

## **SEPA's triage framework: guidance for planning authorities and SEPA**

### **Version 2 – 5 January 2022**

#### **1. Context**

In March 2021 we issued a triage framework to inform our engagement with planning authorities and to deal with the backlog of case work accumulated since the December cyber-attack. The framework, underpinned by regular liaison, helped us to clear the backlog. We have since reviewed the framework, based on experience and feedback from planning authorities and within SEPA, with a strong focus on where we can add the most value.

This revised version outlines how SEPA wishes to engage with planning authorities from now until approval and adoption of National Planning Framework 4. Regular liaison with planning authorities has helped us prioritise and problem solve and we hope that this can continue.

#### **2. Framework components**

##### **a. Development planning**

For authorities preparing development plans, we will tailor our approach according to whether these will be brought forward under existing or new arrangements, meeting your specific needs wherever possible.

Where development plans are being developed under existing arrangements, we want to continue to engage on policies and key site allocations where parties agree the issues are complex and/or the opportunities are significant and would therefore benefit from our input. Before consulting us, we ask that you carry out SEA (Strategic Environmental Assessment) site assessment and identify sites as preferred, non-preferred and alternative. We will concentrate our advice on:

- Your preferred sites, and sites added to the proposed plan at later stages of the plan process, where we have not provided advice on these before; and

- Preferred sites where we have previously commented but where there has been a change in circumstances that may change our position. In such cases, we ask that the consultation clearly indicates the nature of the change in circumstances.

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 and development plan guidance. Further guidance on our current approach to local development plans is available from [Guidance and advice notes | Scottish Environment Protection Agency \(SEPA\)](#).

Where development plans are being developed under new arrangements, we propose to spend more time on early, collaborative and strategic engagement focusing on key areas of change, and therefore less time on the detail of local policy wording and site-by-site feedback. We are already working with planning authorities to explore and apply this new approach through the [Key Agency Green Recovery group](#). We will take this forward by:

- Providing fit-for-purpose evidence. Ongoing initiatives with the Key Agencies and a few spearheading authorities, as well as the Scottish Government's Digital Planning team aims to improve access to the evidence needs of 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
- Working with stakeholders to support on-ground delivery.

## **b. Development management**

The types of applications where we think we can best add value and want to be consulted on are listed below in Table 1. For planning applications that fall below the consultation thresholds in Table 1, please refer to the standing advice set out in Table 2. Table 1 and 2 fulfil the requirements of Regulation 25 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

When you consult us, please clearly indicate all the categories in Table 1 that apply to the application. This will help us respond promptly. If we receive a consultation without a reason for consultation clearly identified, then we will not be able to respond until this has been clarified. We will routinely provide flood risk advice for applications which relate to Category A of Table 1. For all other categories, we will only provide flood risk advice where SEPA is specifically requested to do so.

Where a development does not clearly fall within a specific category or there are site-specific issues which our standing advice does not address then we are happy to triage these at a liaison meeting to determine if we can add value.

Where a development is within an allocated site in a local development plan, please only consult us when all the information outlined in the relevant developer requirement has been provided. Similarly, when we have objected or requested further information, please only reconsult us when all the information is available.

We encourage pre-application discussion and early engagement on all the types of development outlined in the table. Early and more collaborative engagement at the pre-application stage can help identify and resolve issues of concern before an application is formally submitted.

**Table 1: Consultation framework for development management**

Please note that Table 1 should be read as a whole; even if the proposal is exempt from one category, it may require consultation with SEPA under another category.

Reason for consultation	When to engage with SEPA
<b>Development characteristic</b>	
<p>A. Developments at potential flood risk based on <u>SEPA's flood maps</u> and any other local information available to make this judgement</p> <p>The maps will help you identify whether a site is located within or near an area at flood risk. Please only consult SEPA on flood risk when a site appears to be at potential flood risk from either reference to these maps, or where other local information suggests flooding may be an issue. In both cases, please only consult us when the applicant has provided at least the information outlined in the "What should I do with this information" section of <a href="#">this webpage</a>.</p> <p>For developments where the only potential source of flood risk is from a small watercourse (which may not be shown in SEPA's flood maps) we request that in the first instance local authority flood risk management staff assess the proposal against any information they hold to determine whether it may be at flood risk, and if so, only consult SEPA if they subsequently recommend that our advice is required.</p> <p>If a flood risk assessment (FRA) has been produced, please ensure that the developer has completed <a href="#">our checklist</a> prior to consulting us.</p>	<p>All types of developments covered in this table that are potentially at risk of flooding <u>except</u> the following which are covered by our flood risk standing advice:</p> <ul style="list-style-type: none"> <li>• Only source of flood risk is surface water</li> <li>• Change of use within a vulnerability category or to a lower category of vulnerability where there is no change in footprint</li> <li>• Extensions of all sizes that do not form an entirely new dwelling</li> <li>• New, altered or extended garages, sheds, conservatories and greenhouses</li> <li>• Essential infrastructure or water compatible uses</li> <li>• Cemeteries</li> <li>• Small scale street furniture</li> <li>• Walls, fences and other enclosures</li> <li>• Like-for-like replacement of watercourse crossings</li> <li>• Hydro schemes</li> <li>• Footpaths, access tracks, private roads, car parts and other landscaping proposals</li> <li>• Open sided agricultural buildings and structures</li> <li>• Septic tanks and soakaways</li> <li>• Temporary construction accommodation</li> <li>• Reverse vending machines</li> </ul>

	Any type of development that involves landraising in the functional floodplain is <u>not</u> covered by standing advice, and we should therefore still be consulted on such proposals.
B. Waste water drainage in known areas of constraint	<u>Only</u> developments with private drainage in an area identified in a policy in a local development plan as phosphorous sensitive (i.e. Policy 45 and 46 of the Perth and Kinross LPD and Policy 5 of the Inner Moray Firth LPD)
C. Development on sites which store or handle chemicals or substances of a hazardous nature which fall within the scope of COMAH (Control of Major Accidents Hazards) Regulations described in <u>Schedule 1 of the Regulations</u> . Common examples include proposals for (or changes to) whisky sites with three or more maturation warehouses, large scale chemical or agrochemical storage, toxic gas storage, LPG / LNG storage >50T, hydrogen storage >5T, and sites handling explosives	All
D. Development on designated radioactive contaminated land and designated contaminated land Special Sites at (1) Whitelees Road, Lanark (2) The Former Oil Refinery, Old Kilpatrick and (3) Pelikan Hardcopy Scotland Ltd, Turriff	All
<b>Type of development and application</b>	
1. National Developments (ND) - as designated in the adopted National Planning Framework	All
2. Developments supported by EIA	All <u>except</u> wind farm developments of three or fewer turbines
3. Major developments  (We will adopt a proportionate approach here. Where we think we can add most value, we will provide site specific advice. In all other cases we will refer you to standing advice.)	All <u>except</u> : <ul style="list-style-type: none"> <li>Housing development (Class 9) which comprises of less than 100 dwellings, or the area of the site is less than 4 ha</li> </ul>

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	<ul style="list-style-type: none"> <li>• Business (Class 4) and storage and distribution (Class 6) development where the gross floor space is less than 20,000 square meters or the area of the site is less than 4 ha (<u>note</u> we wish to be consulted on all general industry majors)</li> <li>• Mixed-use development which only includes the above uses, where the site is less than 4ha</li> <li>• Development which falls within the "Other Development" classification where the gross floor space is less than 10,000 square metres or the area of the site is less than 4 ha</li> <li>• Windfarm developments of three or fewer turbines</li> <li>• Applications where it has been agreed during pre-application engagement or at a liaison meeting that consultation is not required</li> <li>• Applications on sites that are allocated in the local development plan and where developer requirements related to SEPA's interests have been addressed</li> </ul>
4. Energy generation	<p>All ND, EIA and Major (other than those listed in column 2 of Category 3 above) <u>and all</u>:</p> <ul style="list-style-type: none"> <li>• Short Term Operating Reserves (STOR) and Peaking Plants</li> <li>• Non-agricultural anaerobic digestion plants</li> <li>• Hydro schemes</li> </ul>
5. Waste management facilities	<p>All ND, EIA and Major <u>and all</u>:</p> <ul style="list-style-type: none"> <li>• Landfills - new sites, extensions to existing landfills, extensions to operational lifetime and applications for reprofiling and changes in restoration</li> <li>• Commercial composting operations</li> <li>• Bottom ash processing</li> <li>• End of Life Vehicle (ELV) processing</li> <li>• Energy from waste</li> <li>• Healthcare waste</li> </ul>
6. Flood protection works under S.56 of the Flood Risk Management (Scotland) Act 2009	All
7. Hazardous substance consent under Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015	All

8. Aquaculture	All <u>except</u> shellfish and new or repositioning of feed barges
9. Commercial peat extraction	All
10. Cemetery developments	<u>Only</u> those sites that require a Stage 3 Detailed Quantitative Risk Assessment as described in our <a href="#">advice on assessing the impacts of cemetery developments on groundwater</a> and only after that assessment has been completed

For developments which fall below the thresholds outlined in Table 1 then please see Table 2 for the relevant standing advice. In addition [other guidance](#) is available on our website.

### Table 2: Standing advice for planning authorities

For planning applications that fall below the consultation thresholds in Table 1, please refer to the standing advice set out in Table 2 below. Whilst SEPA has no site-specific comments in relation to such applications, the following advice is provided to give our position and help you, as Planning Authority, meet legislative and policy requirements in your decision-making.

For the avoidance of doubt, we do not require consultation on cases captured by Table 2, even if the application in its current form does not conform with the below advice. The advice below does not constitute a formal objection or non-objection from us, as we have not assessed the application. Where there is coverage of a particular issue within local development plan policies we would expect the application to be determined in line with these policies, however planning authorities should use our standing advice as a material consideration to inform their decision-making. The advice of any of your in-house specialists will also help to inform your determination of this application.

<b>Standing advice (for planning applications which fall below the consultation thresholds in Table 1)</b>	
<b>Regulation by SEPA</b>	
<ul style="list-style-type: none"> <li>SEPA regulates several matters covered by this standing advice including (but not limited to); proposals which impact on the water environment; proposals such as industrial processes or intensive agriculture; proposals which involve the treatment, storage of disposal of waste and agricultural developments involving structures used for the production and storage of slurry and silage.</li> <li>We will address all matters relating to regulation when the appropriate regulatory application is made.</li> </ul>	

- It is an applicant’s responsibility to ensure their proposals will meet all relevant regulatory requirements and they are working within regulatory guidelines. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. We consider it to be at the applicant's commercial risk if planning permission is granted for a development/process which cannot gain authorisation from us, or if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

**Additional information**

- Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations](#) section of our website.
- Proposals which impact on the water environment may be regulated under The Water Environment (Controlled Activities) (Scotland) Regulations 2011. Refer applicants to [The CAR Practical guide](#)<sup>1</sup> and our water permitting team at [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk)
- Proposals such as industrial processes which have air emissions, or intensive agriculture may require a permit under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012). Refer applicants to the [Pollution Prevention](#) section of our website and our waste and industry team at [wasteandindustry@sepa.org.uk](mailto:wasteandindustry@sepa.org.uk)
- Proposals which involve the treatment, storage or disposal of waste may require a waste management licence under The Waste Management Licensing (Scotland) Regulations 2011. Refer applicants to the [waste](#) section of our website and our waste permitting team at [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk)
- For applications regarding the construction of reservoirs for the storage of water direct applicants to [Reservoirs | Scottish Environment Protection Agency \(SEPA\)](#) and contact at [reservoirs@sepa.org.uk](mailto:reservoirs@sepa.org.uk).
- [New development and reservoir risk designation \(sepa.org.uk\)](#)
- [Reservoir position statement \(sepa.org.uk\)](#)

Issue	Standing advice
Flood risk	<p><b>For all matters covered by the below advice, SEPA has not assessed the application and has no site-specific comments to make.</b></p> <ul style="list-style-type: none"> <li>• Development types covered in our flood risk standing advice can be found here: <a href="#">SEPA Flood Risk Standing Advice for Planning Authorities and Developers</a></li> <li>• Consult the local authority’s roads department/flood risk management team for their flood risk advice if required. Their advice should be taken into consideration when determining the application.</li> <li>• Any development that involves landraising in the functional floodplain is <u>not</u> covered by SEPA Flood Risk Standing Advice, and we should therefore still be consulted on such proposals.</li> </ul>

<sup>1</sup> The CAR Practical Guide will be updated in early 2022 and the links within this document updated as soon as possible thereafter.

<p>Waste water drainage</p> <p>(including the carrying out of building/other operations/use of land for the retention, treatment or disposal of sewage, trade waste or effluent)</p>	<ul style="list-style-type: none"> <li>• Sites of all scales, and particularly trade sites, should be required to connect to the public sewer, unless evidence is provided, to the satisfaction of the Planning Authority, that this would not be viable. At the discretion of the Planning Authority, the applicant may also be required to actively engage with Scottish Water to seek growth provision/adoption of the scheme.</li> <li>• Authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) will be required for private foul drainage systems. SEPA cannot guarantee whether consent for private foul drainage systems will be granted until the submission and determination of the relevant authorisation and therefore it is important that the applicant considers this issue early in the planning of the site. This is especially the case where developments with a population equivalent (PE) of greater than 100 are proposed (and trade effluent discharges of greater than 100m<sup>3</sup>/day or 100 PE) as these will require a complex licence and to clearly demonstrate that connection to public sewer is not achievable.</li> <li>• Where small scale (i.e. less than 50 PE) private waste water drainage systems are proposed, we generally prefer discharges to be made to soakaways where ground conditions are suitable rather than discharges to water. Please refer to the regulatory section above.</li> <li>• For Scottish Water waste water treatment works - Scottish Water should have liaised with us as part of the application making process and therefore we have no site specific planning comments to make. Regulatory matters will be addressed when the appropriate regulatory application is made.</li> <li>• Campervan and motorhome waste disposal: applicants should follow <a href="#">A Guide for Independent Developments</a> particularly for 'black water' (containing chemicals).</li> <li>• Discharges from swimming/exercise pools/hot tubs to soakaway or surface waters will require CAR authorisation. If not acceptable to discharge, pool water could be removed by tanker for disposal to a suitably licensed facility.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• <a href="#">SEPA Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements</a></li> <li>• <a href="#">GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer</a></li> <li>• <a href="#">Campervan &amp; motorhome waste disposal - a guide for independent developments</a></li> <li>• Scottish Water operates an online GIS tool showing the extent of the public sewer infrastructure. Further guidance on accessing and using this tool should be sought from Scottish Water.</li> <li>• <a href="#">WAT-RM-03: Sewage Discharges to Surface Waters</a></li> <li>• <a href="#">WAT-RM-04: Regulation of Indirect Sewage Discharges to Groundwater</a></li> <li>• <a href="#">WAT-RM-06: Regulation of Trade Effluent Discharges to Groundwater</a></li> <li>• <a href="#">WAT-SG-41: Discharge of Chlorinated Effluents</a></li> </ul>
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<p>Surface water drainage and Sustainable Drainage Systems (SUDS)</p>	<ul style="list-style-type: none"> <li>• The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) makes Sustainable Drainage Systems (SUDS) a requirement for new development, with the exception of runoff from a single dwelling and discharges to coastal waters. However, SEPA encourages surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (SPP) (Paragraph 209).</li> <li>• Ensure that adequate space to accommodate SUDS is included within the site layout (especially when considering applications for planning permission in principle) in line with SPP.</li> <li>• Consult Scottish Water and/or the local authority's roads department where the SUDS proposals would be adopted by them and, where appropriate, consult the local authority's roads department/flood risk management team on the SUDS strategy in terms of water quantity and flooding issues.</li> <li>• If Ground Water Dynamics Drainage Systems are proposed, in addition to the above, ensure the applicant has undertaken prior ground investigations in order to demonstrate that local ground conditions, including depth to groundwater, are suitable and that the site setting, including run-off/drainage water quality and proximity of sensitive receptors is appropriate. Consult your contaminated land officer if there are potential legacy land contamination issues.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• The developer must ensure SUDS accord with the <a href="#">SUDS Manual (C753)</a>. The Simple Index Approach (SIA) Tool should be used to ensure the types of SUDS proposed are adequate and that all the key points behind any design are considered: water quality, water quantity, amenity and biodiversity, as explained in the SUDS Manual. SUDS ponds can be incorporated into blue/green networks as focal points along active transport routes. The surface water management proposals must comply with The Controlled Activities Regulations General Binding Rules 10 and 11.</li> <li>• <a href="#">Improving the performance of linear assets through green infrastructure (C772)</a></li> <li>• For SUDS guidance in relation to agricultural development refer to <a href="#">Rural Sustainable Drainage Systems: A practical design and build guide for Scotland's farmers and landowners</a></li> <li>• For advice on reducing the volume of contaminated water on a steading or agricultural site see <a href="#">Managing water around the steading</a></li> <li>• Direct discharge to groundwater is not usually permitted under CAR. Drainage systems involving infiltration should be designed to prevent direct discharge and to avoid the creation of preferential pathways to groundwater. Design should accord with the <a href="#">CIRIA SUDS Manual C753</a>. This states that "a minimum distance of 1m between the base of the infiltration system and the maximum likely groundwater level should always be adopted" (see Part D Chapter 13 Section 13.2).</li> </ul>
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	<ul style="list-style-type: none"> <li>For Ground Water Dynamic Drainage Systems, in addition to the above SUDS requirements, prior investigation should be undertaken to confirm ground conditions, including depth to groundwater, are suitable before finalising the design of any drainage system that incorporates infiltration. Ground investigation should be in accordance with BS5930:2015+A1:2020 Code of practice for ground investigations. Investigation of brownfield sites should also align with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Potential seasonal variation in groundwater levels should be taken into account. It is usually most cost-effective to combine site investigation requirements for drainage design with any site investigation required for geotechnical design and/or land contamination assessment.</li> </ul>
<p>Proposals that include engineering works in the water environment (wetlands, burns, rivers, lochs, groundwater and reservoirs)  (including the carrying out of works or operations in the bed or on the banks of a river or stream)</p>	<ul style="list-style-type: none"> <li>Engineering activities in the water environment, such as culverts, bridges, bank modifications and diversions should be avoided wherever possible.</li> <li>Water engineering works, such as culverting, which are solely for land gain should always be avoided.</li> <li>Opportunities for blue/green infrastructure should be maximised wherever possible.</li> <li>Appropriate buffer zones, of minimum 6m from the top of the bank, should be included around any water features.</li> <li>Replacement culverts or bridges where the dimensions are the same are generally acceptable.</li> <li>Where watercourse crossings are unavoidable, bridging solutions or oversized bottomless or arched culverts which do not affect the bed and banks of the watercourse and allow the free passage of migratory fish and other fauna at all times should be required.</li> <li>If the proposal is likely to impact on <b>flood risk</b>, consider whether to consult SEPA as set out in Table 1.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>Authorisation may be required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) The applicant should be referred to the <a href="#">CAR Practical Guide<sup>2</sup></a>. Best practice guidance is also available within the <a href="#">water engineering section</a> of our website.</li> <li><a href="#">Engineering in the water environment good practice guide: river crossings</a></li> </ul>
<p>Development in proximity of existing groundwater and surface water</p>	<ul style="list-style-type: none"> <li>Private water supplies (PWS) are the responsibility of owners and users and are regulated by local authorities. All private water supplies must be registered with the local authority environmental health department. As SEPA does not hold these records, the local authority environmental health department should ensure that any PWS are properly identified as part of an application and should make any appropriate comments based on the information which they hold in relation to that supply.</li> </ul>

<sup>2</sup> The CAR Practical Guide will be updated in early 2022 and the links within this document updated as soon as possible thereafter.

<p>abstractions (which can include private water supplies)</p>	<ul style="list-style-type: none"> <li>• 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: <ul style="list-style-type: none"> <li>○ roads, tracks and trenches are routed at least 100m; and,</li> <li>○ buildings, excavations and quarries are located at least 250m from the abstraction.</li> </ul> </li> <li>• If these buffers are not achieved, then applicants must demonstrate there will be no impact to the groundwater through a risk assessment.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• <a href="https://www.sepa.org.uk/lups-qu31-guidance-on-assessing-the-impacts-of-development-proposals-on-groundwater-abstractions-and-groundwater-dependent-terrestrial-ecosystems.pdf">lups-qu31-guidance-on-assessing-the-impacts-of-development-proposals-on-groundwater-abstractions-and-groundwater-dependent-terrestrial-ecosystems.pdf (sepa.org.uk)</a></li> </ul>
<p>Groundwater and Groundwater Dependant Terrestrial Ecosystems (GWDTE)</p>	<p><b>Groundwater</b></p> <ul style="list-style-type: none"> <li>• Where development includes engineering activities which take place on or below the ground, such as mining, quarrying, building activities and road construction, the applicant should demonstrate how the development has been designed to avoid adverse impact on both the quality and quantity of groundwater (and dependent wetlands and surface water features).</li> <li>• Cemeteries: Applicants should follow SEPA's <a href="#">advice on assessing the impacts of cemetery developments on groundwater</a>. If a Stage 3 Detailed Quantitative Risk Assessment is required then SEPA should be consulted on this once provided, as set out in Table 1.</li> </ul> <p><b>Groundwater Dependant Terrestrial Ecosystems</b></p> <ul style="list-style-type: none"> <li>• For small scale local developments, boggy and wetland areas should be protected and enhanced where possible.</li> <li>• For larger developments where wetlands are a possibility, a Phase 1 habitat survey should be carried out for the whole site and the guidance <a href="#">A Functional Wetland Typology for Scotland</a>, may be used to help identify all wetland areas. National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with all the proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and which avoided.</li> <li>• If there are wetland ecosystems present, the planning submission should demonstrate how the layout and design of the proposal, including temporary construction works, avoids impact on such areas.</li> <li>• Where the applicant demonstrates that avoidance is impossible, ensure that the water supply to the surrounding wetland habitats is protected. Structures such as roads and tracks should ensure water can drain underneath them and clay plugs should be used to avoid linear features, such as cable routes, becoming preferential flow channels which could divert water supply away from existing wetlands so that the habitats do not dry out.</li> </ul>

	<p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• Wetlands can moderate floods and droughts, improve drinking water quality, store carbon, provide habitats for wildlife and be a life-enhancing, tranquil place where the local community can find respite through connecting with nature.</li> <li>• Groundwater can be adversely affected by a range of activities and there is specific legislation and guidance covering each activity: <a href="#">Abstraction</a>; <a href="#">Agriculture</a>; <a href="#">Cemeteries</a>; <a href="#">Chemical storage</a>; <a href="#">Land contamination</a>; <a href="#">Discharges</a>; <a href="#">Ground engineering works</a>; <a href="#">Waste</a>; <a href="#">Energy</a></li> <li>• <a href="#">lups-gu31-guidance-on-assessing-the-impacts-of-development-proposals-on-groundwater-abstractions-and-groundwater-dependent-terrestrial-ecosystems.pdf (sepa.org.uk)</a></li> </ul>
Construction activities – pollution prevention	<ul style="list-style-type: none"> <li>• The applicant should identify any sensitive receptors (in relation to groundwater and surface waters) and, if such sensitive receptors are present, provide a schedule of mitigation. This should be supported by annotated site-specific maps/plans which include reference to best practice pollution prevention and construction techniques and regulatory requirements. If appropriate, request applicants set out the daily responsibilities of an Environmental Clerk Of Works and how site inspections will be recorded and acted upon.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• Discharge of water run-off from a construction site to the water environment is authorised by SEPA either by CAR general binding rules, or by licence. The type of authorisation required depends on the scale of the construction site itself. Further information on the levels of authorisations can be found in the <a href="#">CAR Practical Guide</a><sup>3</sup>.</li> <li>• General environmental and regulatory guidance and best practice advice in relation to pollution prevention can also be found in our series of <a href="#">Guidance for Pollution Prevention</a></li> </ul>
The use of land for the deposit of any kind of refuse or waste, including slurry or sludge (including structures for silage and slurry)	<ul style="list-style-type: none"> <li>• Proposals which involve the treatment, storage or disposal of waste may require a waste management licence under The Waste Management Licensing (Scotland) Regulations 2011 or The Pollution Prevention and Control (Scotland) Regulations 2012.</li> <li>• Agricultural developments involving the storage and handling of slurry, silage and anaerobic digestate must be designed and operated in accordance with The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)). Refer to the regulatory section above. SEPA will address all matters relating to regulation when the appropriate regulatory application is made.</li> </ul>

<sup>3</sup> The CAR Practical Guide will be updated in early 2022 and the links within this document updated as soon as possible thereafter.

	<p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• As of 1st January 2022, the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (as amended) has been consolidated into CAR General Binding Rules.</li> <li>• <a href="#">New general binding rules on silage and slurry - what's changed?</a></li> </ul>
Development on peat	<ul style="list-style-type: none"> <li>• Ensure that developments are designed to avoid impacts on all peat as much as possible (SPP, paragraph 205). The planning submission should demonstrate how the layout and design of the proposal, including of temporary construction works, avoids impact on such areas.</li> <li>• Where avoidance is impossible, ask the applicant to identify measures to minimise peat disturbance. These can include measures such as floating tracks, floating temporary infrastructure, using bog mats, or piling foundations.</li> <li>• Ensure that any peat disturbed by the development is protected from drying out and, if any is extracted, ensure that it is used in a manner that enables re-vegetation, protects it from drying out and is environmentally sustainable – for instance, ensure it is not used in the construction of bunds or spread on undisturbed peat.</li> <li>• Seek to compensate for carbon loss from disturbed peat by measures such as peatland restoration (on or off-site).</li> <li>• It may not always be possible to use all excavated peat on site for genuine uses and in such cases the material will be considered as waste and waste legislation requirements would apply.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• <a href="#">SEPA's waste position statement for developments on peat</a></li> <li>• <a href="#">SEPA's development on peatland guidance – waste</a></li> <li>• <a href="#">Peat survey guidance</a></li> <li>• <a href="#">Floating roads on peat</a></li> <li>• <a href="#">Guidance on the assessment of peat volumes, reuse of excavated peat and minimisation of waste</a> (This document, which dates from 2012, has not been reviewed or updated since. It does not reflect current legislation, good practice or controls. It continues to be used to provide some relevant advice, and has been retained for reference purposes)</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>• Advice on air quality should be sought from your environmental health colleagues because they are the lead authority on these matters. If your environmental health colleagues require advice on issues relating to local air quality, particularly when development is located within or adjacent to an Air Quality Management Area (AQMA), and it is not a type of development SEPA provides site specific advice on, then they should contact our air quality specialists directly at <a href="mailto:airquality@sepa.org.uk">airquality@sepa.org.uk</a>.</li> <li>• For Medium Combustion Plants (devices, such as boilers, in which fuels are burned to make use of the heat generated and with a net rated thermal input of 1MW - 50MW): Ensure that a stack height is agreed that ensures</li> </ul>

	<p>statutory air quality objectives are met. We recommend consultation with environmental health colleagues to determine whether an Air Quality Impact Assessment (AQIA) is required for this purpose. If your environmental health colleagues require advice on air quality matters relating to Medium Combustion Plant, SEPA's air quality specialist can be consulted directly at <a href="mailto:airquality@sepa.org.uk">airquality@sepa.org.uk</a>.</p> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• Medium Combustion Plant (1MW - 50MW net rated thermal input) must be registered with or have a permit from SEPA before they can operate. However, Best Available Techniques (BAT) assessment and stack height assessment have been disapplied under the Medium Combustion Plant Directive (MCPD) amendment to the PPC Regulations. Also, within the Medium Combustion Plant regulations, some plants may be exempt from emission limit values. Therefore these matters require to be addressed at the planning application stage, through consultation with environmental health colleagues, allowing a stack height to be agreed which ensures statutory air quality objectives are met, impact on nearby sensitive receptors is minimised and local air quality is protected to limit impacts for local communities.</li> <li>• <a href="#">Air quality   Scottish Environment Protection Agency (SEPA)</a></li> <li>• <a href="#">Medium combustion plant   Scottish Environment Protection Agency (SEPA)</a></li> <li>• <a href="#">Local air quality management: policy guidance</a></li> <li>• <a href="#">Guidance - Air Quality in Scotland</a></li> <li>• <a href="#">Cleaner Air for Scotland 2 - Towards a Better Place for Everyone</a></li> </ul>
Energy	<ul style="list-style-type: none"> <li>• Ensure developments maximise energy efficiency opportunities and encourage the reuse of electrical and heat energy on site where possible. This can be achieved through site layout and design, building fabric and orientation and access and connectivity.</li> <li>• Where relevant, surplus heat, biogas or electricity should be recovered through energy storage systems on site or made available to a third party where this is achievable.</li> <li>• Information should be included to identify the source of energy – electricity and heat - for the proposal. Ensure developments utilise environmentally sensitive renewable energy and other low carbon technologies, where appropriately scaled, located, and mitigated.</li> <li>• Ensure that developments adjacent to existing or planned heat networks/district heating networks enable connection to a heat network or heat producer unless it can be demonstrated to the satisfaction of the Planning Authority that this would not be viable. In such cases an Energy Statement informed by a Feasibility Study should be provided for assessment by your authority demonstrating how the proposal will meet the requirements for providing district heating onsite.</li> </ul>

	<p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>Proposals should be consistent with the principles of the energy cycle as identified within <a href="#">SEPA's Energy Framework</a>, in line with attaining the emission reductions targets set out in the Climate Change Plan update (CCPu) as informed by the Climate Change (Emissions Reductions Target) (Scotland) Act 2019.</li> <li>Energy statements should be prepared in line with the Scottish Government's <a href="#">Heat Demands: Planning Advice</a> and assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land will be safeguarded for future district heating infrastructure.</li> <li><a href="#">Energy Efficient Scotland</a></li> </ul>
Proposed new developments in proximity to SEPA regulated sites (noise, odour, air quality)	<ul style="list-style-type: none"> <li>Consult your environmental health team for advice on potential negative impacts resulting from the interaction of the proposal and the regulated site and the need for any amendments to the new development to take into consideration, minimise, or avoid any potential negative impacts. If required, they may contact SEPA for further advice relating to proposed development adjacent to sites licensed under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) at <a href="mailto:wasteandindustry@sepa.org.uk">wasteandindustry@sepa.org.uk</a>.</li> <li>Consider consulting the operator of such licensed sites even if outwith neighbour consultation distances.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>We regulate operations on licensed sites via PPC permit/Waste Management licence. However, due to the nature of some licensed activity, even with the use of best industrial practice, mitigation and odour abatement techniques, it is possible there may be residual impacts outwith the site boundary. Such impacts may not necessarily represent non-compliance with the site licence conditions and therefore cannot be controlled by us.</li> </ul>
Mining operations	<ul style="list-style-type: none"> <li>SEPA recommends that applications for mining operations are supported by a site management plan which provides information on how the water environment will be protected.</li> </ul> <p><b>Stabilisation of mine workings with Pulverised Fuel Ash (PFA) grouts</b></p> <ul style="list-style-type: none"> <li>An appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout should be undertaken. If the preliminary and simple risk assessments identify that the site is higher risk and conceptually complex, then a complex risk assessment is required. At this stage the developer should highlight this to SEPA. Consultation with The Coal Authority is recommended.</li> </ul> <p><b>Additional information</b></p>

	<ul style="list-style-type: none"> <li>• The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment.</li> <li>• The assessment should be undertaken in line with the guidance document: Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509 to assess whether the use of PFA grout will meet the requirements of GBR 16 and should primarily serve the developer to ensure no pollution occurs as a result of the activity.</li> <li>• Further details relating to CAR requirements can be found on SEPA’s website <a href="http://www.sepa.org.uk/water/water_regulation/regimes.aspx">www.sepa.org.uk/water/water_regulation/regimes.aspx</a></li> <li>• <a href="#">Standing Advice for Planning Authorities on Extractive Waste</a></li> </ul>
<p>Construction activities – site waste management</p>	<ul style="list-style-type: none"> <li>• The applicant should demonstrate that they will apply the <a href="#">waste hierarchy</a> to waste produced during construction and operation of their development and that there will be no discarding of materials that are likely to be classified as waste. Any such proposals would be unacceptable under waste management licensing. Such waste may include soils, welfare facility waste, surplus construction materials.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• Waste disposal should accord with legislation and best practice. Developers have responsibilities under the <a href="#">Duty of Care</a> for waste. Waste removed from a site must be deposited at a suitably licensed site under the Waste Management Licensing (Scotland) Regulations 2011.</li> </ul>
<p>Oil storage (including the carrying out of building or other operations or use of land for the purposes of providing or storing mineral oils and their derivatives)</p>	<ul style="list-style-type: none"> <li>• Ensure that proposals for oil storage facilities are located and designed in accordance with the Building Standards Technical Handbooks.</li> <li>• Oil storage may be regulated under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Refer to the regulatory section above. SEPA will address all matters relating to regulation when the appropriate regulatory application is made.</li> </ul> <p><b>Additional information</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Oil storage in Scotland   Scottish Environment Protection Agency (SEPA)</a></li> </ul>



Forest removal and forest waste	<ul style="list-style-type: none"> <li>Development should minimise the extent of tree felling and proposals for reuse of forest material should be in line with our guidance: <a href="https://www.sepa.org.uk/use-of-trees-cleared-to-facilitate-development-on-afforested-land">Use of Trees Cleared to Facilitate Development on Afforested Land- (sepa.org.uk)</a></li> </ul>
Contaminated land	<ul style="list-style-type: none"> <li>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 at <a href="mailto:contaminated.land@sepa.org.uk">contaminated.land@sepa.org.uk</a></li> </ul>
Aquaculture	<p><b>New or repositioning of feed barges</b></p> <ul style="list-style-type: none"> <li>The applicant needs to ensure that the feed barge position will not impede seabed monitoring as a condition of their Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) licence.</li> </ul> <p><b>Shellfish applications</b></p> <ul style="list-style-type: none"> <li>The applicant should identify if a proposed shellfish farm is located within a designated shellfish water protected area, and it would be in their interest to liaise with the Food Standards Agency (Scotland) to determine if the area has complied with the guideline standards for faecal coliforms in biota.</li> <li>Outwith such areas, we recommend identification of Scottish Water assets, trade discharges or other private treatment works in the area as the potential input of coliforms into the water body from treatment works could affect the classification of shellfish grown. Regardless of location, land run-off, including that from grazing livestock, can affect water quality and shellfish classification. We consider marketability due to water quality issues to be a commercial risk to the applicant. The above issues should be considered when assessing the commercial viability of the shellfish farm. The Planning Authority may also wish to consider if there are other active shellfish or fin fish farms in the vicinity.</li> </ul>

### **3. Enhanced collaboration**

At the core of our new way of working is a much greater focus on providing opportunity for frequent and enhanced collaboration to help facilitate development that addresses the climate and nature emergency in ways that maximise benefits for people and place.

By working more collaboratively and providing regular opportunities for you to discuss casework with us, we wish to:

- Particularly help you with cases where SEPA can add most value;

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- Shift the focus away from transactional ways of working;
- Support wider collaboration as promoted in the [Key Agency Green Recovery offer](#); and,
- Help us collectively navigate, and maximise the opportunities presented by, the changing planning landscape in 2022 and beyond.

Taking a collaborative place-based approach is central to this new way of working. The most effective way we can collectively do this is by engaging with you, your colleagues, and other stakeholders at the earliest possible stage in development plans, masterplans, regional spatial strategies and other strategically important projects. All of these provide opportunities to deliver transformative outcomes.

For information on accessing this document in an alternative format or language please either contact SEPA by telephone on 03000 99 66 99 or by email to [equalities@sepa.org.uk](mailto:equalities@sepa.org.uk)

If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

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

[www.sepa.org.uk](http://www.sepa.org.uk)

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