidable, they must be designed to maintain or improve existing flow conditions and aquatic life. A culvert may be acceptable as part of a scheme to manage flood risk or where it is used to carry a watercourse under a road or railway"* (Paragraph 211). Planning applications should be determined in line with this planning policy.

5.3 You can find further guidance on the design and implementation of crossings in our Construction of River Crossings Good Practice Guide. Best practice guidance is also available within the water engineering section of our website. For your information, where a culvert is shown to be unavoidable, it should be designed in accordance with the Scottish Executive guidance on River Crossings and Migratory Fish.

6. Private water abstraction

6.1 Many windfarm developments will utilise water bowsers during the construction phase of the development. However some developers will wish to install a private water supply for the construction or longer term operation of the site and may need to dewater excavations. The principle of water abstractions less than $50m^3$ is generally acceptable due to their being very small scale. SEPA regulates these activities under CAR and therefore developers should be directed to the CAR Practical Guide to ensure they meet regulatory requirements.

7. Site waste management

7.1 Developers may need to dispose of significant quantities of waste during the construction and operation of a windfarm. This can include waste soils, peat, refuse from welfare facilities or surplus construction materials. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged.

7.2 Waste peat is not always suitable for use within a development and may be regarded as waste in law. Developments on peat should seek to minimise peat excavation and disturbance to prevent the unnecessary production of waste soils and peat. Applicant should be referred to our Regulatory Position Statement – Developments on Peat and Guidance on the assessment of peat volumes, reuse of excavated peat and minimisation of waste.

7.3 Any other waste removed from a site must be deposited at a suitably licensed site under the Waste Management Licensing (Scotland) Regulations 2011.

8. Oil storage

8.1 Proposals for oil storage facilities are generally acceptable if they are located and designed in accordance with the Building Standards Technical Handbooks and Water Environment (Oil Storage) Regulations (Scotland) 2006. Please refer to your Building Standards colleagues for advice on the Technical Handbooks.

9. Air quality and noise

9.1 Advice on air quality and noise should be sought from your Environmental Health colleagues because they are the lead authority on these matters in the context of windfarms (we will provide advice on air quality and noise where we have a regulatory role in controlling them).

10. Borrow pits

10.1 Most small-scale windfarms will import aggregate from existing quarries. Where an onsite borrow pit is proposed please consult us, highlighting the proposed mineral extraction in line with SEPA guidance note How and when to consult SEPA.

11. Regulatory and pollution prevention advice for applicants

11.1 We regulate a number of matters covered by this standing advice including waste water drainage, surface water drainage, private water abstractions, waste management, oil storage and engineering activities in the water environment. In particular SEPA Planning Guidance Note 4 Planning advice on windfarm developments provides useful guidance for all key stakeholders in windfarm developments.

11.2 Best practice advice relation to pollution prevention can also be found on our website and our Pollution Prevention Guidelines are available on our website at: at: https://www.sepa.org.uk/regulations/water/guidance. Paper copies of this advice are available upon request to your local SEPA planning team.

12. Existing groundwater abstractions

12.1 Roads, foundations and other construction works associated with wind turbines can disrupt groundwater flow and impact on groundwater abstractions such as private water supplies. If groundwater abstractions are identified then the applicant should seek to ensure that:

- roads, tracks and trenches are routed at least 100m; and,
- borrow pits and the turbine foundation are located at least 250 m

from the abstraction.

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Update Summary

Version	*Description*
Version 11	Removal of Appendix Two which is now presented as separate guidance in SEPA Flood Risk Standing Advice for Planning Authorities and Developers

Notes

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http://contactscotland-bsl.org/

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