

Issue	Respondent	Representation received	Council Response	Action
General	SEPA	<p>We are generally satisfied that the Supplementary Planning Guidance (SPG) addresses most of the issues that we would like to see covered.</p> <p>In general we expect surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 268) and the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDS help to protect water quality and reduce potential for flood risk. Guidance on the design and procedures for an effective drainage system can be found in Scotland's Water Assessment and Drainage Assessment Guide.</p>	<p>Comments noted.</p> <p>Document stated has been added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>	<p>Document stated has been added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>
Water Environment	SEPA	<p>1.1 Although mentioned as part of the publications, we recommend that the SPG gives more importance to the use of the SUDS Manual (C753) and in particular the use of the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate.</p>	<p>Referred to on page 14 in the SPG.</p> <p>Reference has also been added to Page 13 and Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>	<p>Reference has also been added to Page 13 and Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>
	SEPA	<p>1.2 We recommend that is it clear that comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of your authority's roads department and</p>	<p>Comments noted.</p> <p>Consultees are consulted as part of the planning process.</p>	<p>No action required</p>

		flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.		
		1.3 We recommend that the arrow in Figure 2-SUDS hierarchy is inverted so that it is pointing to the most sustainable options, in order to lead the eye to the solutions that we would encourage the developer to adopt.	<p>It is considered appropriate that Most Sustainable is at the top of the table and is considered first and with Least Sustainable at the bottom e.g. top down approach with most sustainable considered first.</p> <p>The colour fade of the arrow has been changed to make it darker on top and lighter to the bottom.</p>	The colour fade of the arrow has been changed to make it darker on top and lighter to the bottom.
		1.4 We recommend reference to the possibility of retrofitting SUDS. The SPG should ensure that opportunities are taken to retrofit SUDS, wherever possible, for developments that involve a change of use and/or redevelopment.	<p>The suggestion of retrofitting SUDS is out with the scope of planning Development Management. If a previous planning consent has a condition for SUDS system and it has not been implemented then enforcement actions could be taken. If a new application comes forward for development - SUDS is taken into consideration.</p> <p>In terms of the Local Development Plan allocations have site requirements and a</p>	No action required.

			requirement can be added for SUDS where needed within the Plan process.	
		<p>1.5 We welcome the reference in the appendices to the River Basin objectives. We would however welcome reference to supporting the delivery of the relevant River Basin Management Plan also in the main text, including reference, where possible, to the water body specific objectives to address identified pressures.</p>	<p>A reference to River Basin objectives is included in the text, as mentioned.</p> <p>A link has already been included to the SEPA 'Water Environment Hub' an interactive map on page 20 which highlights pressures on water bodies amongst other things.</p> <p>It must be noted that the Sustainable Urban Drainage Systems Supplementary Planning Guidance as set out in the introduction primarily relates to Planning and Development Management issues. Its primary purpose is to set out practical guidance on what the requirements for SUDS are.</p>	No action required.
		<p>1.6 We support the reference to the benefits for biodiversity and the relation to the green network in parts of the SPG. We recommend referring to</p>	Comments noted.	No action required.

		<p>green/blue network. In particular we consider that SUDS design to enhance biodiversity should be encouraged even more as this is an aspect that is often not pursued by the developers. This would be in line with the SEPA One Planet Prosperity approach to go beyond compliance.</p>	<p>The purpose of the SPG is to set out SBCs requirements for SUDS and it also primarily relates to Planning and Development Management issues. It is hoped that this document will help improve knowledge and understanding to the development industry at an early stage in the planning process. Specifically the following sections; 'What are Sustainable Urban Drainage Systems (SUDS)?' and 'Benefits of Sustainable Urban Drainage Systems' demonstrate the benefits and preferred design of SUDS with emphasis but on sustainable development principles.</p> <p>Where a SUDS scheme is required as part of a development, a condition can be attached to the approval to implement an agreed scheme. If SUDS is not implemented then enforcement action could be taken.</p>	
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			<p>With reference to green/blue networks in the adopted Local Development Plan (LDP) we currently have Policy EP12 Green Networks and within the background Technical Note Green Networks main components can be grouped to include: Main rivers and Water Quality; Natural Heritage; Woodland; Landscape designations; Countryside Around Towns; Gardens and Designed Landscapes; and Active travel and railway routes. We also acknowledge that Planning Advice Note (PAN) 60: Planning for Natural Heritage promotes the concept of green networks that can contribute to the wider landscape, biodiversity and urban design objectives. PAN 60 also goes on to say: that the development of Green Networks “can also be integrated with provision for nature conservation, education, recreation, countryside access and sustainable urban drainage, and the development of</p>	
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			<p>footpath and cycleway networks”.</p> <p>It is considered that blue elements are tied into our existing Green Networks policy. While perfectly acceptable to refer to blue elements to avoid confusion, we will continue to refer to Green Networks.</p>	
		<p>1.7 The statement on page 4 about the legislative & regulatory requirements as they relate to SEPA isn't quite correct. We suggest that this is amended to something like:</p> <p><i>Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) it is a legal requirement for new developments with surface water drainage system that are discharging to the water environment or a surface water drainage system to pass through SUDS. All reasonable steps must be taken to ensure protection of the water environment. As a minimum, all discharges of surface water require to comply with the General Binding Rules (GBRs) for surface water discharges or licence (depending on the scale of the development) however there are two exceptions to this requirement:</i></p>	<p>Changes have been made as suggested.</p>	<p>Changes have been made as suggested.</p>
		<p>1.8 We would like to see some wording added to the document about the requirement for SUDS at the construction stage of the development. Construction phase SUDS should</p>	<p>The construction phase is raised on page 7 Drainage Assessment (DA) as a bullet under Matters to be</p>	<p>The SUDS Manual has been added to Page 20 Appendix 2 Detailed Planning Permissions</p>

		<p>be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753).</p>	<p>Considered “what is to be done during construction phases to control water contamination and limit flow rates?”</p> <p>As a planning authority we would encourage a developer to engage at a pre-application stage to determine if SUDS is required at the construction phase.</p> <p>The SUDS Manual has been added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment which refers to this matter.</p>	<p>Considerations for Developers For Drainage Assessment which refers to this matter.</p>
		<p>1.9 The key SUDS reference document as far as SEPA is concerned is the Regulatory Method (WAT-RM-08) - Sustainable Urban Drainage Systems (SUDS or SUD Systems) which can be found at https://www.sepa.org.uk/media/219048/wat-rm-08-regulation-of-sustainable-urban-drainage-systems-suds.pdf. This in turn references the following key documents:</p>	<p>Links added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>	<p>Links added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.</p>

		<ul style="list-style-type: none"> ○ CAR - a practical guide (Controlled Activities Regulations) ○ Sewers for Scotland ○ SUDS for Roads ○ SUDS Manual (CIRIA C753) ○ Water Assessment and Drainage Assessment Guide ○ WAT-SG-12: GBR for Surface Water Drainage Systems ○ WAT-SG-75: Sector-specific Guidance - Construction Sites 		
		1.10 It would be good if all these could be referenced on page 19 (now page 20). In addition further guidance can be made available in this section, see the links provided in paragraphs 1.14 and in 2.2 of this letter.	Links suggested in point 1.9 added on page 20.	Links added on page 20.
		1.11 On page 19 (now page 20) please can you update the SEPA address to the Edinburgh Office, Silvan House, 3 rd floor, 231 Corstorphine Road Edinburgh, EH12 7AT, tel. 0131 4497296 and/or refer to the SEPA website www.sepa.org.uk/contact .	Address removed and a link to https://www.sepa.org.uk/contact/ added.	Address removed and a link to https://www.sepa.org.uk/contact/ added.
		1.12 On page 23 (now page 24) please can the reference to SEPA approval be removed from the Single Dwelling box. SEPA has no regulatory powers here.	Noted and updated	Noted and updated
		1.13 On page 23 (now page 24) (Small Developments box) and 25 (now page 26) please can the reference to SEPA approval for tying into existing drainage be removed. This is not a matter for SEPA.	Page 24 updated. Page 26 text left in – SEPA should be consulted apart from singular houses. The discharge of surface water is a controlled activity under The Water Environment	Page 24 updated. Page 26 text left in – SEPA should be consulted apart from singular houses. The discharge of surface water is a controlled activity under The Water Environment

			(Controlled Activities) (Scotland) Regulations 2011 as amended. Under these regulations surface water discharges to ground or water (wetlands, surface waters or groundwater) must be by means of a sustainable urban drainage system authorised by SEPA. Surface water discharge from a single dwelling or its curtilage is permitted to be by other means.	(Controlled Activities) (Scotland) Regulations 2011 as amended. Under these regulations surface water discharges to ground or water (wetlands, surface waters or groundwater) must be by means of a sustainable urban drainage system authorised by SEPA. Surface water discharge from a single dwelling or its curtilage is permitted to be by other means.
		1.14 Please also note the reference to SEPA development plan guidance on the water environment guidance, supported by the water environment background paper .	Comments noted. Water Environment Background Paper added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.	Water Environment Background Paper added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.
		1.15 We welcome the reference to connecting to the public sewer and to contacting Scottish Water (SW) to check the capacity to ensure a connection to the public sewer is available and to check whether restrictions at the local sewage treatment works will constrain the development.	Support noted	No further action
		1.16 The applicant should keep in regular contact with SW to ensure such a connection is available at the time of development of the site, as SW facilities may have accepted discharge	Comments Noted	No further action

		from other developments before construction commences at this site.		
		1.17 It should be noted that should a connection to the public sewer not be achievable then SEPA would be required to be re-consulted as any private waste water discharge would require authorisation under Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).	Comments Noted	No further action
Flood Risk	SEPA	2.1 We welcome the reference to flood risk, however we are unclear if another supplementary guidance more specific for flood risk is going to be produced. Flood risk consideration is an important part of SUDS, however we would expect further, more detailed guidance to be made available in order to ensure that flood risk is avoided and managed properly within the Borders area. With the assumption that there is going to be a flood risk SPG we are only providing general comments at this stage. Please do not hesitate to contact me to discuss this matter in more detail should this not be the case.	No plans to produce a Flood Risk SPG we continue to consult our Flood team and SEPA on any matters on any proposed sites in the LDP and on any planning application where appropriate.	No action required.
		2.2 We therefore recommend giving more importance to the <u>avoidance</u> of flood risk and making reference to the flood risk guidance published in the SEPA's website. Development plan guidance on flood risk Land use planning background paper on flood risk	Comments noted. It is considered the SPG gives sufficient reference to the avoidance of flood risk.	No action required.
		2.3 Further information and links to flood risk guidance and information is available in the SEPA website at:	Comments noted.	No action required.

		https://www.sepa.org.uk/environment/land/planning/advice-for-planning-authorities/	Interested parties can contact SEPA directly regarding any further relevant guidance from them.	
Regulatory Requirements	SEPA	<p>3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.</p> <p>If you have any queries relating to this letter, please contact me by e-mail at planning.se@sepa.org.uk.</p>	<p>Comments noted.</p> <p>Interested parties can contact SEPA directly regarding any further relevant guidance from them.</p>	No action required.
General	Reston Auchencrow Community Council	<p>“Whilst we welcome the use of SUDS in this ever changing climate, we have reservations on the different types of SUDS in use or proposed. The use of Attenuation storage has concerns on the adoption after installation by either local authority or Scottish Water. There is concern that once adopted by a body, then it may become forgotten about. There is also concern to the waste or outlet pipes, who will maintain these as these generally are not part of the planning and often get neglected or forgotten about, until such a time flooding has occurred. Then its is to late. Perhaps this should be a planning recommendation.</p> <p>SUDS in the style of 'Retention Ponds' are of a concern where used close by a large residential area, often their designs will be in excess of 1.5m deep, and with none or little restrictive access to playing children. where fencing has been used it has little or no barrier to the hazard. The construction design where by two outlets are used to maintain two levels, the first going to</p>	The SPG will be a helpful document in pulling together the responsibilities of key bodies such as Scottish Water, SEPA and Roads Planning. One of the Key elements of the SPG is to insure satisfactory implementation of all SUDS projects and its believed that issues raised by the Community Council will be addressed and resolved with these clear parameters in place as stated within the SPG and through the planning application process.	No action required.

		waste treatment and the other going to river course to prevent flooding, this is concern for contamination of river courses.”		
General	Scottish Water	Need reference to the following documents:- Water Assessment and Drainage Assessment Guide, SG FRM - Delivering Sustainable Flood Risk Management and Surface Water Management Planning guidance, SG Green Infrastructure - Design & Placemaking	Page 3 is setting out the Planning Policy at a National and Local level. The following documents: Water Assessment and Drainage Assessment Guide, Delivering sustainable flood risk management: guidance (2019), Surface water management planning: guidance (2018), and SG Green Infrastructure – Design and placemaking have been added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.	The following documents: Water Assessment and Drainage Assessment Guide, Delivering sustainable flood risk management: guidance (2019), Surface water management planning: guidance (2018), and SG Green Infrastructure – Design and placemaking have been added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.
		Page 4, bullet point 2. Exception may not apply where bathing waters or shellfish may be affected	Comment noted. In WAT-RM-08 Page 10 Section 4.1 GBR “ <i>For all surface water discharges to coastal waters, including those to Bathing and Shellfish Waters, the GBR does not automatically require SUDS, due to the dilution available</i> ”	Text added to page 4, bullet point 2: ‘and may exclude bathing or shellfish water’.

			Text added to page 4, bullet point 2: 'and may exclude bathing or shellfish water'.	
		Page 4, 2 nd para, remove " <i>limit and control the rate of surface water run-off and</i> " This is controlled via Flood Risk Management Act. CAR Regs focuses on water quality	Text removed from page 4, 2 nd para: " <i>limit and control the rate of surface water run-off and</i> "	Text removed from page 4, 2 nd para: " <i>limit and control the rate of surface water run-off and</i> "
		Page 5 last para. Reference should be made to Greener Gardens Raingarden guide	Reference incorporated in text page 5: " Greener Gardens: An Introduction to Raingardens for Developers is a practical guide on incorporating small scale green infrastructure into a development."	Reference incorporated in text page 5: " Greener Gardens: An Introduction to Raingardens for Developers is a practical guide on incorporating small scale green infrastructure into a development."
		Page 7, Drainage Assessment. This page should make reference to Water Assessment and Drainage Assessment Guide and make it a pre-requisite for applications to be verified as other LA's have implemented	Reference and hyperlink added to Page 7. Also added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.	Reference and hyperlink added to Page 7. Also added to Page 20 Appendix 2 Detailed Planning Permissions Considerations for Developers For Drainage Assessment.
		Page 7 Change Drainage Impact Assessment (DIA) to Drainage Assessment (DA)	Text amended.	Text amended.
		Page 11 first sentence additional text: Via the submission of a Drainage Assessment as detailed within the Water Assessment and Drainage Assessment Guide.	Text amended.	Text amended.
		Page 12	Text amended.	Text amended.

		Refer to Scottish Water's current edition of Sewers for Scotland applicable at time of application		
		This list (Page 12) is not required if you are referring to Sewers for Scotland. Highlight need for compliance is suitable. Need to make reference to Ciria SUDS manual where SUDS are not to be vested by Scottish Water (ie SBC or private)	Added text: <i>"Where SUDS are not vested by Scottish Water then Ciria SUDS manual should be referred to."</i> The list on page 12, is just to give developers a brief indication of some of the potential mitigation risk considerations they might want to consider in the design process. Design of SUDS can be of some concern to members of the public and communities.	Added text: <i>"Where SUDS are not vested by Scottish Water then Ciria SUDS manual should be referred to."</i>
		With regards to: <i>"The Scottish Environment Protection Agency's (SEPA's) preference is for SUDS constructed outside the boundaries or curtilage of a private property to be adopted by Scottish Water, the local authority or a public body, and as such SEPA seeks a guarantee for the long term maintenance and sustainability of any SUDS implemented."</i> This should also be a requirement of Planning to ensure future maintenance is sustainable and has been considered	Comments noted. The vast majority of the time Scottish Water and Scottish Borders Council will take on maintenance of SUDS ponds and basins and where responsibilities are shared this would be through a Section 70 legal agreement.	No action required.
		Page 12. Again make reference to current edition to remove need to update in future	Text amended.	Text amended.
		Last sentence page 12.	Text amended.	Text amended.

		Remove text <i>“take out”</i> change to maintain.		
		Page 13, first para. Need to highlight requirements where private ownership is proposed as this is an option albeit not preferred	Text added: <i>“A privately owned SUDS is not a preferred option and in the rare occasion where one is proposed, the applicant will usually be required to provide a maintenance regime as part of the planning process.”</i>	Text added: <i>“A privately owned SUDS is not a preferred option and in the rare occasion where one is proposed, the applicant will usually be required to provide a maintenance regime as part of the planning process.”</i>
		Amend text on page 13 – Sewers for Scotland 4 th edition (Scottish Water) to current edition	Text amended.	Text amended.
		Insert text page 13 second bullet point in front of water butts: “green roofs, raingardens, permeable driveways, infiltration trenches/soakaways and”	Text amended.	Text amended.
		Amend text on page 13 seventh bullet point – Sewers for Scotland 4 th edition (Scottish Water) to current edition. Add text “or Ciria SUDS manual (whichever is applicable)”	Text amended.	Text amended.
		Change text page 14 second bullet point ‘danger signs’ to ‘educational signs’	Text amended to warning signs.	Text amended to warning signs.
		Change text page 14 second bullet point ‘potential dangers’ ‘potential risk’	Text amended	Text amended
		Remove text page 14 third bullet point “or safe”	Text amended.	Text amended
		Page 14 third bullet point second sentence. Add text: “identified with their risk assessment”	Text amended	Text amended
		Page 14 text under middle picture - This is also due to poor silt / sedimentation management during construction phase and remediation required prior to be put forward for vesting	Text added: <i>“and poor sedimentation management”</i>	Text added: <i>“and poor sedimentation management”</i>
		Page 14 first picture and text - This is not a good example as it may suggest a fence and danger signs should be the norm whereas if designed	The picture isn’t showing best practice simply that the design in the picture is	No change required

		properly and mimic nature these are infrequently present	restricting access to potential green space. First sentence under the example removed to avoid ambiguity. Sentence added: " <i>if designed more appropriately then fencing would not be required.</i> "	
		Page 14, under Adoption, first bullet point. Change 'adopt' and 'adopted' to 'vest' and 'vested'	Text amended.	Text amended.
		Page 14 last bullet point change 4 th Edition to Current version	Text amended.	Text amended.
General	Peebles Community Council	I have reviewed the above document on behalf of Peebles Community Council and find it to be a well-considered and reasonable document.	Support noted.	No change required.