

# SEPA triage framework: guidance for planning authorities and SEPA

March 2021



## **1. Context**

The recent cyber-attack has severely compromised SEPA's ability to fulfil our role in land use planning. Our staff are now getting access to basic systems such as Outlook and Teams but we do not have a planning casework system.

We appreciate that a large backlog of planning and development-related work has built up following the cyber-attack. Our limited systems functionality and the need to deal with that backlog requires a very different way of working with planning authorities. This framework is intended to act as a basis for:

- Rationalising the backlog as quickly and efficiently as possible;
- Prioritising urgent cases; and,
- identifying areas for more strategic engagement going forwards on transformational place making opportunities.

## **2. A new way of working**

At the core of our new way of working is a much greater focus on frequent virtual collaboration, to make decisions on reducing the backlog, and on how SEPA will respond to those prioritised cases. We hope that this will:

- Quickly help us confine our detailed, bespoke advice to where it most adds value; and,
- Shift the focus from transactional to collaborative ways of working going forward.

We hope this collaboration will be guided by questions such as:

- Where will collaboration deliver the big opportunities and/or address significant environmental risks?
- Can SEPA add significant value in this particular instance?
- Is there potential for another part of the Authority to provide the input needed?

- Can SEPA provide input in a different way, other than through bespoke advice?
- Can we deliver the desired outcomes through a discussion rather than multiple transactions? For example, for a complex flood risk issue, one discussion involving a SEPA flood risk expert may be most efficient.

### **3. Framework components**

#### **a. Strategic place based initiatives**

We are keen to engage with you on strategically important areas of change that create opportunities to deliver place outcomes through the following specific themes:

- A shift to zero carbon;
- Blue/green infrastructure provision;
- Resilience to future climate change including flooding; and/or,
- Location, siting, design and use of materials that support a circular economy approach to place.

That means engaging at the earliest opportunity to influence the shaping of places in collaboration with planning authorities and other stakeholders. This could be through the masterplanning process and/or the earliest stages of evidence gathering to inform location, siting and design. We have already started to shift to this way of working, and joint initiatives with the Key Agencies Group are a prime example.

#### **b. Development planning**

We continue to attach high priority to our role in supporting the preparation and delivery of development plans. This includes both local development plans and emerging Regional Spatial Strategies.

Through the triage process we want to engage on key site allocations where parties agree the issues are complex and/or the opportunities are significant and would therefore benefit from our input. For such sites we would encourage an early, collaborative place based approach with all stakeholders. For other sites we will provide a list of minimum requirements and advice for planning authorities along the lines of the categories of our current allocation responses. We are working on this as a matter of urgency but in the meantime this is set out in

our Development Plan guidance. If sites are allocated that don't meet the requirements with this guidance then we reserve the right to object.

Beyond this, and as the country transitions to the new development plan process under the Planning (Scotland) Act 2019, we will shift our focus away from the detail of policy wording and site by site feedback towards more strategic-type engagement which helps to shape key areas of change by:

- providing fit-for-purpose evidence. We are currently working with other Key Agencies and the Digital Planning team at the Scottish Government to significantly improve access to evidence for development plans;
- collaborating early to help use this information to inform the spatial strategy and shape key areas of change through a place lens and to help resolve any issues and to identify the big opportunities; and,
- supporting on ground delivery.

### **c. Development Management**

The threshold of our engagement on development management activity set by the triage framework is based on significant environmental risk (including flood risk) and the big opportunities which may not be captured through the other two framework components. By shifting away from transactional activity to more meaningful and effective approaches we can add most value where it matters most. Earlier and more collaborative engagement at the pre-application stages of development also present improved opportunities to resolve any issues and to realise opportunities prior to formal submission.

The types of applications we want to focus on through the triage framework are listed in [table one](#). This is intended as a guide and can be used to support triage discussions with planning authorities to agree priorities.

For below threshold development [standing advice](#) and [other guidance](#) is available on our website. *We are currently working as a matter of urgency to improve the clarity and ease of use of this information to reflect the change in approach.*

## **Flood risk consultations**

We wish to change the way we work with local authorities on flood risk. As indicated in table one, through the triage framework, we are focussing our bespoke advice on major applications and/or those which could significantly impact most vulnerable and highly vulnerable uses as defined in our [Flood risk and land use vulnerability guidance](#). We wish to work in a way that complements the skill and resource held within local authorities. *We are working urgently to provide evidence and guidance to enable planning authorities understand and apply flood risk policy without the need to consult SEPA for a bespoke response for developments that fall below this threshold.* This will be issued in the next few weeks and will include improved access to flood risk information that can be used at a site level.

In the meantime, for below threshold sites, we would advise planning authorities to apply your flood risk policies using the best information available to you on the risk. This may be from your in-house flood risk experts, [SEPA's flood maps](#) and/or the flood risk assessment submitted in support of the application. For lowest risk sites you can refer to our [flood risk standing advice](#). You can also refer to our [development management guidance on flood risk](#) and supporting [background paper](#) which provide advice on our interpretation of national planning policy.

## **Other measures to help reduce the backlog**

We are acutely aware that our inability to engage with planning authorities post cyber-attack has stalled the progression of many planning applications. Further releasing the pressures that have built up in this time is a high priority and we will help to achieve this through our approach to outstanding objections and the discharge of conditions requested by us.

*Outstanding objections:* where new material has been submitted that will enable us to remove our objection then we will do this as quickly as possible. Our approach will be based on risk and the robustness of information submitted.

*Discharge of conditions:* through the triage process we only want to be consulted on the discharge of conditions for situations where such planning conditions relate to significant cases involving flood risk, blue/green infrastructure, circular economy and the avoidance of carbon losses/sequestration. We don't want to be consulted on conditions we didn't request. Again our approach will be based on risk and the robustness of information submitted.

## **EIA scoping and reports**

Through our triage process we will refer all scoping requests, when received on re-consultation, to our scoping templates which can be used as standing advice. Links to the scoping templates for a range of development types can be found below:

- [Windfarm](#)
- [Hydro](#)
- [Large Scale Mixed Use](#)
- [Quarry](#)
- [Fish Farm](#)
- [Marine](#)

As we move forwards we will use the scoping stage as an opportunity to identify the most significant opportunities through our areas of interest i.e. shift to zero carbon, blue-green infrastructure provision, resilience to future climate change including flooding, and supporting a circular economy approach to place.

We will continue to provide responses to EIA reports but these will be much more focussed on the most significant issues and opportunities to deliver against our areas of interest.

## **Consultations on detailed drainage issues**

We do not want to be consulted on detailed drainage issues moving forwards including those within drainage consultation areas. Advice is provided through our [Standing advice for development management proposals](#) and in our [regulatory guidance](#). Moving forwards we intend to focus on drainage related matters through a strategic approach by collaborating in strategic place based initiatives and significant areas of change in development plans. The integration of blue-green infrastructure to deliver a wide range of benefits will be central to this.

**Table One: Triage framework for development management**

Type of development	When to engage with SEPA
<p>1. Developments that present opportunities for significant, positive, transformational change through:</p> <ul style="list-style-type: none"> <li>• A shift to zero carbon;</li> <li>• Blue/green infrastructure provision;</li> <li>• Resilience to future climate change including flooding; and/or,</li> <li>• Location, siting, design and use of materials that support a circular economy approach to place.</li> </ul>	<p>All. We can, however, add most value by engaging at the earliest stages of siting and design to help realise the best opportunities. E.g masterplanning and pre-application engagement.</p> <p>Collaborative approaches with other Key Agencies in line with the Place Principle are encouraged to deliver optimum opportunities.</p>
2. National Developments (as designated in the current National Planning Framework)	All
3. Developments supported by EIA	All
4. Transport and infrastructure - new or replacement roads, railways, tramways, waterways, aqueducts or pipelines	Only those with a length over 4Km
5. Developments at potential flood risk	<p>Only major developments and/or those which affect the most vulnerable and highly vulnerable uses as defined in our <a href="#">Flood risk and land use vulnerability guidance</a>.</p> <p>Advice on below threshold sites can be found <a href="#">here</a>.</p>
6. Flood protection works under S.56 of the Flood Risk Management (Scotland) Act 2009	All
7. Any other developments not covered by the above that are subject to complex licensing	All
8. Any other developments not covered by the above that may lead to significant groundwater protection issues e.g. mines, nuclear waste facilities and landfills	All with the exception of cemetery developments where our <a href="#">advice on assessing the impacts of cemetery developments on groundwater</a> should be followed.
9. Scottish Water waste water treatment works	All
10. Chemical storage which falls within Upper Tier of Control of Major Accident Hazards (Amendment) Regulations 2005 or underground oil storage	All
11. Development on radioactive contaminated land and designated contaminated land Special Sites	All
12. Hazardous substance consent under Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015	All

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<http://contactscotland-bsl.org/>

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Strathallan House, Castle Business Park, Stirling, FK9 4TZ