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If telephoning ask for:
Katherine Lakeman

11 January 2013

By email: sppreview@scotland.gsi.gov.uk

Dear Carrie

SCOTTISH PLANNING POLICY REVIEW – PRIORITIES FOR CHANGE

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above consultation.

Current Scottish Planning Policy (SPP) provides a strong policy framework for many environmental issues within our remit and we particularly welcomed the introduction of a policy framework for sustainable development and climate change as part of the 2010 update. The current SPP is, in this respect, very good and we would wish to see the strong policy framework for protecting and improving the environment retained. We also consider that the core principles enshrined in paragraphs 7 to 9 of the current document are clear and sound and we would hope that they are carried forward into the revised SPP.

The review of the SPP does, however, provide an excellent opportunity to review, update and strengthen the document. We fully support the key themes of sustainable economic growth and place making which are guiding the review of SPP, and are keen that the definition of sustainable economic growth is retained that is given in paragraph 36, "*Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too.*" We consider that these themes have a strong resonance with SEPA's objectives and that in achieving them we can achieve multiple benefits for the Scotland's wider environment, society and economy. Key changes we would advocate include:

- **Strengthening the role of the SPP in achieving sustainable development and contributing towards the Scottish Government's ambitious climate change targets and emerging climate change adaptation programme.** These themes should follow through from the introduction so that they are strongly embedded into the whole fabric of the SPP so that planning authorities (in accordance with the public bodies duties in the Climate Change (Scotland) Act 2009) are aware of the importance of acting sustainably and in contributing to climate change action in all that they do.



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- **Updating the SPP to assist in the implementation of new areas of legislation and associated strategies and guidance.** These include the enactment of the Marine (Scotland) Act 2010, Scotland's Land Use Strategy, guidance on fulfilling public body duties under the Climate Change (Scotland) Act 2009, the 2020 Routemap for Renewable Energy in Scotland, Delivering Sustainable Flood Risk Management, the Zero Waste Plan and the Scottish Soils Framework.
- **A stronger direction for development plans in assisting in the delivery of the above agendas** given the emphasis on front loading the planning system.
- **A review of subject areas of particular interest to SEPA including flood risk, waste management, the water environment and renewable energy.** The statutory and wider policy framework for these subject areas has changed significantly since the drafting of the current policies and it will be important that the updated policy framework reflects these. The incorporation of such areas into the proposed revised structure to the SPP will need careful consideration to ensure that they are given due consideration in planning processes.
- **A new policy framework to facilitate the role of planning in delivering heat networks.** Planning has a pivotal role to play in delivering Scotland's renewable heat target introduced by the Climate Change (Scotland) Act 2009. SPP should set out a clear policy position stating what the planning system is expected to deliver in this respect and the requirements that should be placed on new developments.
- **Greater clarity of policy in certain areas such as planning's role in relation to air quality, human health and the interaction between marine and terrestrial planning.** Our experience has shown that the lack of clarity can lead to delays and unnecessary costs to all parties involved in the planning system.

Further detail is provided in the twelve pro-formas attached to this letter. These have been structured to reflect policy coverage in SPP for those issues in which we have a particular interest. We appreciate that these contain a lot of information and we would welcome the opportunity to meet to discuss and clarify any of the points made and to contribute in any way when we can to drafting the document.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Katherine Lakeman, Principal Policy Officer (Planning), SEPA Corporate Office, at the address shown below.

Yours sincerely



Paula Charleson
Head of Environmental Strategy

Enc

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Air quality

What works?

Clear policy stance in paragraph 37 that decision making in the planning system should take into account the implications of development for air quality.

What doesn't work?

Lack of policy direction on how planning authorities should consider air quality issues through development planning and development management to achieve multiple benefits.

Stronger policy wording on air quality is found in National Planning Framework 2 (paragraph 83) than in SPP.

Why?

Air quality in the UK and across the EU has improved significantly in the last couple of decades. However, we are still seeing evidence of negative health effects and environmental damage caused by emissions of air pollutants such as particulate matter (PM), ammonia (NH₃), oxides of nitrogen (NO_x) and sulphur dioxide (SO₂). The air pollutants of greatest concern in the UK now are PM, NO_x, ozone (O₃) and NH₃. Meanwhile, climate change has emerged as a major global challenge with achievement of legally binding targets by 2050 a key priority for the UK and Scottish Governments.

The planning system has an important role to play in improving air quality and reducing exposure to air pollution. Planning decisions can have significant implications for the implementation of Air Quality Management Plans and regulatory regimes such as PPC and COMAH due to co-location issues.

The review of SPP provides an opportunity to provide a clearer policy framework on how the planning system in Scotland can contribute to reducing exposure of sensitive receptors to air pollutants and improving air quality. In doing this planning policy would provide positive support in meeting Scotland's national and EU targets in relation to air quality. It could also contribute towards other agendas such as climate change (ref: [Air Pollution: Action in a Changing Climate](#) (DEFRA, 2010)), green networks, transport and improving the quality of living and working environments to the benefit of human health.

The current SPP provides no policy guidance on issues arising from the co-location of sensitive land uses such as housing near regulated activities. This can be a particular issue when sensitive uses are proposed adjacent to existing regulated sites as the onus is on the operator of the regulated site to ensure that impacts are mitigated. This may necessitate a change in licence requirements. Whilst this usually relates to air quality issues it can also relate to other issues such as odour, dust or health and

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SPP Review - Priorities for Change

safety. We have had recent experience of co-location issues in relation to waste management facilities, biomass plant and oil refineries where a clearer policy framework would have been very useful.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The revised SPP should therefore provide a clear policy direction on:

- how development plans should contribute to the delivery of Air Quality Management Plans.
- How air quality should be considered in development management decisions.
- Co-location of developments in the vicinity of regulated installations.

Links to sustainable economic growth

Air pollution causes annual health costs of roughly £15 billion to UK citizens. Many of our activities, especially transport and energy generation, contribute to both local air pollution and global climate change, so it makes sense to consider how the linkages between these policy areas can be managed to best effect (ref: [Air Pollution: Action in a Changing Climate](#) (DEFRA, 2010)).

Commitments to building a low carbon economy as set out in the Scottish Climate Change Act will reduce air pollution, but choices about the route we take to 2050 will affect the scale of improvements to air quality. Factoring air quality into decisions about how to reach climate change targets results in policy solutions with even greater benefits to society. Optimising climate change policies for air pollution can yield additional benefits of some £24 billion (net present value) by 2050 (ref: [Air Pollution: Action in a Changing Climate](#) (DEFRA, 2010)).

There can also be costs incurred on businesses caused by the co-location of sensitive land uses. This can lead to a need to amend environmental licences to require additional abatement measures to be installed by the operator.

Links to place making

Good air quality is also essential to achieving high quality and healthy living and working environments. Actions to help improve air quality can also contribute to other aspects of the sustainable place making agenda such as green networks, active travel and climate change mitigation.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subject

Policy Subject/s : Coastal planning

What works?

Clear policy statement in paragraph 98 that rising sea levels and more extreme weather events resulting from climate change will have a significant impact on coastal areas (although further policy direction on how this should be considered is needed).

Clear policy statement in paragraph 98 that new land based developments in coastal areas should not normally be permitted where it will require significant new defences against coastal erosion or coastal flooding unless defences are planned as part of a long term strategy.

Clear policy statement in paragraph 100 relating to the role of developments in planning for the coast.

What doesn't work?

Better alignment required with the new legislative framework including the:

- Marine (Scotland) Act 2010;
- Flood Risk Management (Scotland) Act 2009 and associated documents such as [Delivering Sustainable Flood Risk Management](#) (Scottish Government, 2011) and,
- Climate Change (Scotland) Act 2009.

Lack of recognition in paragraph 102 that coastal flood risk as a significant constraint on new development.

No policy direction on how to consider emerging pressures on coastal areas through planning including:

- Climate change and the implications of sea level rise, including the potential need for managed coastal retreat; and,
- Onshore infrastructure to support offshore renewable industry including links to the National Renewables Infrastructure Plan and national spatial plans for offshore renewable technologies.

Why?

The Marine (Scotland) Act 2010 introduces a new planning regime for the marine environment which will need to dovetail with the terrestrial planning system particularly in coastal areas where there is a geographical overlap between the two regimes. It is therefore important that the SPP provides a clear policy direction on the role of the terrestrial planning system in coastal areas and clarify linkages with marine planning so that the two regimes are effectively and consistently aligned.

SPP Review - Priorities for Change

Over recent years we have developed a better understanding of potential impacts of climate change on coastal areas within Scotland. It is important that planners consider these impacts in line with Public Body duties under the Climate Change (Scotland) Act 2009. When Scotland's Adaptation Programme is published later this year planning authorities will have to undertake their planning functions in a way best calculated to deliver this programme.

The current SPP was prepared before the introduction of the Flood Risk Management (Scotland) Act 2009 and therefore does not reflect the step change to managing flood risk, including coastal flood risk, introduced by the Act. [Delivering Sustainable Flood Risk Management](#) recognises that land use planning decisions are one of the most powerful tools available to manage flood risk.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The revised SPP should reflect the new legislative framework including the:

- Marine (Scotland) Act 2010; In particular the relationship with and links to the emerging marine planning regime (and associated plans such as NRIP and national spatial plans for offshore renewable technologies) should be clarified;
- Flood Risk Management (Scotland) Act 2009 and associated documents such as [Delivering Sustainable Flood Risk Management](#) (Scottish Government, 2011) and,
- Climate Change (Scotland) Act 2009 and in particular provide a policy direction on how planning can help ensure that coastal areas are resilient to future changes in the climate and sea level rise. This should not be purely focussed on coastal protection but should include a policy framework for more long term sustainable options such as managed coastal realignment.

Links to sustainable economic growth

The coastal regions of Scotland have a vital role to play in Scotland's current and future economic health. A strong planning framework for our coastal areas will help ensure that their economic potential is realised by enabling the development of emerging industries such as offshore renewables and protecting businesses from future risks associated with climate change. It will also help ensure that the natural capital of our coastal areas is protected in the long term to sustain key areas of Scotland's economy such as tourism and fisheries. This should be in line with the definition of sustainable economic growth contained in paragraph 36 of the current SPP: "*Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too*".

Links to place making

The planning system has an important role to play in ensuring that the pressures and opportunities on Scotland's coastal areas are given full consideration in their future development. This is essential if we are to create sustainable places for living, working and leisure along our coasts.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Fish farming

What works?

It is useful to have a specific section on fish farming given the unique nature of this type of development.

Policy statement in paragraph 104 that there is a presumption against development of marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

What doesn't work?

The implications the new marine planning regime for terrestrial planning should be explained within the context of fish farming. This should cover the links between the two and the impact for the terrestrial planning of fish farms.

The policy is lacking coverage of the shellfish industry, which does not come under EIA regulations or the Controlled Activity Regulations (CAR).

Paragraph 104 refers to three main components of fish farming industry – marine finfish farms, shellfish farms and freshwater farms. The policy should also cover emerging industries such as seaweed (algal).

Greater clarity is needed as to which requirements relate to which sections of the industry. For example: paragraph 105 refers to development plans identifying areas which are potentially suitable for new or modified fish farm development which we support. The *Locational Guidelines for Marine Fish Farms in Scottish Waters* mentioned later in this paragraph relates to finfish farms only.

The first sentence in paragraph 106 is useful but should be expanded to explain the types of onshore infrastructure and why they are needed. This should include appropriate infrastructure for servicing the fish farms, including proper oil storage and waste management facilities.

Whilst paragraph 107 mentions that information is required relating to the “proposed restoration following cessation of operations” we consider this should be strengthened to ensure that sites are adequately restored upon cessation of operations. We have experience of cages being abandoned on disused sites and causing a waste problem.

Why?

The reasons are covered in the above section.

SPP Review - Priorities for Change

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The implications the new marine planning regime for terrestrial planning should be explained within the context of fish farming. This should cover the links between the two and the impact for the terrestrial planning of fish farms.

The development plan section could usefully refer to the Scottish Government's presumption against development on the north and east coasts and specify that plans should identify suitable areas for marine finfish, freshwater fish farms, shellfish farms and algal production. The *Locational Guidelines* mentioned in paragraph 105 only relate to marine finfish. It would be helpful for planners if the SPP could explain how these guidelines can be used to inform planning policy (ie. coastal waters are divided into three categories as a basis for guidance on where new development will be acceptable).

In the case of shellfish (and algal production) the SPP could usefully state that it would be preferable to locate new development in shellfish designated waters which are protected areas under Water Environment and Water Services (Scotland) Act (2003). Outwith these areas development should not lead to a requirement to upgrade public infrastructure with consequent impact on environmental improvements elsewhere.

Paragraph 108 should make it clearer that CAR licences only apply to finfish farms and not shellfish farms.

It should be made clearer that it is important for planning authorities to ensure that sites are properly restored on cessation of operations (through for example a planning condition) to avoid environmental problems such as abandoned waste equipment being left on disused sites.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Flooding and drainage

What works?

The Risk Framework concept (but with some provisos such as better alignment with the concepts introduced by the Flood Risk Management (Scotland) Act (2009) (FRMA) and some clarity of terminology eg. the meaning of ‘built up’ areas and how this relates to brownfield and greenfield sites)

Clear policy direction in para 197 that: “*Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted.*”

Clear policy direction in para 203 that: “*Built development should only be built on functional floodplains where it will not affect the ability of the flood plain to store and convey water, where development will not be at risk of flooding and where the development would not increase the risk of flooding elsewhere.*”

Clear policy direction in para 39 that “*Decisions on the location of development should prevent further development which would be at risk of flooding or coastal erosion.*”

What doesn't work?

The SPP does not reflect the new concepts of flood risk management enshrined in the Flood Risk Management (Scotland) Act 2009 (FRMA) and associated publications such as [Delivering Sustainable Flood Risk Management](#) (Scottish Government, 2011).

In particular the revised SPP will have to reflect:

- The broader definition of flood risk including a policy position on *all* types of flooding and the need to consider potential impacts on human health, cultural heritage the economy and the environment.
- How the planning system should consider surface water flooding.
- The general duties for responsible authorities including the need to reduce overall flood risk.
- The principles and overarching outcomes outlined in [Delivering Sustainable Flood Risk Management](#) including the importance of avoiding risk in the first instance.
- The requirement for development plans to have regard to Flood Risk Management Plans and the need for a more integrated catchment based approach to flood risk.
- The need to front load the consideration of flood risk through well informed development plans.
- The implications of projected climate change on flood risk and how this should be considered through planning processes.

Why?

The approach presented in the current SPP was prepared before the FRMA and therefore does not

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SPP Review - Priorities for Change

reflect the step change to managing flood risk introduced by the Act. [Delivering Sustainable Flood Risk Management](#) recognises that land use planning decisions are one of the most powerful tools available to manage flood risk. It is therefore imperative that the revised SPP provides a clear policy direction on how planning should be used to help deliver sustainable flood risk management.

[Guidance to support public bodies in exercising their duties under the Climate Change \(Scotland\) Act 2009](#) was published in February 2011. A clear policy framework on how this should be implemented through planning responsibilities, including the consideration of potential future impacts of climate change on flood risk, should therefore be included in the SPP review.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

Align national planning policy with the new definition of flood risk and concept of sustainable flood management enshrined in the FRMA and [Delivering Sustainable Flood Risk Management](#). This can have multiple benefits including assisting in the delivery of sustainable economic growth and enhancing the quality of places where we live and work.

Links to sustainable economic growth

Flooding can endanger livelihoods and disrupt the services and infrastructure that support our economic wellbeing. Planning has a pivotal role to play in avoiding the creation of flood risk in the first instance and, where risks cannot be avoided, by minimising the risks for Scotland's business communities through appropriate mitigation measures. Avoiding risks has the additional benefit of reducing business overheads (eg through insurance premiums) and thereby improving competitiveness.

Avoiding flood risk also contributes to sustainable economic growth by ensuring that businesses are protected from the potential future risks and costs associated with climate change.

Links to place making

Protecting our watercourses and their functional flood plains not only provides a natural space for flooding and the storage of water but can also provide a framework for green/blue networks in our urban areas. Such networks can enhance the quality of places through the multiple benefits they bring whilst also reducing flood risks in the local and wider area through natural flood attenuation.

Well designed places can help reduce flood risk by ensuring that surface water is managed at source or before it enters a watercourse or drainage system by allowing for the increased capture and reuse of water (eg. through increased absorption through the ground, more above ground storage and routing of surface water separate from the foul sewer system). This approach complements other desirable outcomes of the place making agenda such as high quality amenity areas, active travel routes, resilience to climate change and high quality environments that can help attract and retain inward investment.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Heat Networks

What works?

A policy direction on heat networks is not included in the current SPP.

What doesn't work?

There is a lack of clear policy position and direction regarding the provision of Heat Networks, and the contribution that they can make to a low carbon economy and provision of heat and energy sources.

Why?

This omission has resulted in the creation of a gap between policy aspirations which require heat and power producers to maximise energy efficiency, and a lack of policy requiring major developments to be located near to such heat/energy sources. District heating represents a significant opportunity to decarbonise the heat sector.

The ambitions and targets set out in the 2020 [Routemap for Renewable Energy in Scotland](#)¹ need to be reflected in the SPP. In particular, the commitment to generate an equivalent of 100% of Scotland's electricity demand from renewable sources by 2020 includes a sub-target of achieving at least 11% of this from renewable heat.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

We recommend that a new policy section on Heat Networks is included within SPP, which can form part of an overall suite of policy sections on climate change, renewable energy and waste policy. Essential to sustainable place making is not only the consideration of, but also affirmative action towards, linking

¹ www.scotland.gov.uk/Publications/2011/08/04110353/0

SPP Review - Priorities for Change

up energy, climate change and waste policies. Whilst intrinsically linked to all of these issues, we recommend that clearly identified section on heat networks is included in SPP due to the growing issue surrounding affordable heat and maximising use of resources. Supporting the creation of heat networks will support other key Government policy areas, such as addressing heat poverty.

Clear Policy Position

This section of the SPP should focus on how new and existing heat networks should be established and the role played by new development, and development plans, in enabling this to take place. SPP should set out a clear policy position stating what the planning system is expected to deliver, and the requirements that should be placed on new developments. We recognise that not all developments will be capable of linking to, or providing, a heat network, but that as much effort should be made as possible to enable heat providers and heat users to link up ensuring as much benefit as possible is gained from heat generated (from renewable sources and residual heat generated) in Scotland. This policy position could also be supported by NPF3 through elements such as a national heat network and a national waste infrastructure network.

We therefore recommend that the SPP should provide a robust policy position which requires:

- Development plans to set out policies for ensuring that new energy from waste facilities and land allocations in development plans for new major developments are complimentary, and actively require new major developments to be located where access to heat and/or power from decentralised sources is available. Linking land allocations and heat networks at development plan level could require co-location of heat providers with heat users, thereby ensuring that the aspirations of Heat Plans (required by planning and environmental regulation for thermal treatment plants) will be achieved.
- A presumption in favour for new development to link with existing heat networks and heat producers, in order to maximise the efficiencies of existing and proposed networks.
- A requirement for all new heat producers to link with existing heat networks, or to establish links with new or existing heat users to create new heat networks.

SEPA is considering this issue as part of its review of the Thermal Treatment of Waste Guidelines. Whilst environmental regulation is key to ensuring that thermal plant efficiencies are maximised, planning has an essential role in enabling new developments with high heat and / or power requirements to be located where these resources are available. Such an approach will also enable planning to make a meaningful contribution towards Scotland's Climate Change targets.

Current district heating systems in Scotland are typically localised 'island' networks; extending and connecting these island schemes with heat mains would share heat demand and supply across a diversified network allowing the gradual evolution of conurbation-wide heat grids. Many potential district heating networks only become commercially viable once a long-term 'anchor load' is signed up to the scheme. In planning for new development, planning authorities can ensure that major new allocations for development require links to be made to heat networks and/or heat producers yet to be linked into heat networks.

The use of heat maps can support and provide an evidence base for such policy requirements in development plans. We recommend that SPP provides support for the inclusion of heat maps as supporting documentation for development plans.

We recommend that the SPP is not specific in terms of the technology used to generate the heat for the heat networks; once the heat network is in place, the technology and facilities which generate heat can be improved, replaced and updated.

Links to Placemaking

The SPP should require development plans and development proposals to link to existing heat networks, and provide the opportunity to create new if appropriate. This will work towards enabling our

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SPP Review - Priorities for Change

people to live in a home which is provided with affordable heat, playing an important role in improving our health and way of life.

Links to sustainable economic growth

Heat networks have the potential to contribute towards Scotland's low carbon economy and can help improve business competitiveness through resource efficiency and related reductions in revenue.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Human health

What works?

There is currently no policy direction in the SPP on how planning can contribute to protecting and improving human health.

What doesn't work?

We feel that there is scope to have a stronger focus in the SPP about how planning authorities can plan for protecting and improving human health. While we recognise that specific impacts on human health arising from emissions from new developments will often be regulated by SEPA as part of its regulatory functions and not through planning, we do feel that there is scope for the SPP to provide more about how planning can contribute in a wider sense to protecting and improving human health and to provide more specific policy guidance to planning authorities about which health matters should be considered by planning and those which will be considered by other regulatory processes.

Why?

Because planning is very well placed to be able to consider and address potential impacts on health. In particular, positive planning for health as part of development plans can ensure that new developments enable opportunities for more active lifestyles – eg by improving opportunities for walking or cycling to work or for leisure. Further, by fully considering at the development plan stage potential impacts on human health (for example from inappropriate co-location of new sensitive receptors like housing adjacent to established industrial processes or by considering the cumulative impact of planned developments on air quality), planning can play a key role in protecting and improving health.

There is often confusion about why health issues arising from a particular development cannot be considered at the planning stage. This can lead to frustration – particularly among communities who wish to be able to explore the health impacts of some proposals at the planning stage, but also to inconsistent approaches where in some cases health issues will be considered and in others not. Providing clarity on this through the SPP would therefore be helpful.

The new definition of flood risk introduced by the Flood Risk Management (Scotland) Act 2009 specifically includes the risk to human health. This aspect of flood risk must therefore be given due consideration when considering development that may impact on flooding.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

Provide clear policy direction on how the planning system can make contributions to the protection and improvement of human health.

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SPP Review - Priorities for Change

Make it clear to planning authorities the issues they must consider with respect to protecting and improving human health when preparing development plans and when considering planning applications.

Make it clear which health issues should be considered under planning and which will normally be reserved for other controls such as the Pollution Prevention and Control (PPC) regime.

The flood risk section should provide policy direction on the consideration of impacts on human health caused by developments that impact on flooding. The concept of 'vulnerability' provides a useful means of doing this and we have recently produced [land use vulnerability guidance](#) in relation to flood risk and planning which you may find of use.

Links to place making

Protecting and improving human health should be a primary outcome from high quality planning and placemaking. Many interventions that improve place – such as development of green networks, reducing impacts of traffic in residential areas, providing safe and human scale neighbourhoods and through the protection of areas of wildlife or recreational value – will in turn have positive effects for human health. Planning authorities will recognise that the health and wellbeing of our communities is integral to quality placemaking.

Links to sustainable economic growth

The impact of human health on the economy can be significant. For example it has been estimated that air pollution causes annual health costs of roughly £15 billion to UK citizens (source: [Air Pollution: Action in a Changing Climate](#) (DEFRA, 2010)).

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Minerals, onshore coal and gas operations and surface coal mining

What works?

The current policy framework generally offers a level of environmental protection from these types of development which is welcomed.

What doesn't work?

- Unconventional Oil and Gas** - There is no specific planning policy guidance on how planning authorities should consider proposals for unconventional oil and gas exploitation including techniques such as fracking. It is likely that proposals for these types of developments will increase through the life of the revised SPP and it is therefore very important that national planning policy is put into place. SEPA has recently published regulatory guidance on [Coal Bed Methane and Shale Gas exploration and exploitation activities](#). A number of potential direct and indirect environmental impacts have been identified as being associated with unconventional gas exploration and production. These include: possible adverse effects on the water environment – particularly groundwater - arising from drilling and fracturing operations, including cross contamination of aquifers due to poor borehole construction; pollution from unexpected release of fracturing fluid into the water environment, pollution from disposal of liquid or solid waste and from abstraction of water for use in fracking. In addition, the use of unconventional gas could lead to delays in the programme to convert to renewable energy sources causing a delay in the reduction of greenhouse gas releases and the decarbonisation of the energy sector. However, it could also reduce CO2 emissions if natural gas displaces coal.
- Borrow Pits** - Paragraph 229 refers to borrow pits as small workings. We are finding that borrow pits associated with wind farms can often be significant workings that can be larger than commercial quarry workings.
- Degraded Peat** - Paragraph 230 should also protect areas of degraded peat as their restoration can make a significant contribution to their ability to store carbon and therefore contribute towards climate change mitigation (a useful reference is the [IUCN peatland restoration programme](#)).
- Update regulatory and policy provision** - There is no reference to the Management of Extractive Waste (Scotland) Regulations 2010 as these were introduced after.
- Surface coal mining** - Under the Surface Coal Mining section, it may be useful to expand paragraph 247 to make more explicit reference to flooding issues.

Why?

- Unconventional Oil and Gas** – The current SPP contains no policy on these types of developments.
- Borrow Pits** – There are significant environmental issues around borrow pits and their

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SPP Review - Priorities for Change

restoration. Landfilling of peat, long term impacts on groundwater fed wetlands. We are also finding that borrow pits associated with wind farms can often be significant workings that can be larger than commercial quarry workings.

3. **Degraded Peat** - As restoration of degraded peat can make a significant contribution to their ability to store carbon and therefore contribute towards greenhouse gas emissions. Focus should not be only be on protecting sites with a high level of natural heritage conservation interest, but also on restoration.
4. **Update regulatory and policy provision** – As there is no reference to the Management of Extractive Waste (Scotland) Regulations 2010.
5. **Surface coal mining** - to make more explicit reference to flooding issues.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

Positive policy framework to support these industries and mitigate against damage to environment of local communities. Opportunities through restoration to improve places.

1. **Unconventional Oil and Gas** – Provide specific planning policy guidance on how planning authorities should consider proposals for unconventional oil and gas exploitation including techniques such as fracking. This should include some focus on environmental issues associated with such works, including greenhouse gas emissions and potential to impact on waterbody and groundwater quality.
2. **Borrow Pits** – Rephrase paragraph 229 to note that borrow pits are not always small workings, but can be large and should be controlled appropriately.
3. **Degraded Peat** - Paragraph 230 should be reworded to also protect areas of degraded peat.
4. **Update regulatory and policy provision** - Include reference to the Management of Extractive Waste (Scotland) Regulations 2010.
5. **Surface coal mining** - Under the Surface Coal Mining section, it may be useful to expand paragraph 247 to make more explicit reference to flooding issues, i.e. it would be useful to highlight the flooding risk from groundwater in cases where pumping is proposed or is taking place. For example, in some catchments, mine workings may extend across natural river catchment watersheds and thus 'capture' foreign groundwater. The pumping out of such groundwater into just one watercourse will result in a far greater volume of water entering the channel than would be expected under natural conditions. At best, this will increase the base flow (which can affect flood response); at worst, the pumping of such water may cause flooding.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Renewable Energy, Wind Farms and Other Renewable Sources

What works?

There is clear policy support for the development of renewable in SPP and planning authorities are generally directed to support development where locations are appropriate.

The SPP highlights some of the main considerations that planning authorities need to consider (eg paragraph 187, 189 and 190) and while this list could be updated (eg to include impacts on peatlands and release of locked carbon in disturbed peat) it is nevertheless a useful reference point for planning authorities and consultees.

There is a clear direction on planning authorities to set out in development plans a spatial framework for onshore windfarms. This is helpful in enabling early discussion about likely strategic locations and the early identification of potential issues (although we have found that not all planning authorities have developed a spatial strategy which may indicate that a firmer direction for planning authorities may need to be taken in the revised SPP).

What doesn't work?

1. Needs to be updated to reflect new renewable energy targets and the way planning authorities need to respond to meet them.
2. Scope to better develop issues to be considered by planning authorities when considering renewable energy developments.
3. There is scope to bring renewable energy into a more cross cutting section on energy policy as it relates to planning, and the role planning/planning authorities have in delivering the Scottish Government's energy policy.
4. Little coverage of how planning authorities should consider transmission networks.
5. The section on off shore renewable development is very limited and needs to be better linked to coastal planning policy.
6. The SPP currently does not cover windfarm decommissioning and/or repowering.

Why?

1. **Needs to be updated to reflect new renewable energy targets and the way planning authorities need to respond to meet them.** The ambitions and targets set out in the 2020 [Routemap for Renewable Energy in Scotland](#)¹ are not reflected in the SPP. In particular, the

¹ www.scotland.gov.uk/Publications/2011/08/04110353/0

SPP Review - Priorities for Change

commitment to generate an equivalent of 100% of Scotland's electricity demand from renewable sources by 2020 (along with at least 11% renewable heat) and the more recent [interim target](#)² of generating an equivalent of 50% of demand by 2015.

- 2. Scope to better develop issues to be considered by planning authorities when considering renewable energy developments.** While the SPP highlights some of the issues that need to be considered by planning authorities in preparing development plans and considering applications for planning permission, we feel that there is scope to develop this more significantly so that there is absolute clarity on issues for consideration. This may help to guide SEA of development plans and EIA of specific renewable energy projects. It is possible that this may be best reflected in revised guidance rather than detailed expression in SPP.
- 3. There is scope to bring renewable energy into a more cross cutting section on energy policy as it relates to planning, and the role planning/planning authorities have in delivering the Scottish Government's energy policy.** Presently the energy sector is covered in an ad hoc way and bring it together into a coherent planning policy package would be helpful. This would also cover planning policy with respect to new and emerging technologies (both renewable (eg waste heat) and fossil fuel (eg fracking)).
- 4. Little coverage of how planning authorities should consider transmission networks.** NPF2 identifies electricity grid reinforcements as a national development (number 11), however SPP says little to help planning authorities / consultees in planning for these developments. The NPF2 Annex called Statements of Need does provide some guidance about issues to consider, but we consider that a more developed version of this should be included in SPP. Paragraphs 248 to 254 do this effectively for communications infrastructure, yet there is no equivalent for transmission networks.
- 5. The section on off shore renewable development is very limited.** While we recognise that the planning system does not regulate off shore developments, it is important that planning authorities are able to effectively plan for related on shore requirements that are necessary to enable off shore renewable to be implemented (for example those identified in the National Renewables Infrastructure Plan). Effective forward planning, through policies in development plans and appropriate safeguarding of sites is necessary to ensure that appropriate offshore renewable development is not delayed or prevented due to on shore planning issues. Greater coverage would also help planning authorities and consultees in dealing effectively with these onshore elements.
- 6. The SPP currently does not cover windfarm decommissioning and/or repowering,** however it is likely that during the life of SPP these will become increasingly important as early generation windfarms come off line. Decommissioning raises particular issues such as site restoration, peat restoration, impacts of removing tracks or bases which the SPP should provide some direction on. Similarly, repowering has the potential to raise new issues on existing sites (for example the need for replacement or upgraded turbine bases/access tracks or indeed for completely new ones in different locations on the site) which it would be helpful for SPP to cover.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

1. Policy update - Update the SPP to include all current energy policy and targets.
2. Provide greater clarification and direction on issues to be considered on renewable energy developments, particularly where these are omitted presently – eg carbon impacts of development on peatland, impact of access tracks on peatland and on waterbodies where crossings are required, stronger emphasis on importance of good siting to mitigate adverse environmental effects.
3. Consider bringing coverage of the energy sector together rather than spread across SPP and ensure

² www.scotland.gov.uk/Resource/0040/00406958.pdf

SPP Review - Priorities for Change

that new and emerging technologies such as fracking have appropriate planning policy cover.

4. Provide more coverage of planning policies for development of transmission networks, potentially similar in approach to that taken for communications infrastructure.
5. Provide more detailed policies about dealing with on shore development that is required for off shore renewable development with a greater emphasis on forward planning and site identification in development plans.
6. New coverage to reflect the planning implications of windfarm decommissioning and repowering.

Possibly something about being much stronger on making planning authorities prepare a spatial strategy for renewable development that covers all significant types of renewable technologies.

Links to sustainable economic growth

The Scottish Government's 2020 Roadmap for Renewable Energy identifies that over the next decade development of renewable could provide up to 40,000 jobs and £30bn investment into the Scottish economy. In addition, increasing the renewable element of the energy mix strengthens future energy supply for a sustainable economy through the harnessing of indigenous sources of energy. Providing a positive planning policy framework to realise the ambition and targets set out in the roadmap is a key role for the SPP.

Links to place making

Enabling the development of well designed, well located renewable energy developments is an integral part of placemaking. These developments do have environmental and other effects that have to be considered fully and where necessary, addressed fully as part of the planning system. SPP has a crucial role in setting out the policy parameters for enabling these matters to be identified and addressed.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Soil management

What works?

Paragraph 37 which states that decision making in the planning system should take into account the implications of development for soil quality.

Paragraph 133 provides some limited protection to carbon rich soils such as peat.

What doesn't work?

Lack of a clear policy framework to protect and enhance soil functionality through the planning system in line with new legislation and associated strategies.

Why?

The current SPP does not reflect:

The [Scottish Soils Framework \(Scottish Government 2009\)](#) which aims to instigate a process by which key stakeholders will work together to achieve better soil protection. The Framework identifies 13 soil outcomes for Scotland and a number of threats to these. The SPP should provide a policy framework to help ensure that the planning system makes an effective contribution to achieving relevant soil outcomes.

[Scotland's Land Use Strategy \(Scottish Government, 2011\)](#) has been published since the publication of the SPP and sets out priorities for sustainable land use that should be at the heart of significant decisions that impact upon land. It states that *"The Land Use Strategy provides a broad context for planning authorities on Government policies relevant to all land use. We therefore expect planning authorities to have regard to the Strategy in preparing their development plans."* Some of these principles have a direct bearing on soil protection through the planning system including:

- Where land is highly suitable for a primary use (for example food production, flood management, water catchment management and carbon storage) this value should be recognised in decision-making.
- Land use decisions should be informed by an understanding of the functioning of the ecosystems which they affect in order to maintain the benefits of the ecosystem services which they provide.

There has been recent movement in relation to the EU's soil thematic strategy with the endorsement of an opinions paper by the EU Committee of the Regions on the EU [Implementation of the Soil Thematic Strategy](#) in December 2012. One of the key findings is that the need to tackle soil risks and threats is urgent, particularly with regard to climate change.

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SPP Review - Priorities for Change

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The SPP should acknowledge the importance of soils in supporting our economy and in contributing to climate change mitigation and adaptation by providing a planning policy framework in line with the Scottish Soils Framework and the principles identified in Scotland's Land Use Strategy. It should provide a policy framework to help protect and where possible enhance the important functions of our soils, not least as a carbon store, through development. There are particular opportunities to achieve peatland protection and restoration through effective planning policy. This could deliver other benefits, in addition to climate change mitigation, including contribution to:

- Biodiversity targets (UKBAP target for blanket bog good condition is 600,000 ha).
- Climate change adaption – damaged peats are particularly vulnerable to further damage from climate change compared to good quality peatlands.
- Water quality as more than 70% of UK drinking water is from upland areas. There are potential impacts on the additional costs for water treatment caused by peat disturbance.
- Extra sediment can impact on downstream flood risks.
- Contribution to National Flood Risk Management by attenuating run off and therefore the 'flashiness' of floods.
- Cultural benefits – recreational, health agenda, sporting, etc

Links to sustainable economic growth and place making

The protection of soil functionality and associated multiple benefits have a clear economic, environmental and social value. As well as Scottish Government's requirement for climate change, water and biodiversity, the need to protect peatlands is integral to the Scottish Government's vision, objectives and principals set out in the Land Use Strategy and Scottish Soils Framework.

Scotland's Land Use Strategy recognises that the ways in which we use Scotland's land resources in the future, will be critical to our economic performance, to our environment, to our sense of place and community, and to our quality of life

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Sustainable Development and Climate Change

What works?

We strongly support the identification of sustainable development and climate change as core themes at the start of the SPP. The SPP is very clear about the importance of development being sustainable and about the need for planning authorities to fully consider climate change in order to contribute effectively to the targets set out in the Climate Change (Scotland) Act 2009. We consider that these strong statements of commitment should be retained and strengthened in the revised SPP.

Paragraphs 37 to 39 on sustainable development provide strategic direction to planning authorities about the issues to consider and these are very helpful. We do consider however that there is scope for the revised SPP to provide a stronger steer and direction to planning authorities through avoiding words such as “encourage”, “promote”, “consider” etc which make it very easy to avoid considering these issues effectively.

There are some very strong statements which do provide a clear steer to planning authorities – for example: “*Development should therefore normally be avoided in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from the impacts of storms*”.

What doesn't work?

1. There is an opportunity to strengthen the climate change section particularly in relation to climate change adaptation.
2. The role of planning in addressing climate change issues could be more strongly embedded into the rest of the SPP.
3. There is an opportunity to present clear policy guidance to planning authorities about how should act in order to meet the public bodies duty in the Climate Change (Scotland) Act 2009.
4. There have been a range of policy developments that have occurred since publication of the SPP of relevance to climate change and sustainable development and these should be recognised where appropriate.
5. There is scope to consider sustainable economic growth and sustainable development together rather than as separate policy areas.
6. Some of the policy directions promoted in the sustainable development section are not followed through in the rest of the SPP (eg. air and soil quality and sustainable water management).

Why?

1. **There is an opportunity to strengthen the climate change section.** As we feel there is scope for it to be enhanced and strengthened to reflect the key role planning has to play in delivering required climate change actions. Great policy direction should be provided on climate change adaptation issues (in support of the emerging Adaptation Programme) and the role of planning in the protection and enhancement of carbon stores such as peatland and forestry (in line with Scotland's Land Use Strategy).
2. **Climate change will have an impact on most areas of planning policy and should therefore be**

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SPP Review - Priorities for Change

strongly embedded into the whole of the SPP. Whilst we welcome the distinct section at the start of the SPP on climate change some of the issues raised are not followed through with a strong policy direction in the rest of the document.

- 3. There is an opportunity to present clear policy guidance to planning authorities about how should act in order to meet the public bodies duties in the Climate Change (Scotland) Act 2009.** As we feel that there is merit in structuring planning policy around the requirements in the duties for contributing to the emissions reduction targets, contributing to the adaptation programme and acting sustainably.
- 4. There have been a range of policy developments that have occurred since publication of the SPP and these should be recognised where appropriate.** To update the SPP.
- 5. There is scope to consider sustainable economic growth and sustainable development together rather than as separate policy areas.** To rationalise the document, but also to recognise that delivery of sustainable economic growth relies on delivery of sustainable development.
- 6. Some of the policy directions promoted in the sustainable development section are not followed through in the rest of the SPP.** The sustainable development section recognises that the planning system should take account of the implications of development for water, air and soil quality but there is no further policy direction on how planners should consider these issues.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

- 1. There is an opportunity to strengthen the climate change section.** While we welcome the inclusion of the section on climate change and would wish for it to be retained, we feel that there is considerable scope for it to be enhanced in order to provide for a very clear policy direction to planning authorities that considering the climate change implications is of crucial importance. Planning has a vital role to play in reducing emissions from new and renovated buildings, it has a vital role in setting the spatial context for delivering the government's commitments to renewable energy generation and it has a vital role in helping our towns and cities to be resilient to the projected impacts on climate change. It is therefore equally vital for SPP to provide the clearest possible steer and direction to all planning authorities about how they embed climate change into their decision making.
- 2. There is an opportunity to better embed climate change issues throughout the SPP.** We consider that an enhanced climate change section needs to be supported by a policy direction on climate change mitigation and adaptation issues throughout the rest of the document. Many of this issues relating to climate change have a strong link to place making (eg. sustainable drainage, green networks, improved air quality) and sustainable economic growth (eg. reducing risks to businesses and supporting a low carbon economy).
- 3. There is an opportunity to present clear policy guidance to planning authorities about how should act in order to meet the public bodies duty in the Climate Change (Scotland) Act 2009.** The section covering sustainable development could be covered through the requirement on planning authorities in the Climate Change Act Public Bodies' Duty to act "in a way (they) considers is most sustainable". This duty puts sustainability onto a statutory footing and it would be useful for the SPP to recognise this and to then go on to provide very clear policy about how planning authorities should act in order to meet this duty. A way of being able to do this would be to present the information set out in paragraphs 36-40 in the context of the duty to act sustainably, but to strengthen some of the wording so that planning authorities are clear about the issues considered to demonstrate "acting sustainably" and about how they should factor these into their decision making. This could be extended so that there is similar direction in relation to the other parts of the duty, namely to act in the best way calculated to deliver the emissions targets and to act in the best way calculated to help deliver the adaptation programme. The outcome could therefore be a section that is structured around the public bodies duties requirements and clear planning policy about how to meet them.

SPP Review - Priorities for Change

4. **There have been a range of policy developments that have occurred since publication of the SPP and these should be recognised where appropriate.** Update the SPP to reflect these changes.
5. **There is scope to consider sustainable economic growth and sustainable development together rather than as separate policy areas.** Rather than give these separate policy expression in the document, there is scope to integrate them so that delivering on climate change and sustainable development is seen as an integral and vital part of delivering sustainable economic growth. The existing text does do this, but the section separation implies two distinct policy areas.
6. **There is a need to provide planners with a clearer policy steer on some of the issues covered in the sustainable development section.** We have provided our thoughts on how this could be achieved in our separate pro formas on air quality, soil management and protection of the water environment.

Link to sustainable economic growth

The current SPP already notes the Scottish Government's view that sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too. Delivering sustainable economic growth therefore is reliant upon the planning system delivering sustainable development.

Link to place making

In a planning context, sustainable development is about achieving the right development in the right place – promoting development that supports a move towards an economically, environmentally and socially sustainable society. It is, therefore, integral to good placemaking. Achieving sustainable development will for example provide for employment opportunities close to where people live, will enable creation of new green networks allowing access to recreational activities and enabling active and healthier lifestyles and it will also enable a more resilient environment and economy where risks from flooding for example have been managed through sustainable design.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Waste Management

What works?

- Having a dedicated section which deals with waste management issues.
- Identification of key issues including: need, proximity, location of facilities, buffer zones etc.
- Clearly setting out what is required in development plans.

What doesn't work?

- There is a lack of clear direction regarding what is policy in terms of planning for waste. For example, paragraph 217 on buffer zones is very useful, but is compromised because it lacks firm policy direction which directs Planning Authorities to require buffer zones (the current text states that they should “consider the need” which allows for too much flexibility and potentially leads to negative environmental impacts on sensitive receptors which could be avoided if the identified buffer zones were incorporated into the proposal design.
- A lot of the text in this section is context setting and not actual policy.
- Current policy has been superseded by Zero Waste Plan and Annex B.
- There is a lack of connection between waste, climate change and energy policies. There is great potential for waste management facilities to contribute towards climate change targets. The existing SPP structure separates waste, climate change and energy sections whereas there are numerous benefits which could be realised if more connections and synergies were made between these topics. For example requiring proposed major developments located near to decentralised heat / energy sources to connect to those sources would contribute to a low carbon economy. Such change requires national planning policy and environmental regulation to be proactive and work better together on this issue.
- Landfill having a separate section – it is a means of treating waste and should be included in the range of waste treatment methods rather than being singled out.

Why?

Since SPP was published, the Zero Waste Plan (ZWP) has been published which has set a new context

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SPP Review - Priorities for Change

for waste management in Scotland, including putting in place new targets for recycling and landfilling waste.

Annex B of the ZWP now sets out the role of planning in waste management, provides guidance regarding the roles and duties of the planning system for planning for waste, and establishes that there is a need for new waste management facilities to be provided.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

We recommend that the policy section on “Waste Management” is retitled “Zero Waste” in order to be consistent with the Zero Waste Plan, and to provide a more positive approach towards planning for waste management.

A clear SPP policy position on zero waste which clarifies:

- where it is appropriate for waste management facilities to be located;
- what waste management issues *must* be considered as part of development plans;
- what issues *must* be considered for new waste management proposals; and
- how waste management should be considered in the design and delivery of all new development;
- requirement for appropriate buffer zones to sensitive receptors.

The policy needs to signal that zero waste is about changing the way we manage resources. Zero waste actions will help Scotland’s economy to grow through creating new jobs in low carbon businesses, developing a world-class resource management sector, and supporting the development of strong and resilient communities. Zero waste will help the environment by reducing Scotland’s dependence on landfill, cutting greenhouse gas emissions and supporting the delivery of climate change targets, and conserving finite natural resources.

Clear policy position

This section of the SPP should focus on how zero waste development should be delivered via development plans and through development management. SPP should set out a clear policy position, stating what the planning system is expected to deliver in terms of sustainable waste management. We recognise that not all development will conform to such a policy and will need to be justified accordingly, but this should not impact on the need, at the outset, to be clear about what is expected..

Waste as a resource

SPP should identify waste as a potential resource and its management as a key element of sustainable economic growth. Continuing to require development plans to identify sites and opportunities for waste management facilities is vital to this agenda. Considering waste as a resource will support the delivery of the new waste management facilities that are required to treat waste through preparing for reuse, recycling and recovering value from waste and will also encourage sustainable economic growth.

Linking up waste, energy and climate change policy to enable affirmative action

Essential to sustainable place making is not only consideration of, but also affirmative action towards, linking up energy, climate change and waste policies. SPP should provide a robust policy position which requires development plans to set out policies for ensuring that new energy from waste facilities and land allocations in development plans for new major developments are not only complimentary but actively require new major developments to be located where access to heat and / or power from decentralised sources is available. Linking land allocations and heat networks at development plan level could require co-location of heat providers with heat users, thereby ensuring that the aspirations of Heat

SPP Review - Priorities for Change

Plans (required by planning and environmental regulation for thermal treatment plants) will be achieved (please refer to our submission on heat networks).

In further support of this, SPP should also set out clear policy requirements with a presumption in favour for new developments to link with existing providers of heat (and power), in order to maximise the efficiencies of existing and proposed heat networks – regardless of the source / fuel material. SEPA is considering this issue as part of its review of the Thermal Treatment of Waste Guidelines. Whilst environmental regulation is key to ensuring that thermal plant efficiencies are maximised, planning has an essential role in enabling new developments with high heat and / or power requirements to be located where these resources are available. Such an approach will also enable planning to make a meaningful contribution towards Scotland's Climate Change targets.

This could also be supported by NPF3 through elements such as a national heat network and a national waste infrastructure network.

Roles and responsibilities

The Zero Waste Plan Annex B provides advice for all parties involved in planning for waste management facilities. This advice should be used to inform updated planning policy on the roles and duties for planning for waste.

Clarity of terms

SPP should provide clarification of terms frequently used in relation to waste policy, most significantly:

- Proximity – SPP should provide a clear statement in line with Annex B i.e. that waste management facilities should be considered strategically and that waste can be treated anywhere within Scotland, including crossing planning boundaries.
- Need – Table 1 in Annex B divides Scotland up by “development plan area” for the purposes of demonstrating the “need” for future waste management facilities. This is confusing and does not align with Annex B's stance on proximity. A clear position on “need” should be established by SPP; this should be demonstrated on a Scotland-wide basis not by use of the Tables currently contained in Annex B.

Links to place making

The Zero Waste Plan contains aims and objectives for local authorities to work towards in order to achieve a zero waste Scotland. The SPP should require Development Plans and development proposals to work towards the Zero Waste vision enabling our people to live a zero waste lifestyle, minimising waste created and maximising the reuse and recycling of materials. Incorporating sustainable management of waste into place making, and part of all new development, plays an important role in establishing Zero Waste as a way of life, and in ensuring the maximum use can be made of all of our resources.

Links to sustainable economic growth

A positive planning policy framework that facilitates the development of waste management infrastructure would support the development of a low carbon economy and help Scotland's businesses become more competitive through improved resource efficiency.

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s : Protection & Improvement of water environment in line with River Basin Planning interests

What works?

The following policy statements provide a level of protection to and opportunities for the enhancement of the water environment:

- Paragraph 39: “Decisions on the layout and design of new development should: - supports sustainable water resource management,.....support habitat connectivity.
- Paragraph 126: “a strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and area of open space are linked together in integrated habitat networks can make an important contribution to the maintenance and enhancement of biodiversity and to allowing ecosystems to respond to changes in climate change.” And goes on to state that “Planning authorities should seek to prevent further fragmentation or isolation of habitats and identify opportunities to restore links which have been broken. Where possible planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitat”.
- Paragraph 130: “Linking greenspaces in and around settlements through green networks can deliver benefits for people and nature”....”Lochs, ponds, watercourses and wetlands also form valuable landscape features, and wildlife habits should be protected and enhanced wherever possible both as part of developments and green networks”..
- Paragraph 131: “While the protection of the landscape and natural heritage may sometimes impose constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such development should not be permitted.”

What doesn't work?

There is currently no reference to the of the role of the Scottish Government and Planning authorities as “responsible authorities” under the Water Environment and Water Services (Scotland) Act 2003 - 2(2) (WEWS). “Responsible authorities” must “exercise their designated functions to ensure compliance with the” Water Framework Directive which requires the protection and enhancement of the water environment. These duties and how they may be fulfilled through planning need to highlighted.

The Water Framework Directive takes a holistic view of the water environment and as such its protect and enhance objectives relate to a wide range of water features, namely wetlands rivers, lochs, estuaries, coastal waters and groundwater. This is currently not apparent and needs to be emphasised.

The WFD intends planning authorities to discharge their “responsible authority” duties by actively engaging with the river basin planning process. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 state that “in preparing a local development plan the planning

SPP Review - Priorities for Change

authority are to have regard to any river basin management plan relating to the local development plan area" (Regulation 10 (f)). This needs to be reflected and appropriate links made within policy wording relating to the water environment.

Why?

It is recognised that the 2009 version of the SPP was written when River Basin Planning was in its infancy and at time of great change within the land use planning system under the modernisation agenda. Now that considerable experience has been gained in both the new land use planning and river basin planning systems appropriate linkages must be made which will maximise benefits and efficiencies.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The SPP should reflect the following requirements and recommendations if land use planning is to fulfil its statutory role of protecting and improving Scotland's water environment and associated financial, aesthetic, ecological, recreational benefits gained and retained in the future. These requirements relate directly to the objective of sustainable economic growth and the Government's emphasise on placemaking: -

Require all development plans to include a positive policy framework relating to the protection and improvement of the water environment under the Water Framework Directive with direct reference to measures set out in the Scotland and Solway Tweed River Basin Management Plans and associated Area Plans

Require allocations to be informed by the capacity of the water environment to support development, including the identification of existing and potential water pressures. **Require** use of SEPA's advice reflecting pressures affecting the water environment in informing strategic locations for future development. **Require** evidence of use of map-based advice in SEA and in selection of locations in order that cumulative impacts might be best considered.

Require early round table discussion on opportunities for green networking in order that benefits to the environment as well as those relating to recreation, aesthetics and sustainable transport might be maximised while minimising cost. .

Require consideration of the proposed impact of new development on the capacity of existing and new (eg WWTW/ pumping stations/ reservoirs) water management infrastructure in light of predicted changes to the climate (eg impact of more erratic rainfall patterns).

SUDS are now a statutory requirement under the Water Environment (Controlled Activity) (Scotland) Regulations 2011. **Require** strategic direction of maintaining/enhancing natural runoff and identifying strategic areas SUDS. Highlight importance of effective SUDs (especially source control) in reducing diffuse pollution, surface water flooding and mitigating against the affects of climate change. **Encourage** freeing up capacity in sewers by allocating land for strategic SUDS in larger urban areas .

Require waste water capacity to be taken into account in spatial strategy, compliant with SEPA's *Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements*.

SPP Review - Priorities for Change

Require that culverting and unnecessary engineering activities in the water environment to be avoided through development plan policy and associated supplementary guidance. Where these activities are unavoidable, appropriate mitigation measures must be required. **Encourage** opportunities to identify the removal of redundant structures and return water bodies to their natural state wherever possible, including through developer requirements. This is a key mechanism through which land use planning can deliver improvements in the water environment, however the Scottish Government needs to provide guidance on how developer contributions can be pooled if costs to individual developers are to be proportionate.