

## Highland wide Local Development Plan - Main Issues Report Consultation Summary and Actions Sheet

Reference Number:	HWLPD-MIR-326
Organisation/Individual:	Scottish Environment Protection Agency

### Action:

Immediate Response Required	
Meeting required with Respondent	X
Issue for Area Local Development Plan	
Further Information Required	
Other (Please Specify)	

*If no box ticked - issues raised will be dealt with in preparation of the Proposed Plan.*

### Issues Raised in Response:

Purpose of Main Issues Report		Previously used Land	
NPF2 for Scotland		Wild Land	
Vision for the Highlands	X	Water Environment	
Inverness and A96	X	Renewable Energy	X
The A96 Corridor	X	Flooding	X
Phasing of Development	X	Waste Management	X
Developer Contributions	X	Air Quality	X
East Inverness	X	Sustainable Design	X
Nairn	X	Business and Industrial Land	
Tornagrain	X	Accessibility and Transport	X
Smaller Settlements in A96	X	Agricultural Land	
Caithness and North Sutherland	X	Subdivision of Existing Crofts	
Easter Ross and Nigg	X	Allocation of Inbye Land	
Development of Local Centres		New Crofting Township	
Wider Countryside and Fragile Areas	X	Small Scale New Crofts	
Population and Housing		Coastal Development	X
Housing in the Countryside	X	Forestry and Woodland	X
Affordable Housing		Minerals	
Planning for an Ageing Population		Open Space and Physical Activity	
Gypsies/Travellers		Access to the Outdoors	
Retailing		Comments on Consultation Process (+ve)	
Developer Contributions		Comments on Consultation Process (-ve)	
Natural, Built and Cultural Heritage			

### Key:

<b>Background</b>	<b>Spatial Strategy</b>	<b>Policy Options</b>	<b>Consultation</b>
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### Notes:

- Vision should include all greenhouse gases
- Masterplanning needs to take full account of flood risk in the A96 corridor
- Connection to improved main sewer and water supply should be prerequisite for all major developments in A96
- Any areas at risk from flooding should have allocations removed where possible.
- Should be close integration between spatial strategy approach for wider countryside and housing in the countryside approach
- Policy on housing in the Countryside should include policy on connection to private sewerage system and when this would be acceptable
- HwLDP should highlight the benefits of implementation of the Water Framework Directive
- Should contain clear policy on securing renewable energy from waste and biomass
- Approach to flooding needs to be better aligned with SPP7
- HwLDP should designate specific sites for waste management to give local communities and developers certainty
- Air quality approach is agreed in principle but needs to be developed further
- Forestry and woodland approach needs to take account of development of forestry near sensitive water bodies

- Further detail is needed on approach to minerals including the need for site waste management plans.

Action Sheet Completed by:	SH
Date:	15/12/09



Our ref: PCS/103017  
Your ref: HWLDP-MIR  
Consultation

Malcolm Macleod  
Highland Council  
Glenurquhart Road  
Inverness IV3 5NX

If telephoning ask for:  
Pat Haynes

9 November 2009

By email only to [REDACTED]

Dear Mr Macleod

### Highland Wide Local Development Plan – Main Issues Report

We welcome the opportunity to comment on the Draft Main Issues report as part of the ongoing and productive liaison between SEPA and Planning Authority staff. We welcome full and early engagement at all stages of the Local Development Plan, including supplementary guidance.

With reference to our interests we have also attached **Appendix 1** which provides details for the individual housing allocations and the main issues identified. **Appendix 2** outlines SEPAs Interim Position Statement on Planning, Energy and Climate Change and **Appendix 3** provides an expanded response with respect to the development of a Highland Wide Waste Management Strategy.

In order to continue useful engagement in the Plan process please feel free to contact us if you consider we can assist you in terms of providing further data and information, have meetings to share best knowledge and practice, provide comments on proposed text for future policies and/or provide training to the Council staff on issues relevant to our interests.

If you have any queries relating to this letter, please contact me by telephone on [REDACTED] or e-mail at [REDACTED]

Yours sincerely

Pat Haynes  
Senior Planning Officer  
Planning Service



Chairman  
David Sigsworth

Chief Executive  
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## APPENDIX 1

### 1. Section 3 - Vision for the Highlands

- 1.1 We commend Highland Councils commitment to the principles of Safeguarding our Environment.
- 1.2 We suggest that consideration should be given to amending the reference to carbon dioxide to include all 'greenhouse' gas emissions.
- 1.3 Appendix 2 outlines SEPA's interim position statement on Climate Change is provided below for your guidance.

### 2. Section 4 - The Spatial Strategy

#### 2.1. Question 1. Inverness and the A96 Corridor

- 2.1.1 **We agree with the preferred option** but advise that the master planning process takes into account Flood Risk constraints and potentially contentious sites with respect to emissions, noise and hazardous chemicals.
- 2.1.2 In order to provide further guidance with respect to the allocation of development we have identified the following potentially contentious sites.

#### Potential contentious sites with respect to emissions, noise and hazardous chemicals.

DEVELOPMENT AREA	SEPA COMMENTS
<b>A96 Corridor</b>	Norbord is a particularly problematic site in terms of odour and emissions and may cause issue if housing is build close by. A proposed development at Alturlie Quarry for a waste processing plan (currently a developer is considering heat treatment of Municipal Solid Waste to produce ethanol) may also be contentious for any housing build up close to it)
<b>Inverness Harbour / Longman Industrial Estate</b>	SEPA regulates a number of sites in the area - Calor Gas and BP oil depot. These are COMAH sites and as such have an associated risk. Risk zones around the sites may limit the development capability around these sites.
<b>Easter Ross and Nigg.</b>	The plan proposes a area of "industrial regeneration and growth" at Nigg. Again this site will be next to a major PPC Part A and Top Tier COMAH site – the Nigg Oil Terminal. This site will have a major inventory of hazardous chemical (oil) and will have a risk / consultation zone around it.

<b>Scrabster Harbour/ Thurso / Wick</b>	<p>There are number of sites in these areas which are COMAH sites which handle hazardous chemicals have the risk of major accident scenarios. Developments close to these sites should be carefully considered in terms of potential impacts and hazard / risk zones around the sites.</p>
<b>Fort William</b>	<p>The Alcan Lochaber Smelter is a COMAH/PPC site just outside Fort William which presents a number of potential risks from major accident scenarios and also existing air emissions (Fluoride emissions) impacts. Housing or industrial development close to this site will also need to consider the consequences of a Major accident (fire, explosions and emissions of toxic gas along with general everyday routine emissions)</p>

### 2.3 Question 2. A 96 Corridor Framework- Phasing of Development

- 2.3.1 We support the need for coordinated action that is alluded to in this section. The A96 corridor and associated issues for the water environment was one of the case studies identified in the draft North Highland Area Management Plan as it illustrates one of the key issues for the North Highland Area Advisory Group area of development pressures and future capacity for sewage disposal and water supply.
- 2.3.2 The A96 Growth Corridor Development frameworks states 'Connection to improved mains sewer and water supply networks and their associated treatment facilities will also be a prerequisite for all the significant developments identified within the Framework'. And this policy should be carried forward to the Highland wide Local Development Plan (HwLDP)
- 2.3.3 Whilst **we agree with the preferred option in principle** we would none the less expect that the finalised HwLDP incorporates a clear policy statement that requires all new phases of development in the A96 corridor to be connected to a public sewer and Waste Water Treatment Plant from the outset.

**We suggest that the preferred option includes an additional bullet:-**

- Identify the need for new strategic waste water management infrastructure to meet the extra demand. This includes working with Scottish Water to ensure that sewerage provision is strategically planned and maintained to support the sustainable development of communities and protection of the environment

### 2.4 Question 3 - Developer Contributions in the A96 Corridor

- 2.4.1 In so far as SEPA's interests are concerned **we agree with the preferred option.**

### 2.5 Question 4. - Area Specific Issues - East Inverness

- 2.5.1 Whilst **we agree with the preferred option in principle** we would none the less expect that the finalised HwLDP incorporates a clear policy statement that requires all new

phases of development in East Inverness to be connected to a public sewer and Waste Water Treatment Plant from the outset.

- 2.5.2 The East Inverness Framework Plan show possible development in areas which may be susceptible to flooding. We would also expect that sites at potential risk of flooding be identified and assessed for flood risk as part of the of the development planning process to ensure compliance with Scottish planning Policy 7 (SPP7). Our preferred approach would be for any allocations found to be at risk of flooding to be removed from the land allocations. We are likely to object to sites in this category which are taken forward to the HwLDP.

## **2.6 Question 5 - Nairn**

- 2.6.1 Whilst **we agree in principle with the preferred option**, the Nairn Framework Plan shows possible development including road infrastructure in areas which may be susceptible to flooding. We would expect that sites at potential risk of flooding be identified and assessed for flood risk as part of the development planning process to ensure compliance with SPP7. Our preferred approach would be for any allocations found to be at risk of flooding to be removed from the land allocations. We are likely to object to sites in this category which are taken forward to the HwLDP.

## **2.7 Question 6 – Tornagrain**

- 2.7.1 Whilst we **agree with the preferred option in principle** we would none the less expect that the finalised HwLDP incorporates a clear policy statement that requires all new phases of development in Tornagrain to be connected to a public sewer and Waste Water Treatment Plant from the outset.

## **2.8 Question 7 - Smaller Settlements in the A96 Corridor**

- 2.8.1 Whilst **we agree with the preferred option in principle** we would none the less expect that the finalised HwLDP incorporates a clear policy statement that requires that all new development which is part of the expansion of existing settlements should be connected to a public sewer and Waste Water Treatment Plant from the outset.

## **2.9 Question 8 - Caithness and North Sutherland**

- 2.9.1 **We agree with the preferred option** and will be pleased to assist the Council in developing these policies.

## **2.10 Question 9 – Easter Ross and Nigg**

- 2.10.1 **We agree with the preferred option** and draw your attention to our responses to the Nigg Master Plan dated 30 January 2009, 14 April 2009, 11 May 2009, 7 August 2009 and 29 September 2009 with particular reference to flood risk.

## **2.11 Question 10 - Development of Local Centres**

- 2.11.1 We have **no view** on this topic at this stage in the HwLDP process.

## 2.12 Question 11 – Wider Countryside and Fragile Areas

- 2.12.1 **We agree with the preferred option in principle** in so far as SEPAs interests are concerned but consider that the policy issues in the Appendix ‘Suggested policy approach for development in the wider countryside’ should be closely linked to those for Housing in the Countryside and that there should be clarity in respect of the potential for conflict in the formulation of the relevant policies.
- 2.12.2 We would expect the following preferred policy approach with respect to development and drainage to be incorporated into the policies for development in the countryside and fragile areas.

*“Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is a prerequisite for all new development proposals. Planning applications for private systems will only be supported where the applicant can clearly demonstrate the following:*

- a) *There will be no adverse impact upon the environment; and*
- b) *That the development is unable to connect to public sewer for technical or economic reasons.*

*Any such private system should discharge to land rather than water where ground conditions are suitable.*

*Where connection to the public sewer is not permitted because there is no capacity but Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its investment programme, a temporary private system would only be supported provided:*

- *The system would be designed and built to a standard which will allow adoption by Scottish Water.*
- *The system is designed such that it can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.”*

The Policy supporting text refers specifically to SEPA’s Policy on the Provision of Waste Water Drainage in Settlements.

## 2.13 Question 12 - Population and Housing

- 2.13.1 In so far as SEPAs interests are concerned we have **no comments to make** on this topic.

## 2.14 Question 13 - Housing in the Countryside

- 2.14.1 **We agree with the preferred option in principle** but refer to the comments made with reference to question 11 with respect to clarity of policies for development in the wider countryside and the protection of countryside and fragile areas.

## 2.15 Question 14 - Affordable Housing

- 2.15.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic.

## **2.16 Question 15 - Planning for an Ageing Population**

2.16.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic.

## **2.17 Question 16 - Gypsies and Travellers**

2.17.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic.

## **2.18 Question 17- Retailing**

2.18.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic.

## **2.19 Question 18 - Developer Contributions**

2.19.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.20 Question 19 - Safeguarding our Environment**

2.20.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.21 Question 20 - Previously Used land**

2.21.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.22 Question 21- Wild Land**

2.22.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.23 Question 22 – Water Environment**

2.23.1 We are pleased to see the recognition of the value of the water environment and reference to the River Basin Management Plans (RBMP). Although SEPA are coordinating their development, they are being produced by a wider partnership of organisations, including The Highland Council.

2.23.2 We would hope to see the HwLDP promote the aims of the District RBMP and Area Management Plans by addressing development issues but also by taking positive action to improve the water environment where possible.

2.23.3 We consider that in developing the policies for the Water Environment in the HwLDP the Council should take the opportunity to highlight the benefits that successful implementation of the Water Framework Directive could bring in terms of ecological interest, recreation and amenity, tourism, and regeneration opportunities for developers and other stakeholders engaging in the planning process.

2.23.4 We **suggest that the preferred option** includes additional bullets.

- Identify opportunities for appropriate action to improve waterbodies that have been identified as less than good status, in partnership with others.

- When assessing development proposals, the Council will take into account the RBMP for the Scotland River Basin District, relevant Area Management Plans and supporting information on opportunities for improvement and constraints.

2.23.5 The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 state that “in preparing a strategic development plan or a main issues report the strategic development planning authority are to have regard to any river basin management plan relating to the strategic development plan area” (Regulation 3 (e) and so we would expect to see a strategic policy to protect the water environment which refers to the requirements of the Water Framework Directive (Section 2(2), Water Environment and Water Services (Scotland) Act 2003) and to River Basin Management Plans. The alternative option outlined in the Main Issues Report is therefore not a reasonable one.

## **2.24. Question 23 – Sustainable Development and Climate Change**

2.24.1 In general terms **we agree with the preferred option** but draw your attention to our Interim Position Statement on Climate Change and also make the following recommendations with respect to Renewable Energy from Waste.

### **2.24.2 SEPA's Interim Position Statement on Climate Change**

A copy of this position statement is appended to this response (Appendix 2) and your attention is drawn to page 6, Table 1 with respect to our commitment to a partnership approach in developing tools to identify the most sustainable locations for renewable energy locations and for the identification of the most sustainable options to support decentralised energy generation and distribution (Including the provision of onsite low and zero carbon technologies as required (through development plan policy) under Section 72 of the Climate Change (Scotland) Act 2009 and supported by emerging Scottish Planning Policy.)

### **2.24.3 Renewable Energy from Waste**

SEPA would strongly recommend the inclusion of a policy on Recovering Energy from Waste and the thermal treatment of waste and biomass as part of any renewable energy approach.

Proposals for renewable energy generation (which includes energy from waste, anaerobic digestion, and forest products/biomass) will be supported where, in the case of energy from waste proposals that require a PPC Part A permit, they comply with the principles of SEPA's Thermal Treatment of Waste Guidelines 2009, forming part of an integrated network of waste management plants, maximising efficiency and treating residual waste only. Where TTG do not apply, other policies relating to sustainable development should still be complied with. (See also our response on Waste Management and question 25)

With regard to the Preferred Option for dealing with Renewable Energy issues, it should be noted that the Scottish Government has set a 25% cap on Energy from Waste, and it is recommended that the HwLDP reflects this national cap.

## **2.25 Question 24 - Flooding**

2.25.1 **We do not agree with the preferred option** with respect to the flooding policy contained in the main issues report as it is not in line with Scottish Planning Policy 7 (SPP7).

2.25.2 The section on flooding is very brief and whilst we understand the need for this in a report

of this nature, we are of the view that it does not express clearly enough the principle of avoidance being the most appropriate measure in planning and flood risk, as is clearly outlined in SPP7.

- 2.25.3 In particular we believe the bullet point “*only support proposals within areas of flood risk if adequate mitigation can be secured*” to be directly contrary to SPP7. Areas of flood risk are generally not suitable for any additional development and only in specific exceptional circumstances is it appropriate. If a development meets the excepted circumstances (e.g. brownfield at the edge of a floodplain or essential utilities infrastructure), only then is it appropriate to design mitigation measures to ensure the development itself is protected from flooding and that the risk of flooding is not exacerbated elsewhere. It is not appropriate to use flood alleviation measures (mitigation) to enable development in areas where the probability of flooding is such that the development should not be approved in principle.
- 2.25.4 Reference to flooding should also be made where appropriate, in the site allocations sections.
- 2.25.6 The potential of land to flood should be considered during the preparation of development plans. SEPA would prefer that a sustainable approach of flood avoidance (rather than flood management) is adopted. This would entail allocations identified as being at risk of flooding being removed in favour of other, low risk sites.

## **2.26 Question 25 - Waste Management**

- 2.26.1 It is recommended that the policies contained within the HwLDP should support sustainable waste management facilities, moving away from landfill as a means of treating waste in the Highland wide area.
- 2.26.2 SEPA generally **supports the preferred option** to direct waste management facilities to existing or proposed industrial and business sites in the first instance, but recommends that the HwLDP should allocate specific sites for waste management facilities to provide certainty to residents and developers, in line with the guidance contained in PAN 63 paragraphs 17 to 24.
- 2.26.3 Our recommendations for an approach to the development of a Highland Wide Waste Management Strategy are included in Appendix 3.

## **2.27 Question 26 - Air Quality**

- 2.27.1 Whilst **we agree in principle** with the preferred option we would expect that the policies are more fully developed in the HwLDP. We would expect the policies to demonstrate a clear understanding of air quality issues, how existing air quality problems can be addressed, and how the Council will ensure that future problems do not arise. This is particularly relevant in the case of Inverness, where the concentrations of pollution are already close to exceeding the air quality objectives at some roadside locations.

## **2.28 Question 27 - Sustainable Design**

- 2.28.1 In so far as SEPAs interests are concerned **we agree with the preferred option** and refer the Council to Appendix 2 ‘SEPA Interim Position Statement on Planning, Energy and Climate Change.’

## **2.29 Question 28a - A Competitive, Sustainable & Adaptable Highland Economy**

2.29.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.30 Question 28b - Accessibility and Transport**

2.30.1 In so far as SEPAs interests are concerned **we agree with the preferred option** and commend the Councils commitment to place an emphasis on the reduction of emissions and to promote the use of cleaner fuels.

## **2.31 Question 29 - Crofting and Agriculture - Agricultural land**

2.31.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic at this time.

## **2.32 Questions 30, 31,32, 33 - Crofting and Agriculture**

2.32.1 In so far as SEPAs interests are concerned **we have no comments to make on these topics.**

## **2.33 Question 34 – Coastal Development.**

2.33.1 In so far as SEPAs interests are concerned **we agree with the preferred option** and make the following comments to assist in the development of relevant policies:

- We agree that the HwLDP needs to link clearly with the Coastal Development Strategy. Both plans need to be future proofed so that they link with marine spatial planning under the Marine (Scotland) Bill and implementation requirements of the Marine Strategy Framework Directive (MSFD) as they develop.
- With regard to the second bullet point on page 68 the MSFD will promote the ecosystem approach which means that it takes account of the linkage between the land sea interface and the importance of healthy biodiversity providing services (such as fisheries, flood defence and climate change mitigation).
- Under the Water Framework Directive (WFD) the UK and Ireland are now required to manage hydromorphological change in all coastal and transitional water bodies to ensure that they achieve 'Good Ecological Status (GES)' and that there is no deterioration in status. The structure and condition of the intertidal zone is a quality element under the WFD. It should be recognised that there is a need to protect the remaining areas of intertidal zone along some stretches of the developed coastline as these areas have become fragmented/degraded by the coalescence of development in the past.
- The Highland Council has been in the vanguard of preparing aquaculture framework plans over many years. These have been very useful and are currently being updated as resources allow. The preferred options, although vague, are commendable and should be supported. We will be pleased to provide assistance in the development of the relevant policies in the HwLDP.

- Taking into account the differing requirements for these activities we do not anticipate that the potential locations of marine renewables will present a major conflict with fin fish aquaculture sites unless current practises change considerably and aquaculture moves into more energetic waters.

## **2.34 Question 34 – Forestry and Woodland**

- 2.34.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**
- 2.34.2 However we recommend that any policies and supplementary guidance for the development and management of Forestry and Woodlands take into account the sensitivity of some water bodies (such as Loch Shin for example) to the use of fertilisers which may significantly restrict the development of new forestry plantations in catchment areas.

## **2.35 Question 36- Minerals**

- 2.35.1 In so far as SEPAs interest are concerned **we agree with the preferred option** but suggest that bullet point 3 could be expanded to ensure that where possible the package of mitigation and restoration provides opportunities to enhance the local environment and residential amenity.
- 2.35.2 In addition to the approach set out in the LDP, we recommend that a policy is included to reflect the emerging position on Mining Waste; paragraph 13 of the EU Mining Waste Directive and the regulation 11 and Schedule 1 b) of the Draft Mining Waste Regulations set out the requirements for waste management plans, encouraging the recovery of waste in line with the waste hierarchy and in accordance with sustainable waste management requirements at National level.
- 2.35.3 We also recommend that the policy sets out the requirement for a Site Waste Management Plan (as part of an Environmental Management Plan for new or existing extractions to demonstrate to the satisfaction of the Council for the prevention or minimisation, treatment, recovery and disposal of waste with a view to minimising waste generation and its harmfulness.

## **2.36 Question 37 - Open Space and Physical Activity**

- 2.36.1 In so far as SEPAs interests are concerned **we agree with the preferred option.**

## **2.37 Question 38 – Access to the Outdoors**

- 2.37.1 In so far as SEPAs interests are concerned **we have no comments** to make on this topic.

## APPENDIX 2

### SEPA Interim Position Statement on Planning, Energy and Climate Change

**This document is an interim statement of SEPA's role and policy position on energy and climate change relative to land use planning. Energy and climate change policy are inextricably linked as the majority of greenhouse gas emissions stem from energy use. In this position statement we clarify how we intend to engage with the land use planning system on energy and climate change issues to achieve an effective interface with our regulatory and advisory remit, and more widely, to support the Scottish Government's energy and climate change policy priorities.**

#### Introduction

1. As a public body and Scotland's environmental regulator with a remit that strongly connects with climate change, we are already well-positioned and proactive in helping Government deliver its climate change targets<sup>1</sup>. In December 2008, we published A climate change plan for SEPA. This five year plan sets out our strategic vision on how we will embed climate change across the organisation, to help mitigate our impacts and adapt to the unavoidable consequences of climate change.
2. The primary objective of this position statement is to clarify the types of climate change and energy issues we will advise upon in exercising our statutory land use planning function and to highlight areas where an integrated approach with other partners is required. By providing such strategic direction to our staff and key customers, we aim to deliver clear and consistent advice with greater efficiency and effectiveness. Ultimately, this will give greater certainty over the delivery of development on the ground.
3. On 1 May 2009, SEPA, Scottish Natural Heritage, Forestry Commission Scotland and Historic Scotland published a joint statement on our respective roles in mitigating, adapting and communicating climate change. This interim statement builds upon the joint statement by providing greater clarity as to how we intend to engage on climate change and energy issues through our planning service. We hope to explore the merit of a multi-agency statement on planning and climate change as a next step. This position statement will be finalised following consultation with the Scottish Government, agencies, relevant non governmental organisations (NGOs), the Convention of Scottish Local Authorities, National Park Authorities, representatives of the development industry and other key partners.

#### Unlocking the potential: planning and climate change

4. As one of the main creative driving forces behind the delivery of better places in Scotland, the land use planning system has an important role in mitigating and adapting to climate change and supporting the shift towards a low carbon economy. Spatial planning has a profound influence on whether lifestyles and behaviours are more or less carbon intensive. Initial design and planning considerations can lock us into or out of pathways to a low carbon economy. Climate change is a matter of genuine national interest and will be an important material consideration for planning decisions. The planning policy

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<sup>1</sup> As defined in the Climate Change (Scotland) Act 2009.

background to climate change and energy issues is summarised in the Annex to this Statement.

### **Purpose of our involvement**

5. Our role in the modernised planning system is to help enable good development in the right place and of the right design and quality, having regard to national planning policy, so that the environment is suitably protected and enhanced. Our advice on climate change and energy issues will reflect the basic premise that planning can contribute to climate change and energy objectives in three main ways: by influencing development location, design and layout and in some cases, operation and maintenance.
6. Scottish Ministers consider development plans to be absolutely central to the success of the modernised planning system and we share that view. We have recently reprioritised our Planning Service to ensure that we are well placed to engage early in the plan preparation process.

**Development plans will have a critical role to play in contributing towards Scotland's climate change and energy priorities. Not least, they have a crucial role to play in promoting a pattern of development which helps to reduce Scotland's greenhouse gas emissions and facilitates adaptation to climate change.**

7. By engaging in climate change and energy issues through our Planning Service we will:
  - support national priorities to mitigate and adapt to climate change and to deliver energy policy where they interface with our remit;
  - help planning authorities better understand and take account of appropriate climate change mitigation and adaptation measures;
  - support delivery of the strategic development priorities for energy, waste management, flood risk management and water and drainage infrastructure as recognised in the National Planning Framework 2 (NPF2) and development plans;
  - actively collaborate in the preparation of the new generation development plans to ensure that we are in a position to accept the principle of land use allocations; and,
  - provide helpful and consistent advice in response to planning consultations.

### **Scope of our involvement**

8. Our planning advice in relation to climate change and energy interfaces with our role as:
  - environmental regulator;
  - coordinator for River Basin Management Plans;
  - statutory consultee on flood risk<sup>2</sup>, EIA, SEA (including the consideration of climatic factors under SEA) and Section 36 and 37 applications under the Electricity Act 1989;
  - a key player in implementing the Scottish Government's draft Zero Waste Plan; and,
  - competent authority, with the Health and Safety Executive, of the risk of major accidents at industrial sites (COMAH) and for Pollution Prevention and Control (PPC) licensing.
9. In providing advice we will also be mindful of roles and responsibilities that are arising from new and emerging areas of legislation such as:

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<sup>2</sup> See [SEPA's Interim Position Statement on Planning and Flood Risk](#).

- the Climate Change (Scotland) Act 2009;
- the Flood Risk Management (Scotland) Act 2009;
- EU Soils Directive;
- Marine (Scotland) Bill; and,
- EU Industrial Emissions Directive.

This position statement will be reviewed as the implications of these areas of legislation with respect to our roles and responsibilities are defined.

10. Aspects of the advice that we currently provide to planning authorities have a strong link with the Scottish Government's climate change and energy agendas. We will consider ways of ensuring that the link between such areas of advice and these agendas is made more explicit in our responses to planning consultations. Relevant areas of advice include:

- Achieving the objectives of the National Waste Strategy and Area Waste Plans<sup>3</sup>;
- Flood risk;
- Sustainable drainage systems (SUDS); and,
- Sustainable water management.

We also already provide advice on a range of developments types that will contribute towards these agendas such as energy, water and waste management infrastructure. We will continue to engage early in planning processes to ensure that we provide appropriate and timely advice in relation to these development proposals.

11. Whilst we already contributing to the Scottish Government's climate change and energy agendas we recognise that there are other opportunities for engagement that we need to explore. We have therefore undertaken a review of how our planning function can more effectively engage in these agendas. This has involved a process of scoping the issues where we need to be engaging and then considering whether we have the remit to lead in these areas or if liaison with key partners to define roles and responsibilities is needed.

### **Our new approach**

12. A key element of our approach will be to proactively work with planning authorities and other key partners to ensure that development plans fulfil their potential to facilitate Scottish Government targets for climate change and energy. Our positive early engagement at the development management stage will help to ensure that proposals contribute towards climate change<sup>4</sup> and energy priorities, including those identified in development plans, and are progressed effectively and efficiently. This will include an increased focus on pre-application engagement. At the development management stage we will not revisit the principle of development plan allocations assuming due consideration was given to any issues we raised as part of our engagement in the plan-making process. However, at the development management stage, we will seek to influence their design, layout and/or operation where they interface with our interests<sup>5</sup>.
13. We recognise a need to constantly review how climate change is factored into our licensing decisions. This may ultimately affect how we comment on planning applications for developments that are also subject to other regulatory regimes within our remit.

<sup>3</sup> Until the recently published consultation draft Zero Waste Plan is finalised.

<sup>4</sup> Including emission reduction targets and the Adaptation Framework.

<sup>5</sup> As defined in paragraph 8 of this statement.

## Areas where we have a clear remit to engage

14. We will give high priority to the delivery of national developments as identified in NPF2. This will include engaging early and positively in the planning process and providing clear advice in relation to our information requirements as they relate to our regulatory and advisory functions. We recognise that all national developments are affected by and will have implications for the Government's climate change and/or energy agendas.
15. We will also seek to take an effective lead on achieving high energy efficiencies through heat recovery particularly in relation to energy from waste infrastructure. The Scottish Government recognises the important role of renewable heat in its Renewables Action Plan<sup>6</sup>. This includes a 'headline ambition' of "having heat from renewable sources recognised as the first choice option for new developments in areas off the gas grid and maximising opportunities for retrofitting"<sup>7</sup>. In addition to woody biomass, waste biomass is now recognised a major contributor to renewable bio-energy in Scotland.

**We have an important role to play in helping to deliver the renewable heat aspects of the Renewables Action Plan by actively engaging in the preparation of development plans to help identify favourable locations for thermal treatment of waste infrastructure in relation to potential end users. Maximising the energy efficiency of thermal treatment facilities through heat recovery should be a key consideration in site allocation.**

16. As a statutory consultee on development plans and planning applications supported by an Environmental Impact Assessment we will consider whether proposals are in compliance with our Thermal Treatment of Waste Guidelines 2009<sup>8</sup>. Whilst we have a clear remit in this area we are also keen to work with partners to help develop tools that will help planners and developers maximise opportunities to utilise renewable sources of heat<sup>9</sup>.
17. *However, it has become apparent that most of the aspects of climate change and energy on which we wish to engage are cross-cutting and interface with the roles and responsibilities of other agencies and organisations.*

## Areas requiring liaison with key partners to define roles and responsibilities

**Most of the areas where we believe there is a need to engage cannot be taken forward by SEPA alone. If we are to achieve the step change needed in our approach to climate change through the planning system a collaborative approach with key partners is required. Some of these issues need to be taken forward as a matter of highest priority.**

18. A key objective of this statement is to highlight areas where we consider an integrated approach with other agencies and partners is needed. Table 1 (page 6) summarises the main areas that we have identified as benefiting from an integrated approach with key partners. Whilst all of these areas are considered to be urgent those highlighted in red

<sup>6</sup> The Plan, sets out what needs to happen and by when to meet the Scottish Government's Renewable Energy targets, with a focus on the next 24-36 months.

<sup>7</sup> See Annex A of the Renewables Action Plan, Scottish Government (July 2009).

<sup>8</sup> Annex 2 of the Guidelines outline our requirements for a heat and power plan that should be submitted in support of planning applications for energy from waste infrastructure.

<sup>9</sup> Such as the heat mapping pilot currently being undertaken by Highland Council and CoSLA.

are considered to be the most pressing. These include issues that we are aware of that are not being effectively addressed in existing planning processes due to the lack of clarity in relation to roles and responsibilities.

19. *We propose that Table 1 provides the basis for discussions with key partners to agree roles and responsibilities.*
20. Our role in contributing towards the areas identified in Table 1 will be to provide advice as it interfaces with our responsibilities. We recognise a need to develop our position on the preferred environmental options for renewable and other energy technologies founded upon sound science. We are currently undertaking this work and will present our stance in an Energy Position Statement in due course. This is imperative if we (and other public bodies) are to fulfil new obligations under Section 44 of the Climate Change Act (Scotland) 2009 to exercise our functions (in relation to the Act) *“in way that it considers is most sustainable”*.

### **Future developments**

21. The statutory, policy and technological framework for climate change and energy issues is developing rapidly. We recognise the need to update this position statement to reflect changing circumstances in order to provide up to date guiding principles on emerging issues. Examples of future issues include:
  - The development of renewable energy infrastructure<sup>10</sup> (including onshore assets to support offshore renewable energy development);
  - Development of carbon accounting tools;
  - Development of carbon capture and storage technology and the associated new consenting regime;
  - Tidal barrages/tidal lagoons;
  - Pumped storage hydro schemes;
  - Low carbon waste water treatment assets; and,
  - Local energy distribution networks and energy storage solutions.

### **The way forward**

22. This interim statement is seen as an initial step in providing greater clarity as to how we intend to engage on climate change and energy issues through our planning service. As previously suggested, due to the cross-cutting nature of many of the issues that need to be addressed, we now intend to explore the merit of a multi-agency statement on planning and climate change as a next step. The statement will be finalised following consultation with the Scottish Government, other agencies, relevant NGOs, the Convention of Scottish Local Authorities, representatives of the development industry and other key partners.
23. In the meantime we will produce operational guidance for planning authorities and developers to support those aspects of climate change and energy where they clearly relate to our functions. It will provide practical guidance on the range of issues we intend to engage upon and detail exactly how we expect them to be integrated into strategic development plans, local plans and development management processes. It will also include examples of the representations we will make in different circumstances when responding to planning consultations. This will make our position as transparent and up-front as possible to relevant parties.

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<sup>10</sup> As recognised in the Scottish Government's Renewables Action Plan (June 2009)

24. Ultimately, by engaging early in the modernised plan-led system, we hope to secure agreement on all sides as to where and how the planning system can effectively contribute to the Scottish Government's aspirations in relation to climate change and energy. This will help provide greater investor confidence and a sound basis for decision making at the local level.

**Table 1: Areas requiring a partnership approach**

Area	Key partners
<b>Reduce greenhouse gas emissions</b>	
Application of carbon accounting tools to development plans and planning applications.	<ul style="list-style-type: none"> <li>• Scottish Government (Energy Consents and Deployment Unit, planning)</li> <li>• Local and National Park Authorities (planning)</li> <li>• SNH</li> <li>• Forestry Commission</li> <li>• Transport Scotland</li> </ul>
Protection and enhancement of land uses that act as carbon sinks.	<ul style="list-style-type: none"> <li>• SNH</li> <li>• Forestry Commission</li> <li>• NFU</li> <li>• Local and National Park Authorities (planning)</li> <li>• Scottish Government (Energy Consents Unit, planning)</li> </ul>
Development and implementation of tools to help identify the most sustainable locations for renewable energy technologies.	<ul style="list-style-type: none"> <li>• Local and National Park Authorities</li> <li>• SNH</li> <li>• Forestry Commission</li> <li>• Scottish Water</li> <li>• Scottish Government (Energy Consents and Deployment Unit)</li> </ul>
Development and implementation of tools to help identify the potential for renewable heat use in new development.	<ul style="list-style-type: none"> <li>• Local and National Park Authorities (planning)</li> <li>• Energy companies</li> </ul>
Minimising energy demand through the siting, design and layout of new development.	<ul style="list-style-type: none"> <li>• Local and National Park Authorities (planning)</li> <li>• Architecture and Design Scotland</li> </ul>
<b>Increasing resilience to climate change (adaptation)</b>	
Identification and protection of high quality soils from an increase in sealing, compaction, landslide and flood risk.	<ul style="list-style-type: none"> <li>• Macaulay Institute</li> <li>• SNH</li> <li>• NFU</li> <li>• Soil Association</li> <li>• Local and National Park Authorities (planning)</li> </ul>
Factoring in climate change considerations to flood risk assessments (including strategic flood risk assessments).	<ul style="list-style-type: none"> <li>• Local and National Park authorities (planning, flood protection)</li> <li>• Flood risk consultancies</li> <li>• Scottish Government (planning)</li> </ul>
Development of an integrated catchment based approach to flood risk and water quality including links to River Basin Management Plans /future Flood Risk Management Plans / designated sites.	<ul style="list-style-type: none"> <li>• Local and National Park Authorities (planning, flood protection, land management)</li> <li>• Scottish Water</li> <li>• SNH</li> <li>• Forestry Commission</li> <li>• NFU</li> </ul>
Assessment of the implications for existing and future requirements for water management infrastructure.	<ul style="list-style-type: none"> <li>• Scottish Water</li> <li>• Local and National Park Authorities (planning, roads)</li> <li>• SNH</li> </ul>
Achieving water conservation and water efficiency in new development.	<ul style="list-style-type: none"> <li>• Local and National Park Authorities (planning, building control)</li> <li>• Scottish Water</li> </ul>
<b>Energy</b>	
Identification of the most sustainable options to support decentralised energy generation and distribution <sup>11</sup> .	<ul style="list-style-type: none"> <li>• Scottish Government (Energy policy)</li> <li>• Local authorities (planning)</li> <li>• Energy generation companies</li> <li>• EST/Carbon Trust</li> <li>• SNH</li> </ul>

<sup>11</sup> Including the provision of onsite low and zero carbon technologies as required (through development plan policy) under Section 72 of the Climate Change (Scotland) Act 2009 and supported by emerging Scottish Planning Policy.

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|--|---|
|  | <ul style="list-style-type: none"><li>• Forestry Commission</li><li>• Ofgem</li></ul> |
|--|---|

## Planning policy and climate change

1. Planning is fundamentally important in delivering sustainable development in a changing global context and will have a key role in helping to tackle climate change. Climate change should be at the heart of all planning policy and decisions.

2. Draft SPP Part 3 recognises that:

*“The planning system has a significant role in promoting a pattern of development which helps to reduce Scotland’s carbon footprint and facilitates adaptation to climate change, also in facilitating the generation of power and heat from low carbon sources and the achievement of waste management targets”.*

The final version of the consolidated SPP will be amended to reflect new duties for public bodies under the Climate Change (Scotland) Act 2009. The consultation draft states that:

*“The need to help mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system.”*

3. The National Planning Framework 2 (NPF2) identifies both climate change and energy as key issues that need to be addressed if Scotland is to respond effectively to the economic, social and environmental challenges of the next 20 years. NPF2 states that:

*“Key elements of the strategy for achieving a substantial reduction in emissions are energy conservation measures and greater energy efficiency, making the most of Scotland’s renewable energy potential and encouraging power and heat generation from clean low-carbon sources.”*

4. The Scottish Government also recognises the importance of increasing the resilience of people and natural and economic systems to the impacts of climate change. Scotland's first Climate Change Adaptation Framework will set out a strategic centrally co-ordinated plan for adapting to climate change. This is supported by NPF2 which recognises that:

*“Planning authorities will need to develop strategies for more sustainable patterns of development which take account of climate change predictions. Measures such as reducing transport emissions and producing heat and power from renewable sources will need to be combined with an understanding of changing development capacity, due to factors such as long-term flood risk, the increased frequency of extreme weather and the need to reduce and better manage demand for energy and water.”*

5. This strategic steer from the Government on planning policy needs to be integrated into the planning system on a variety of fronts. We consider that the planning system has the potential to:

- contribute to climate change mitigation and deliver lasting progress against the emissions targets of the UK and Scottish Governments by:
  - creating an attractive environment for innovation and for private sector investment in the generation of power and heat from renewable and low carbon technologies;

- ensuring that the siting, design and layout of new development limits carbon dioxide emissions and facilitates the generation of power and heat from renewable or low carbon sources;
  - supporting additional facilities for the treatment and recycling of municipal, commercial and industrial waste to help achieve Government waste management targets;
  - securing patterns of development which reduce the need to travel, especially by car, and encourage the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking.
- Increase resilience to climate change by:
    - ensuring that new development is planned to minimise future vulnerability in a changing climate;
    - improving the resilience of existing infrastructure and communities to the unavoidable impacts of climate change; and,
    - identify and facilitate opportunities to achieve other policy objectives created by changes to our climate.

## APPENDIX 3

### Highland Wide Waste Management Strategy

1. SEPA supports an up to date Highlands Wide Waste Management Strategy being established, as this will ensure a consistent waste management approach across the constituent future Local Development Plan (LDP) areas. There are, however, areas where SEPA would seek policies inserted or expanded in order to provide a robust planning framework for all proposed waste management facilities in Highland. Policies relating to waste management must comply with the requirements and policies set out in the National Waste Strategy, National Waste Management Plan, and Area Waste Plan, Highland Structure Plan 2001 and national policy and guidance.
2. **SEPA strongly recommends the inclusion of an overarching policy** which reflects the waste hierarchy and which requires all other waste management policies contained in the plan to adhere to the hierarchy in order to reduce climate change and to comply with the National Waste Management Plan, and Scottish Planning Policy (SPP) 10 and Planning Advice Note (PAN) 63.
3. A possible form of wording for a policy relating to waste minimisation could include requirements for all new developments (including commercial, business, industrial and residential) to demonstrate that they have sought to minimise the generation of waste during the construction and operational phases.
4. We support the map based identification of existing waste management facilities, and recommend that the waste map being prepared with the Scottish Government is included within the forthcoming LDP, and recommends that new proposed sites for waste infrastructure are also identified on the proposals map. SEPA recommends that the LDP should include a policy which identifies and safeguards all existing and proposed waste infrastructure which help support the reduction, re-use, recycling, recovery, pre-treatment and transfer of waste.

An example of such policy wording is as follows:

*“Existing and potential strategic waste management sites at XXXXX, and as identified on the Proposals Map, will be safeguarded for future sustainable waste management use and, where appropriate, for expansion in accordance with other waste management policies (these policies should be named). Any development on these sites which would jeopardise or prevent their future use for waste management purposes will not be permitted.”*

5. The Waste Management section of the Main Issues Report states that advice on Commercial & Industrial and Construction & Demolition waste management facilities required in the Highland wide LDP area will be informed through working with developers when they come forward with preferred sites. Non municipal waste comprises around 75% of the total waste produced in the area, it is essential that there is a clear policy framework in place to provide guidance for both developers and the community. Because non-municipal waste is currently not addressed by the Best Practicable Environmental Option of the Highland Area Waste Plan, developers will be looking to the LDP to provide more guidance. It is recommended that waste management policies state that they apply to both municipal and non-municipal waste. SEPA considers that a more rigorous approach should be adopted, with clear direction and information on the identification of waste management facilities required to treat municipal, commercial and industrial waste contained within the plan.
6. It is recommended that a policy which sets out the Council’s approach towards requiring waste management should be considered as part of all developments is included in the LDP. It is crucial to the development of a policy framework for sustainable waste management to ensure that provision to (1) enable the new methods of waste collection and (2) facilitate recycling and sustainable waste management, is fully considered at the design stage of all new development (ref to Scottish Planning Policy).
7. A policy for consideration of landfill proposals may be still be required as part of the overall waste policy framework. It is likely that there will still be a need for residual landfill provision in most areas to deal with those residual waste streams that cannot be further treated, recycled, reused or processed, and this should be outlined in the introductory text. In some areas the need to provide such residual landfill is pressing and it is therefore important that clear guidance is provided for potential developers. This type of policy varies from other suggested waste management policies in that it would not seek to provide explicit support, but rather outline the circumstances in which landfill would be considered acceptable, as outlined in paragraphs 47 to 50 of PAN 63.
8. We also recommend that the LDP makes reference to the Proximity Principle, which requires waste to be treated as close as possible to where it is produced, as opposed to transferring waste for treatment at waste management facilities located outwith the administrative area. The 2003 National Waste Plan states in paragraph 2.1.2 that the proximity principle should be applied at Area Waste Plan level. We recommend that the LDP includes a policy which requires waste to be treated as close to source as possible, and that waste arisings should be treated within the Area Waste Plan boundary or Highland Council administrative area.
9. **Detailed response and guidance for the development of policy in respect of the Preferred Options in the Main Issues Report.**
- 9.1 ***‘ Have a waste management policy which directs waste management facilities to existing or proposed industrial and business sites in the first instance.’***

- 9.1.1 Paragraph 164 of the proposed consolidated SPP states that “all development plans must allocate sites for required waste management facilities, and provide a policy framework which facilitates the development of these facilities.”, whilst paragraph 165 requires development plans to identify appropriate sites for new installations, and for community composting and bring facilities where required. The wording of the model policy from SPP10, replicated below, should be used to direct waste management facilities to the preferred sites:

*“Allocations for waste management installations are appropriate generally on the existing or planned supply of employment and industrial land and specifically on:*

*Class 5 General Industrial land (where additional protection can be provided by Pollution Prevention and Control (PPC) and through more stringent control over noise, vibration and hazardous substances);*

*And in the case of waste transfer stations and materials recycling facilities;*

*Class 6 Storage or Distribution land (where the distinction with Class 5 is on the basis of a higher level of lorry or van movements).”*

- 9.1.2 Additional or alternative sites to those located within existing or allocated industrial or business sites may be brought forward during the life of the LDP for the development as waste management facilities. It is therefore recommended that in order to establish whether the proposed sites are appropriate locations for waste management facilities, an alternative LDP policy is included which reflects the intention of the first bullet point of the “preferred option” that directs proposals to existing (or proposed) business or employment sites, and requires justification as to why an allocated waste management site is not being sought.
- 9.1.3 Therefore, it is recommended that any future policies relating to the location of new waste management facilities would be a combination of the “Preferred Option” approach and the “Alternative Option”, specifically a policy which firstly requires Local Development Plans to allocate sufficient sites for the number and range of waste management facilities required within their area in order to meet the known demands, and a policy which directs additional waste management facilities to existing or proposed industrial and business sites where justification can be given for not locating on the allocated sites. It is believed that this approach provides certainty in requiring LDPs to identify preferred locations for waste management facilities to meet the identified requirements, but also enables flexibility to address future demand.
- 9.1.4 **SEPA will object to** Local Development Plans that do not allocate sites for waste management facilities. We are happy to work with Highland Council to achieve the approach recommended above.
- 9.2** *‘Examine other sites to ensure a range of opportunities exist. This could include the potential for energy from waste proposals to be included as part of major housing or commercial proposals.’*
- 9.2.1 Policies should look at the whole range of factors that could be brought forward to sustainably manage the waste arisings, and encourage the management of the waste as high up the waste hierarchy as possible.

**9.3 *'Outline specific requirements for the design of new developments to provide for the provision of local facilities, for the submission of site waste management plans and by the identification of particular opportunities for district heating schemes; and Require developers to deliver these benefits as part of major development schemes.***

9.3.1 SEPA supports the concept of incorporating energy from waste proposals as part of major housing or commercial developments, but also recommends that other types of waste management facilities such as recycling facilities are incorporated into the proposals.

9.3.2 The SEPA Thermal Treatment from Waste Guidelines 2009 require, in section 1.1, that thermal treatment plants handling waste should, inter alia, only treat residual waste (ie that remaining after all efforts have been made to extract recyclable materials either prior to or after delivery to the plant) in order not to impede recycling and waste prevention targets and to provide the opportunity to move materials up the waste hierarchy. The Thermal Treatment Guidelines also requires developments to use Best Available Techniques. A copy of the Guidelines has been attached to this response for information.

9.3.3 SEPA supports the proposed approach to require the design of new developments to ensure the provision of waste collection facilities within the boundaries of premises, and the provision of local waste management facilities. It is important for waste management and recycling to be "built in" to development as early as possible in order to ensure efficiency of collection and increase the opportunity to maximise the amount of waste collected for recycling.

9.3.4 We consider that there are also opportunities to integrate heat planning into the plan making process and it is recommended that housing policies, and other policies on new development, consider the opportunities to promote district heating and space heating initiatives using waste and other biomass as a fuel. For example when considering the siting/zoning of new development in a sustainable manner, the opportunities for such developments to be connected to decentralised energy production should be fully considered through the development of a Heat Plan, an example of which is contained within SEPA's Thermal Treatment Guidelines 2009.

9.3.5 We also support the Highland Council's approach for identification of opportunities for district heating schemes as using both heat and power from Energy from Waste schemes significantly improves the efficiency of these plants.

9.3.6 To achieve this, waste management facilities should be sited close to the sources of waste arisings and to existing and potential users of both power and heat (eg district heating schemes, combined heat and power networks, industrial heat users etc). Employment and industrial land will normally be suitable for these uses, subject to other Council planning policies on siting and design of new development. Sustainable transport opportunities should be fully considered, and cross referred to other policies within the LDP. These principles should also be applied to biomass plant.

**10. Site Waste Management Plans**

10.1 Together with designing new development to facilitate sustainable waste management, the requirement for the submission of site waste management plans to enable minimisation of waste at construction and operational stages of all developments should be a recurrent theme throughout a Local Plan in order to achieve sustainability objectives. One way of delivering this would be to include the requirement for this to be submitted as part of a Construction Environmental Management Plan. If it is proposed to expand on this

issue within supplementary guidance, then the policy should make this clear in order to ensure that the supplementary guidance has policy standing and force.