

SEPA's Planning Performance Framework

1 April 2021 – 31 March 2022

July, 2022

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1 Introduction

Founded in 1996, the Scottish Environment Protection Agency (SEPA) is Scotland's principal environmental regulator.

As a non-departmental public body of the Scottish Government, our role is to make sure that the environment and human health are protected, to ensure that Scotland's natural resources and services are used as sustainably as possible and contribute to sustainable economic growth.

Through the delivery of [One Planet Prosperity](#) we are committed to making Scotland stronger. We work with Scottish businesses to ensure they comply with Scotland's environmental laws, and we work to ensure as many as possible will go even further.

We also help Scotland to prepare more powerfully for future increased flooding and are the national flood forecasting, flood warning and strategic flood risk management authority.

With around 1,300 people based across Scotland, from the Highlands and Islands to the Borders, we regulate and advise on a wide range of environmental activities.

Cyber-Attack Recovery

On 24 December 2020, we were subject to a serious and complex cyber-attack, displaying significant stealth and malicious sophistication, which significantly impacted our organisation, our staff, our systems, our public and private partners, and the communities who rely on our services.

Since the attack, we have worked with Scottish Government, Police Scotland, the National Cyber Security Centre (NCSC) and the Scottish Business Resilience Centre (SBRC), to a clear recovery strategy.

Recovery and build back was, and continues to be our priority. We did not produce a Planning Performance Report in 2020-2021. Our many Service achievements during the April 2021 to March 2022 recovery phase are summarised below.

2 A description of our Planning and Contaminated Land Service

Our Planning and Contaminated Land Service delivers SEPA's various complex statutory land use planning, contaminated land and environmental assessment responsibilities.

In 2020 we established a new direction for how we engage in planning and development. We are committed to help deliver great places in Scotland where communities and businesses can thrive within the resources of our one planet. We do this by adopting a place-based approach to our work, aligned with the Place Principle, and through targeted, early and proportionate collaboration where we can add most value.

Our statutory responsibilities include:

- cooperating in the preparation and review of the National Planning Framework
- cooperating in the preparation and review of development plans
- providing land use planning advice to planning authorities when we are consulted on certain types of planning and planning-related applications
- specific duties to regulate activities and assist in the management and remediation of contaminated land, within the scope of the [Environmental Protection Act \(1990\)](#) known as [Part IIA](#)
- consultation authority responsibilities for Strategic Environmental Assessment
- consultation body responsibilities for Environmental Impact Assessment

These responsibilities are carried out by our 19.4 FTE planning staff and four FTE contaminated land specialists. Our primary focus is to early engage in development plans, strategic initiatives and to certain defined types of development proposals which are most likely to affect SEPA matters.

In exercising our responsibilities, we help to ensure regulated businesses reach full compliance with environmental obligations, and we help as many businesses as possible to voluntarily go beyond the compliance standards.

Post-cyber recovery

April 2021 – December 2021

By April 2021, most of our planning and contaminated land staff had gained access to email and basic desktop facilities. The Cyber-attack rendering our Planning Casework System and system folders inaccessible represented a major logistical challenge. We established an internal Triage Delivery Group to identify and progress priority workstreams to support our build-back and delivery of our new direction. Our triage framework, on which we consulted internally and with Heads of Planning Scotland and Scottish Government Planning in March 2021, provided necessary early direction on where to focus effort in dealing with backlog cases.

Casework officers organised separate virtual meetings with planning authorities and consulting bodies to begin dealing with the backlog. There were three strands to this:

1. responding to triaged cases where bespoke planning advice was necessary;
2. identifying other cases that could be progressed with our standing (good practice) advice;
3. agreeing cases the planning authority could progress without the need for our advice. Flood risk colleagues also very usefully participated in some of the triage meetings.

By the start of July 2021, all 34 Planning Authorities and all four consulting bodies had participated in at least one liaison meeting. We continued to tailor the frequency to meet the specific needs of each planning authority and consulting body. Where SEPA consultation case numbers in an authority were typically low, the frequency of meetings was intentionally low and vice versa. Backlog cases were cleared by the end of July.

Early feedback on this new triage framework and ways of working was very positive – reinforced by the CEO of the Convention of Scottish Local Authorities during a meeting in June 2021 with our then CEO and Chairman.

“Many, many thanks for the exceptional response in respect of our Electricity Act applications. Way above and beyond our expectations given the devastation caused by the cyber-attack. The triage meetings have been really helpful in allowing us all to hone-in on our priorities.”

Scottish Government Energy Consents Unit

In August and September 2021, we asked planning authorities for feedback on the triage framework and meetings approach via a Citizen Space online questionnaire. Eighty-four percent of responses found the collaborative approach to be practical and useful. Between October and December 2021, we collaborated both internally and externally (including with Scottish Government) to produce a V2 triage framework along with consolidated and updated standing (best practice) advice. This took on board all feedback we had received from planning authorities and consultation bodies.

January – March 2022

Major areas of work during Q4 are as follows:

- On 5 January, we published and issued our [V2 triage framework and consolidated and updated standing advice](#).
- On 30 March, we submitted our comprehensive [responses](#) to Scottish Government’s consultation on draft National Planning Framework 4 and local development plan regulations and guidance. This followed extensive internal and external collaboration.
- In July 2021, we issued [guidance](#) to planning authorities on the use of SEPA’s new flood maps; and updated peak flow and peak rainfall allowances in our guidance on Climate Change Allowances for Flood Risk Assessment in Land Use Planning. [V2](#)

[guidance on Climate change allowances for flood risk assessment in land use planning](#) was issued in March 2022

- In March 2022, we participated in an independent audit of SEPA Planning's post-cyber recovery by Azets, as part of an internal audit programme

We also continued to engage with the following:

- the Scottish Government High Level Group on Planning Performance
- various Key Agencies Sub-Groups
- various Heads of Planning Scotland sub-committees – including Climate Change, Energy and Resources sub-committee; Development Planning Sub-Committee and the Development Management sub-committee

3 Performance Markers

Placemaking

3.1 Key Agencies Placemaking Sub-Group

We chaired the Key Agencies Group and the Placemaking sub-group providing leadership in applying whole system place-based approaches with planning authorities who responded to the [Key Agency Green Recovery Offer](#). This resulted in collaborations with several authorities, including East Ayrshire, Fife, City of Edinburgh and Stirling to embed place-based ways of working, consistent with Scottish Government Planning Reform. During the year we also undertook a reflection exercise on our work to date and gained feedback from the planning authorities we have worked with. The feedback was very positive:

“In the areas in which KAG is assisting us, we have made more progress in the last few months that has been made in the last 5 years”.

East Ayrshire Council

3.2 Development plan engagement

We proactively engaged with planning authorities at various stages of preparing and reviewing their local development plans, including Strategic Environmental Assessment of those plans. One particular example was the Inner Moray Firth Local Development Plan, where we worked with NatureScot and Historic Environment Scotland to assist The Highland Council with the environmental assessment of their proposed site allocations. This helped them produce a novel SEA Site Assessment Online [Map](#) which took an interactive placemaking approach to displaying potential sites and their environmental effects.

The Scottish Government intends to issue new development plan regulations in 2023. We expect to engage with these new-style local development plans during 2023 and a further four plans which are progressing under current legislation.

3.3 Development management

We participated in 159 triage meetings with planning authorities and consultation bodies. Without the triage approach, we would have taken far longer to process the post-cyber backlog of casework. By producing consolidated standing (best practice) advice for lower risk cases, we were able to re-divert time towards more complex, higher risk cases.

Between April 2021 and March 2022, we responded to just over 3,000 triaged planning and planning-related consultations within agreed timescales. This is around half the number of consultations we responded to in previous years. However, despite lower case numbers, logistics have been far more complex in the absence of our Planning Casework System and supporting systems. Each case took almost twice as long to deal with, but we still managed to respond within agreed timescales.

Examples of the more complex development management cases we dealt with included:

- Proposals for new space ports in Shetland, North Uist and Sutherland, supporting Scotland's Space Strategy
- Proposals for new hydroelectric pump storage schemes, including Coire Glas (1500MW) and Red John (450MW) in the Highlands, which will improve Scotland's energy grid storage abilities and help maintain security of supply.
- Energy Consent Unit Casework

We took part in several pre-application discussions for developments falling within the scope of our triage framework including...

- Supporting The Highland Council's Major Pre-application Advice Service
- Engaging with developers on a large number of Electricity Act windfarm proposals, which will help Scotland meet its climate change targets

In relation to Environmental Impact Assessment, we provided scoping advice to planning authorities for 179 cases. Key examples included:

- Vertical Space Port at Land at Lamba Ness
- A number of energy developments including a number of windfarms, plus solar power and batter storage

3.4 Other Strategic Environmental Assessment related work

We provided advice on a further 98 SEA cases, including:

- The Scottish Biodiversity Strategy
- The Responsible Tourism Strategy
- Climate Ready Aberdeenshire Strategy 2020 - 2030
- Hydrogen action plan for Scotland

3.5 Contaminated Land activities

Our Contaminated Land Specialists provided advice to Local Authorities and developers on over 50 sites to help bring previously used land back into productive use. This advice related to pollution of the water environment arising from historical contamination, treatment and re-use of soils and appropriate, sustainable remediation to ensure that land is Suitable for Use following development. Particularly notable engagement and partnership working activities include:

- Extensive engagement with the Malin Group on proposals for redevelopment of the former Carless Oil Refinery and MoD Oil Storage Depot in Old Kilpatrick, which has been on the vacant and derelict land register for many years. It is anticipated the first phase of remediation will begin later this year, with future phases following on from that as the development progresses.
- Remediation of the former Exxon Oil Storage Facility at Bowling on the Clyde, working closely with West Dunbartonshire Council and Exxon. Redevelopment of this includes the key A82 relief road and commercial developments.
- Partnership working with South Lanarkshire Council, Glasgow City Council and Clyde Gateway on remediation of chromium contaminated groundwater and surface water resulting from the former White's Chemical works in the Shawfield Area of Glasgow. Remediation and redevelopment is phased over 15 years and will enable redevelopment for commercial uses.
- We continue to work with internal and external colleagues (including Scottish Land Commission, Green Action Trust, Scottish Wildlife Trust, Scottish Government and others) on delivering the objectives and aspirations of the Scottish Vacant and Derelict Land task force. These objectives have both been assimilated into routine

SEPA workstreams and also progressed in the form of specialist project work – in particular in relation to developing and accessing green finance.

Capacity Building

3.6 Sharing good practice, skills and knowledge

As previously mentioned, in July 2021 we provided guidance to planning authorities on the use of SEPA's new flood maps and updated peak flow and peak rainfall allowances in our guidance on Climate Change Allowances for Flood Risk Assessment in Land Use Planning. Version 2 guidance for the latter was provided in March 2022.

We attended the Heads of Planning Development Planning Sub Committee to raise awareness of the Key Agency Green Recovery Offer and the benefits of working in this way. The outputs and learning gained from the Green Recovery initiatives were also shared and discussed at a meeting with the Scottish Government Development Plan leads for consideration in the emerging new development plan process and also with the High Level Group on Planning Performance to highlight the importance of this approach in improving planning performance outcomes moving forwards.

3.7 Evidence and data-sharing

We continue to engage with Scottish Government on digital transformation of the planning system to help collaboratively design and deliver new services and ways of working. We participated in a digital planning pathfinder project through the Key Agency Environmental Evidence Sub-Group to explore environmental data use cases for future digital planning processes. Through this initiative we explored the practical application of flood risk data.

Service

3.8 Decision-making timescales

The following percentage of cases were dealt with within agreed timescales :

- Development plans 83%
- Strategic Environmental Assessment (development plans) 99%
- Development management 70%
- Environmental Impact Assessment 70%

3.9 Engagement with service users

As previously mentioned, we routinely engaged with planning authorities and consultation bodies via our triage meetings approach. We also engaged with Heads of Planning Scotland in revising our v1 triage framework and preparing our v2 triage framework.

4 2022-2023 Service Improvements

- May 2022: SEPA Climate Change Guidance Update – deliver online awareness raising sessions for local authorities
- July: new regional structure trial: On 4 July, we will begin trialling a two-region approach to our frontline engagement with planning authorities and consultation bodies. Up until now, we have had three regional planning teams. This restructure will further improve consistency, fairness in workload, training opportunities and staff development.
- By end August: we will agree a new national structure replacing the current Planning Support Unit and refresh the roles of current Principal Policy Officer posts where necessary. By the end of August, we aim to have agreed a new national structure and provided clarity around roles for national planning staff.
- Autumn 2022: We will begin the process of preparing a V3 triage framework, along with updated best practice advice and refreshed internal and external planning guidance
- October 2022: we will undertake a three-month review of regional structure trial
- January 2023: we will undertake a six-month review of regional structure trial

