

AGENDA ITEM 7

APPENDIX 3

DRAFT RESOURCES ENERGY NON-STATUTORY GUIDANCE

PLANNING

Cairngorms National Park

Local Development Plan 2020

Non-statutory guidance: Policy 10 Resources



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How to use this guidance

This non-statutory guidance supports the Cairngorms National Park Local Development Plan 2020 and applies to all planning applications within the Cairngorms National Park. The Local Development Plan is available via <https://cairngorms.co.uk/planning-development/local-development-plan-2020/> and should be read alongside this guidance.

This guidance should be used during the preparation and assessment of planning applications which have potential impacts on resources and waste management.

Introduction and context

Policy 10 of the Local Development Plan¹ provides the framework for consideration of how development would support the sustainable conservation, extraction and use of resources whilst supporting the

¹ Note, policy wording may change following the examination of the Proposed Plan.

aims of the National Park.

Proposals will be assessed against all relevant policies in the Local Development Plan however other policies that may in particular apply to resource and waste management issues are those for Natural Heritage, Landscape, Cultural Heritage and Supporting Economic Growth.

10.1 Water resources

All development should:

- a) minimise the use of treated and abstracted water; and
- b) treat surface water and foul water discharge separately and in accordance with the current CIRIA SuDS Manual; and
- c) have no significant adverse impact on existing or private water supplies or wastewater treatment services; and
- d) not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status; and
- e) not result in the deterioration of water resources used for amenity or recreation; and

- f) avoid unacceptable detrimental impacts on the water environment and seek to improve the water environment where possible. Development should demonstrate any impacts (including cumulative) can be adequately mitigated.
- g) Existing and potential impacts up and downstream of the development, particularly in respect of potential flooding, should be addressed; and
- h) avoid unacceptable detrimental impacts on groundwater dependent terrestrial ecosystems.

There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features.

10.2 Flooding

All development should:

- a) be free from medium to high risk of flooding from all sources taking into account predicted impacts of climate change; and
- b) not increase the risk of flooding elsewhere; and
- c) not add to the area of land that requires food prevention measures; and
- d) not affect the ability of the functional floodplain to store or move flood waters.

In exceptional cases where development is permitted in a medium to high risk area, water resilient materials and construction may be required. This may also be necessary for development in low to medium risk areas. Developments should incorporate SuDS as proportionate to the scale and nature of development.

10.3 Connection to sewerage

All development should be connected to the public sewerage network unless:

- a) it is in a small settlement where there is no, or a limited collection system, in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the area; or
- b) it is in a larger settlement where the connection is currently constrained but is within the Scottish Water investment programme. In such cases systems must be designed and built:
 - i. to a standard to allow adoption by Scottish Water; and
 - ii. to allow easy future connection to the public sewer.

10.4 Waste management and minimisation

All development should:

- a) safeguard the operation of existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan; and
- b) ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement.

New waste management facilities must contribute towards the delivery of the Zero Waste Plan and should be located on existing waste management sites, or land identified for general industrial development, employment land or storage and distribution development. All new waste management facilities should also reflect the principles of the waste hierarchy.

10.5 Landfill

There will be a presumption against the development of new landfill sites and for amendments to, or extensions of existing landfill sites unless the development:

- a) includes appropriate measures for site restoration; and
- b) has fully considered site selection to ensure reinstatement of derelict or despoiled land; and
- c) includes the principles of self sufficiency in terms of capacity and location; and
- d) provides on site facilities to allow recycling/waste treatment.

10.6 Minerals

All development affecting mineral reserves should protect future viable extraction of a workable mineral reserve unless:

- a) there is no alternative site; and
- b) the development is considered to deliver the aims of the Park in a way which outweighs its value as a mineral resource; and

- c) the opportunity has been provided for extraction of the mineral resource prior to development commencing.

Development to exploit mineral reserves will only be considered favourably where:

- a) the developer can demonstrate the market within the Cairngorms National Park where the mineral will be used; and
- b) any significant adverse environmental impact can be suitably mitigated or is outweighed by other social or economic benefits; and
- c) full restoration details are incorporated as part of the proposal; and
- d) no suitable and reasonable alternatives to the material are available.

Proposals will be supported that enable a higher proportion of secondary aggregate/recycled materials to substitute for the consumption of primary aggregates, including facilities for storing, processing and recycling construction,

demolition and excavation materials.

The review of mineral permissions every 15 years will be used to apply up to date operating and environmental standards.

10.7 Carbon sinks and stores

Development affecting carbon sinks and stores, particularly soil and peat, should:

- a) protect all soil and peat from commercial extraction; and
- b) minimise disturbance of soils, peat and any associated vegetation; and
- c) include an assessment of the likely effects of development on carbon dioxide (CO₂) emissions and identify appropriate mitigation measures to minimise the release of stored carbon as a result of disturbance.

10.8 Contaminated land

Development affecting contaminated land will be considered favourably where:

- a) assessments are undertaken to identify actual and potential impacts, on site and off site, of all stages of development proposals on the risks to human health and also to the Park's biodiversity, geodiversity, hydrology and other special qualities; and
- b) in the event of significant risk, investigations and assessments including site specific risk assessments are submitted with planning applications to identify actual or potential significant risks to human health and safety associated with the current condition of the site, and how contaminants currently interact with the surrounding ecosystem and the Park's special qualities; and
- c) effective remedial action, including control and limitations of the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposed and potential reuse by other development, and that there are no significant detrimental effects on the Park's special qualities on or off site.

Water Resources

The water environment is a key part of the National Park. It is mainly in a good, natural condition and is mostly considered to be of excellent quality. However, there are a number of significant risks posed to our water environment including diffuse pollution, river modification, catchment processes and flood management. The availability of water for consumption must be ensured and the impacts of recreation and water abstraction considered.

Any works on or near the water environment can impact on water quantity and quality and change its natural behaviour and/or the habitat it can provide. It is important that the nature and scale of any impacts that may arise from proposed development are considered and assessed. Watercourses and their catchments are dynamic systems and in a state of constant change, for example flow and rate may change and rivers often need room to move position within their natural floodplains. Any development needs to ensure that it does not cause degradation of a watercourse or

exacerbate bank erosion or deposition. Groundwater and wetlands are also important and impacts on these should also be fully considered, including the impact of development on water levels. Further guidance can be found in the Groundwater Protection Policy for Scotland² available from the Scottish Environmental Protection Agency (SEPA).

Where engineering activities in the water environment are required, appropriate mitigation measures should be provided with an application. Where possible this should include the removal of redundant structures and the return of water bodies to their natural state.

There are a number of statutory and regulatory controls in addition to planning permission, including:

- National and international nature conservation regulations (see Policy 4 Natural Heritage and related non-statutory supplementary guidance for further information).
- Water Environment (Controlled Activities) (Scotland) Regulations

(CAR), which deal with engineering activities, pollution, water flow, quality and quantity.

River Basin Management Plans provide information regarding the ecological status of watercourses and should be taken into consideration through the planning process. The granting of planning permission does not remove the need to ensure other licences, permissions or authorisations are in place, which is the developer's responsibility.

Proposed development must take account of the direct and cumulative effects of the proposed development on the water environment. It must be demonstrated that any impacts on river hydrology, sediment transport and erosion, protected species and sensitive habitats, areas protected for nature conservation, fisheries, water quality and quantity and flow rate, recreation, landscape, amenity and economic or social impact can be adequately mitigated. You should utilise opportunities for enhancement and

² Available via

<https://www.sepa.org.uk/regulations/water/groundwater/>

restoration, or other remedial works, wherever possible.

Planning applications must be accompanied by sufficient information to enable an assessment of the impacts on the water environment. Depending on the location, scale and potential for adverse effects, some or all of the following information may be required:

- construction and operation method statements detailing mitigation measures and pollution prevention including enhancement and restoration or other remedial works that meet best practice requirements
- details of and justification for proposals, nature and scale of potential impacts (including direct and cumulative) and measures taken to avoid and/or minimise impacts
- drainage assessment including foul drainage and surface water drainage including sustainable drainage systems (SuDS) statement
- Flood Risk Assessment
- statement on water use and requirements including minimisation,

³ See Policy 4 Natural Heritage and accompanying non-statutory supplementary guidance for more information on HRA.

demand management and a risk assessment for private water supplies

- a hydrology survey covering both surface and groundwater including wetland habitats and natural flow regime, water quality with reference to existing Water Framework Directive classification status, existing public and private water supplies from abstractions and springs and amenity and recreational water use
- sufficient information to enable the relevant planning authority to carry out a Habitats Regulations Appraisal (HRA)³

For larger or more complex developments, it is recommended that you discuss your proposals with the relevant planning authority and other relevant bodies such as SEPA and Scottish Water in advance of submitting your planning application.

Surface Water

CAR regulations require all surface water from new development to be treated by SuDS before it is discharged into the

⁴ <https://www.sepa.org.uk/>

water environment. The aim of SuDS is to mimic natural drainage, encourage infiltration and slow down both the speed of rainwater runoff and reduce pollutant impacts to minimise adverse impacts on people and the environment. In addition to reducing pollution, SuDS also plays a role in flood alleviation.

Development proposals should incorporate SuDS to the appropriate level and should also demonstrate how these systems will be maintained in perpetuity. The level of SuDS treatment required is dependent on the nature of the proposed development and the environmental risk it poses. You should refer to the SEPA website⁴ for the most up-to-date information on the levels of treatment required for your specific development proposal.

Surface water drainage measures proposed as part of a planning application should have a neutral or better effect on the risk of flooding both on and off the site. Where flooding is an issue, SuDS should be designed to mitigate the adverse effects of a storm inflow into the

watercourse or sewer. The SuDS do not prevent on-site flooding from watercourses, although some SuDS, such as retention ponds, can slow the rate of runoff by temporarily storing the water.

For detailed guidance on design criteria for SuDS see the latest editions of Sewers for Scotland⁵ and the SuDS Manual (Construction Industry Research and Information Association (CIRIA)⁶. General Principles for dealing with surface water drainage are provided in Scottish Water Surface Water Policy.

Water Supply

Development proposals should have no significant adverse impact on public or private water supplies. The European Drinking Water Directive⁷ sets the standards for drinking water quality at the tap (including microbiological, chemical and organoleptic parameters). Private water can be supplied from surface water (rivers, burns, lochs) and this will normally need some form of treatment before being suitable for consumption, or from groundwater (springs, boreholes or wells)

⁵ via <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network>

which can provide very clean sources of water.

If the installation of a new private supply is intended for a development then this should be indicated as part of the planning application. A risk assessment of the likely private water source to identify any real or potential contamination risks will need to be carried out i.e. micro-organisms and chemicals and identify steps or measures to remove or reduce the risks. The relevant local authority's environmental health department should be contacted for further advice on private water supplies.

New development must not have significant adverse effects on water resources. In designing a development applicants must therefore:

- ensure the proposal minimises water use and prevents pollution of the water environment
- put in place satisfactory systems for foul and surface water drainage and ensures that an allowance for any land-take required for this has been made

⁶ via www.ciria.org

⁷ Transposed into the Water Resources Act 1991

- identify the source of any proposed water supply (public or private)
- establish whether a flood risk assessment is required, and if so ensure that appropriate information is submitted with your planning application

While it is preferable that a public water supply and drainage system should be used, in some areas this is not possible. Proposals for new houses in the wider rural area that cannot connect to a public service must be accompanied by adequate evidence to demonstrate that private facilities for water supply and drainage are available. This may require you to undertake survey work to test a water supply or a soakaway drainage system and demonstrate it is technically feasible to proceed with the proposal. See the 'Connection to sewerage' (page xx) section of this guidance for further information on foul drainage.

Water Quantity

Minimising the need for water abstraction will help reduce the impacts of

development on the water environment. This can be achieved by improving water efficiency through the conservation, re-use and reclamation of water such as the collection and recycling of water, the use of water efficient appliances, promotion of rainwater harvesting and sustainable drainage systems (SuDS). Under the Controlled Activities Regulations (CAR) there is a duty for all abstractors to take reasonable steps to secure the efficient and sustainable use of water.

Planning submissions should demonstrate how you have sought to minimise water resource use and ensure that there is no deterioration in the quality of the National Park's water resource. This means managing the demand for a continuing supply of good quality water while balancing the needs of wildlife and the environment that rely on sufficient water levels.

Permission will not normally be granted that would result in the deterioration of the current or potential ecological status of a waterbody or that could have an adverse effect on the integrity of a

European site protected for nature conservation⁸. Sufficient information should be provided with planning applications to enable the planning authority to undertake relevant assessments. Applicants should also demonstrate how demand management has been taken into account.

Water Quality

Planning applications should demonstrate how you have addressed water quality issues, including pollution prevention. This should include method statements for any development that is proposed within or near to a watercourse that should explain how SEPA's pollution prevention guidelines will be adhered to during construction and operation of the site, including the management of surface water runoff from construction. Engineering activities in the water environment such as water crossings, bridges and culverts will require a licence under CAR, which is regulated by SEPA.

A development proposal should demonstrate that it prevents or limits the

input of pollutants, including sediment, into watercourses and groundwater so that it does not result in the deterioration of the current or potential ecological status or prejudice the ability of restoration to achieve such status.

Pollution leading to the deterioration of water quality can be from one of two sources; point source or diffuse source. Point source pollution is associated with discharges from pipe systems such as industrial discharges and sewerage works. Diffuse sources of pollution include runoff from roads, houses and commercial areas, runoff from farmland and seepage into groundwater from developed landscapes of all kinds. Diffuse sources are often individually minor, but collectively significant. Diffuse pollution from both rural and urban sources is one of the major causes of poor water quality in Scotland today.

Development proposals should not result in the deterioration of the current or potential hydromorphological status of a

⁸ See Policy 4 Natural Heritage and accompanying non-statutory supplementary guidance for more information on European sites.

water body, i.e. the physical characteristics of the shape, boundaries and its content.

The ecological classification system required under the Water Framework Directive describes hydromorphological elements as ‘supporting the biological elements’. These consist of the hydrological regime (quantity and dynamics of flow, connection to groundwater); continuity (ability of sediment and migratory species to pass freely up/down rivers and laterally within the floodplain); morphology (i.e. physical habitat – compositions of substrate, width/depth variation, structure of bed, banks and riparian zone).

Developers may be required to make improvements to the water environment as part of their development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in close proximity, developers will need to address this within the planning submission. Where there is no WFD objective, the applicant should still investigate the potential for watercourse restoration. See SEPA guidance for further information:

- <https://www.sepa.org.uk/regulations/water/>

There are a number of areas protected for nature conservation within the Park that rely on fresh and ground water to support their habitats and species. More information about protected areas can be found via Site Link:

- <https://sitelink.nature.scot/home>

Policy 4 Natural Heritage of the Local Development Plan and the accompanying non-statutory supplementary guidance should be referred to for more information and advice.

River and other watercourse corridors with their associated bankside borders and vegetation can provide valuable habitats for a wide range of flora and fauna. The sustainable management of these areas as riparian zones to conserve or enhance water quality, habitat and species diversity is encouraged. Such management may also provide suitable alternatives to hard engineering solutions, for bank reinforcement for example.

The provision of buffer strips in all developments which are adjacent to, or contain a waterbody is encouraged. The provision of buffer strips around or along water bodies can have multiple benefits including allowing for the maintenance of

watercourses, reducing the risk of flooding, mitigating diffuse water pollution, providing valuable wildlife corridors and providing space for lateral movement of watercourses. They can also help to reduce soil erosion and help adaptation to climate change and flood risk. Water bodies and buffer strips can also contribute to creating quality places by enhancing Blue and Green networks – further information is provided under **Policy 3 Design and Placemaking** and related guidance.

The optimum width of a buffer strip adjacent to a waterbody will be affected by the width of the water course/size of water body, site conditions, topography and additional functions. They should normally be a minimum of 6m but could be wider than 20m on major rivers or dynamic water courses to allow them to follow their natural course. Where there are opportunities to undertake restoration of straighten or realigned watercourses, a wider buffer may also be required. Further information is available

via SEPA⁹ You should consider the inclusion of buffer strips as part of your application and provide reasoning for your proposal where this option has been discounted.

Drainage Requirements

Applicants may be required to submit a Drainage Assessment. Further information on this is provided in the Water Assessment and Drainage Assessment Guide¹⁰. A drainage assessment is site-specific and intended to clearly outline the impact that the proposed development has in both surface water and foul drainage terms. It should also consider flood risk where appropriate.

Applicants will need to make appropriate provision for the collection, treatment, decontamination and disposal of all surface and foul water arising from your proposed development and the site within which it sits. Separate systems must be employed for the treatment of surface water and foul drainage. Adequate consideration must also be given to the impact of the

proposed development on the drainage catchment area.

Flooding

Flooding is a natural process which is influenced by human activity including vegetation loss and works that affect watercourses or surface water drainage. Flooding can occasionally be hazardous to people, property and infrastructure, with climate change predicted to increase the frequency of extreme rainfall events. All watercourses are susceptible to flooding and functional floodplains should be expected to flood periodically. Development pressures often arise on vulnerable, low lying areas, which are prone to flooding, or where development could exacerbate problems which exist elsewhere within the same water catchment area

In general, development should avoid flood risk. However, in exceptional circumstances, where the risk cannot be avoided, appropriate mitigation/ alleviation measures will be required. It should be

noted that flood risk cannot be eliminated, only managed or avoided.

Flooding in the National Park is a material planning consideration, and the probability of flooding from a number of sources – fluvial (watercourses) and pluvial (surface water) – and the risks must be taken into account when determining your planning application. Scottish Planning Policy (2014) states that ‘Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere’ should be prevented. A precautionary principle must therefore be taken in decisions when flood risk is an issue. A piecemeal reduction of the floodplain must be avoided because of the cumulative effects of reducing flood storage capacity.

The management of floodplains is one of the key issues in the National Park. In certain locations rivers have been cut off from their river systems by flood walls, dykes or bunds. This results in flow being channelled in a much more intensive way than is natural, leading to erosion of river

⁹ <https://www.sepa.org.uk/>

¹⁰

https://www.sepa.org.uk/media/163472/water_assessment_and_drainage_assessment_guide.pdf

beds and loss of finer sediments. It also leads to the loss of wetland habitats that help to support the diversity and viability of the river systems. Flood waters that cannot spread out in the upper catchments can cause severe flooding downstream.

Likelihood of a site flooding is measured in terms of probabilities per annum, which range from little or no risk (less than 0.1 per cent probability) to Medium to High risk (annual probability is greater than 0.5%). For planning purposes the functional floodplain will generally have a greater than 0.5 per cent (1:200 year) probability of flooding in any year.

Development which would have a medium to high risk of being affected by flooding (i.e. is within or adjoining the medium to high risk probability area), or would increase the probability of flooding elsewhere, will not be permitted. Any development which requires measures (such as land raising or under-building) to address flood risk is only likely to be

acceptable outside or adjoining these areas.

Flooding: what you need to consider

Alterations and small-scale extensions are generally outwith the scope of the policy, provided they are unlikely to have a significant effect on the storage capacity of the functional floodplain or affect local flooding problems.

You should consult SEPA's Flood Risk maps¹¹ to indicate what action you need to take and whether you will be required to submit a Flood Risk Assessment in support of your planning application

These maps show indicative flood risk areas that should be avoided wherever possible. They provide a guide and assist in identifying areas where more detailed information is required.

You must consult SEPA and the local flood prevention authority (typically the local authority) for proposals for new development within identified or adjacent to, potential flood risk areas. If the planning authority is considering approving

an application contrary to the advice of SEPA, or the local flood prevention authority, the application will be notified to Scottish Ministers.

Undertaking a Flood Risk assessment

Submitted information should indicate if your proposed development lies within or is adjacent to areas of flood risk identified on SEPA's indicative flood map. If any part of your proposal lies within or is adjacent to medium to high risk areas you must commission a Flood Risk Assessment (FRA) to be carried out by a qualified professional. Flood Risk Assessments may sometimes be required for developments in low risk areas. Your FRA should be done as early as possible in the process to inform the proposed development and identify constraints which may impact on:

- the developable area;
- achievable capacity;
- economic feasibility;
- layout, scale and design.

Flood Risk Guidance for Stakeholders, is available from SEPA¹².

[nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf](https://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf)

¹¹

<https://www.sepa.org.uk/environment/water/flooding/flood-maps/>

¹² Available from:

<https://www.sepa.org.uk/environment/water/flooding/> and <https://www.sepa.org.uk/media/162602/ss->

Your Flood Risk Assessment should adhere to the Technical Flood risk Guidance for Stakeholders¹³ Preliminary or scoping studies may be undertaken prior to a fuller assessment. In exceptional circumstances, supporting information that demonstrates that the site is free from flood risk can be accepted. Discussions with the planning authority and SEPA prior to this are recommended. to advise on prevention and alleviation measures such as flood defences. You will need to include this detail with your planning submission.

Flood risk management measures

Flood protection measures are designed to protect against a specified height of flood water. The measures can reduce the probability of flooding in a particular area but cannot eliminate it entirely.

A development which requires additional flood protection measures will normally only be acceptable outside or adjoining the boundary of medium to high risk areas. Where flood protection measures are needed, full details should be provided

including a thorough justification and an examination of alternative options. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Flood risk management measures should target the sources and pathways of flood waters and the impacts of flooding. Where possible, natural features including woodland and trees and characteristics of catchments should be restored to slow, reduce or otherwise manage flood waters. Flood risk management measures should avoid or minimise detrimental effects on the ecological status of the water environment. In all cases, opportunities for habitat restoration or enhancement should be sought. Further information on Natural Flood Management is available from SEPA¹⁴

Land raising, which involves permanently elevating a site above the functional floodplain, may have a role in some circumstances where other alternatives are not practical. Proposals for landraising should be linked to the provision and maintenance of compensatory flood water

storage. This should replace the lost capacity of the functional floodplain and have a neutral or better effect on the probability of flooding elsewhere.

Once complete, the land created by landraising will no longer be part of the functional floodplain. Engineering operations for landraising are a controlled activity under the Water Environment and Water Services (Scotland) Act 2003 and approval is required from SEPA before works can commence.

Connection to Sewerage

Where the proposed development is in, or close to an area where there is a public sewerage system, foul drainage from the development should be directed to that system. All new development should contact Scottish Water at the pre-application stage to confirm if there is capacity and connection potential. If the system has insufficient capacity, you should contact Scottish Water to identify any programmed works which will address the issue(s). Alternatively, Scottish Water may

¹³ Available from:
<https://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

¹⁴ <https://www.sepa.org.uk/media/163560/sepa-natural-flood-management-handbook1.pdf>

advise on network mitigation and investment required by you as the developer. Further information on Scottish Water's Delivery and Investment Plan can be found on their website¹⁵.

Development that cannot be connected to the public sewerage system will only be permitted if it is not possible or is unreasonable to connect, due to lack of capacity or other constraints within the public system. Alternative or interim proposals must be justified in your submitted information and may be permitted if they comply with relevant SEPA and Scottish Water standards and best practice. This is relevant in larger settlements (population equivalent over 2,000) where connection is currently constrained but is within the Scottish Water investment programme and in small settlements (population equivalent under 2,000) where there is no, or a limited public system. In these cases a private or interim system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses, or the amenity of the area. Systems must be designed and built

¹⁵ <https://www.scottishwater.co.uk/>

to a standard to allow connection to the public sewer and/or adoption by Scottish Water at a later date.

If the proposal is for a large-scale development in an area already constrained or is otherwise problematic, your Drainage Assessment should include a comprehensive section on waste water drainage. This should examine the availability, both in terms of location and capacity, of public sewers and their ability to carry wastewater from the development. Where a public sewer is not available you should discuss with Scottish Water the possibility of providing a public sewer to carry wastewater to an existing wastewater treatment plant. Otherwise you will need to consider the provision of infrastructure for adoption.

Proposals requiring private water treatment plants should contact SEPA at the pre-application stage to ensure that CAR requirements can be met.

¹⁶ <https://www.gov.scot/publications/guidance-applying-waste-hierarchy>

Waste management and minimisation

Sustainable waste management in all new development

Waste management and recycling should be incorporated into all new development to ensure that waste minimisation, efficiency of collection services and waste recycling are considered at the development design stages. You must include appropriate provision for recycling facilities for the collection and storage of all recyclable materials and/or composting facilities in your development proposal. This may include provision for kerbside collection and/or centralised mini-recycling centres and composting facilities.

In designing your proposal you must:

- follow the principles of the waste hierarchy¹⁶ and therefore minimise the generation of waste during construction and operational phases of the development. This should be demonstrated in the preparation and implementation of

a Site Waste Management Plan (SWMP)

- provide details of your appropriate provision for recycling facilities, for the collection and storage of all recyclable materials, and/ or composting facilities;
- consult the relevant local authority waste management department to ensure that your proposal meets with their requirements.

You must demonstrate that the requirements to provide for waste minimisation and sustainable waste management practices have been met. You must therefore show that:

- facilities are sited in an accessible and convenient location;
- provision is made for the separation of wastes for recycling;
- impacts on neighbouring properties have been considered;
- facilities are secure; and
- negative visual impacts on the street scene and local landscape have been minimised through good

design and mitigation applied where required.

Site Waste Management plans (SWMp)

SWMp should be submitted for all applications for major development (as defined in Circular 5 2009: Hierarchy of Developments¹⁷). The SWMp should contain the following information:

- waste expected to be produced and how materials will be recycled/reclaimed;
- steps to minimise waste and maximise the use of recyclates;
- management practices for waste on-site and leaving the site;
- relevant evidence of waste carrier/ waste transfer.

Additional information is contained in PAN 63 Energy From Waste and from the Waste and Resources Action Programme (WRAP)¹⁸.

¹⁷ <https://www.gov.scot/publications/scottish-planning-series-circular-5-2009-hierarchy-developments/>

¹⁸ <https://www.wrap.org.uk/>

Waste management facilities

The provision of waste facilities necessary to meet the requirements of the Zero Waste Plan¹⁹ and waste hierarchy needs to be planned for. The Granish and Grantown-on-Spey waste management facilities along with the sites identified on the proposals maps within the Local Development Plan are to be safeguarded from incompatible neighbouring development to ensure that they are protected for the long-term provision of waste management facilities.

In applications for new waste management facilities the proposal will be assessed against the national need for facilities as set out in Annex B of the Zero Waste Plan.

If your proposal is for a waste management facility you will need to identify in your planning submission;

- how your development proposal accords with the Zero Waste Plan and;

- the role which it will play in delivering the national need for waste management facilities.
- How it complies with other relevant policies in the Local Development Plan.

SEPA's²⁰ Waste Infrastructure Maps and Waste Data Digests contain further information on existing waste management facilities and their capacities.

Landfill

Where you propose any form of landfill, or your proposal affects an existing landfill site, you must consider and submit details regarding ;

- future site restoration
- what self sufficiency measures are included in terms of the capacity of the site
- the location to deal with its function as a landfill site
- the facilities that it will include to allow recycling and waste treatment, making clear efforts to

minimise the volume of waste going to the landfill area.

Minerals

Mineral resources are effectively finite and extremely limited. Those that are viable for future extraction must be protected or have been exploited prior to development occurring. You must consider how best to protect a viable reserve for the future, or how best to extract the reserves for the wider benefit of the National Park and its aims, prior to the start of development.

Where your proposal exploits a mineral resource you must consider:

- the benefits of exploiting that reserve; and
- alternative sites that may be appropriate; and
- how the development will further conservation or restoration of adverse effects on landscape, particularly the special landscape qualities of the Park²¹.

¹⁹ <https://www.gov.scot/publications/scotlands-zero-waste-plan/pages/10/>

²⁰ <https://www.sepa.org.uk/>

²¹ See Policy 5 Landscape and the accompanying non-statutory supplementary guidance for more details about the landscape of the Park.

Applications that affect mineral reserves will be assessed on how they will protect the reserve for future exploitation. You must therefore:

- identify any viable mineral reserves affected by your proposal and show how you are protecting it for the future; or
- where this is not possible, how the minerals will be extracted prior to the start of development and that this is done in a way that delivers the aims of the National Park.

Where a proposal exploits a mineral resource, for example a quarry, the application must:

- provide information on the market for the material to be extracted and the social or economic benefit secured as a direct result of the proposal; and
- detail the alternative sites you have considered and provide

²² Further information and advice on Carbon Rich soils may be found in:
<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/soils/carbon-and-peatland-2016-map>

information as to why these are not appropriate; and

- consider how the works involved will further the conservation or restoration of any landscape character impacts; and
- where any mitigation is proposed, submit full details including arrangements for long term maintenance.

Carbon Rich Soils

The planning system can help increase resilience to climate risks by managing carbon rich soils in a way that ensures they remain as carbon sinks rather than becoming carbon sources.²²

Development proposals must therefore take into account the impacts on recognised carbon sinks and stores. Some types of development may adversely affect carbon sinks and stores through the disturbance of soils, particularly peat. This

²³ Commercial windfarms are not permitted within the National Park, however single turbines may be providing they are small in scale. See link for further guidance:
<https://www.nature.scot/professional-advice/planning-and-development/advice-planners->

is particularly relevant to certain types of development:

- hill tracks and access roads, mineral and peat extractions, infrastructure, and telecommunications equipment;
- carbon capture and storage (engineering works specifically not land use change);²³
- wind turbine foundations or bases and hardstandings, and hydro power schemes;
- any other engineering works.

This list is indicative, not exhaustive, and you must determine whether your development will affect carbon sinks and stores. If it affects moorland, wetland or carbon-rich soils it is likely that carbon sinks and/or stores will be affected.

Developments should not cause irreversible damage to carbon sinks and stores. The most effective mechanism to achieve this is to ensure that development is located to avoid such areas. If your

[and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-construction](https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-construction).

proposal is likely to impact on carbon sinks and stores you must demonstrate;

- in the first instance how you have located your proposed development in order to avoid areas with high carbon sinks and stores (peat, mature woodland)

If such disturbance is unavoidable then you must:

- identify the likely impacts of activities on carbon sinks and stores, including effects on CO₂ emissions and any related mitigation
- how you will minimise impacts and follow best practice guidance²⁴ during site construction and reinstatement.

Defining carbon emissions, sinks and stores

Carbon emissions generally refer to Carbon in greenhouse gases that enter the atmosphere as a result of human activity, for example the burning of carbon-based fuels. Carbon dioxide (CO₂) is the most

common greenhouse gas although other gases including Methane and Nitrous Oxide are also important. Greenhouse Gas emissions are likely to have far-reaching and potentially adverse changes on our climate.

Your development should be designed and located so as to avoid disturbance of carbon sinks and stores. 'Carbon sinks' refer to the active form of carbon sequestered in soils, healthy peatland and vegetation while 'carbon stores' relate to older forms of carbon stock in geological formations, oceans, deep peat and mature vegetation biomass. Peat bogs, soils and woodland effectively 'lock in' and store carbon and prevent it from being released into the atmosphere. These deposits represent a substantial store for new sequestered carbon and a huge deposit of older carbon. Both are significant in terms of climate.

Moorland and peatland (particularly areas of deep peat) are important carbon sinks and stores and cover more than half the area of the National Park. Blanket bogs are an extremely valuable, active carbon sink. While blanket bog covers extensive

areas of the National Park, peat accumulates very slowly under conditions of water-logging or exposure. Thus, once any damage or exploitation happens, it is a very slow and difficult process to restore this habitat. This sensitive habitat cannot be recreated or restored in the same way as others.

Carbon-rich soils such as peat and peaty soils commonly associated with semi-natural vegetation hold significantly more carbon than cultivated soils, and as such are a valuable resource in mitigating the impacts of climate change. The National Park is exceptional because of its unusually large extent of rare, undisturbed soils compared to other areas of Scotland. However, these soils are particularly vulnerable. Soils on development sites can also be easily damaged during various stages of construction, leading to often substantial and irreversible loss of soil functionality and potential land contamination. You should follow good practice for the sustainable use of soil on-site. Commercial peat cutting raises particular environmental concerns, and

²⁴ For example <https://www.nature.scot/professional->

[advice/planning-and-development/advice-planners-and-developers/renewable-energy-](https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-)

[development/onshore-wind-energy/wind-farm-construction](https://www.nature.scot/professional-development/onshore-wind-energy/wind-farm-construction)

new operations will not be permitted in the National Park.

Forests and woodlands are an important resource in addressing climate change. The extensive forests of the National Park can make a significant contribution to the storage of carbon. Forests can help mitigate climate change by off-setting carbon emissions through carbon sequestration. You should avoid removing trees and woodlands as part of your development proposal. Compensatory planting may be required in cases where removal of trees or woodland is justified.

Protecting carbon sinks and stores

All development proposals must demonstrate sound management practices of moorland, forestry, woodland and wetland, soil and woodland habitats to take account of carbon storage, alongside the biodiversity importance of the habitats. This should include outlining the pollution prevention and environmental management practices for the site during construction, operational and decommissioning stages of development. It may include for example avoiding woodland clearance, not altering active bogs and putting in place a pollution prevention plan.

All proposals affecting carbon sinks and stores should protect and enhance those resources including moorland, soils and woodland. This should be achieved through measures to conserve and improve, as well as reduce, any adverse impacts, through sensitive design, layout and construction of developments. Proposals must demonstrate best practice in construction and reinstatement.

You should first determine whether your proposal affects a carbon sink or store and what are the potential impacts. If a carbon sink or store may be affected then further action should follow a hierarchy based on the three principles of avoid, minimise, compensate.

Avoid – in all cases, development proposals must demonstrate a commitment to reducing carbon emissions by avoiding disturbance of carbon sinks and stores from initial design stages through to construction methods, operation and maintenance. The preferred approach is for development to avoid all areas that are recognisable as carbon sinks or stores and site development elsewhere. Developments which are time-limited must demonstrate sensitive

decommissioning, site restoration and revegetation strategies are in place.

Minimise – in the event that you provide clear justification that an area recognisable as a carbon sink or store cannot be avoided, e.g. due to locational constraints of the proposed development and/or an overriding need has been demonstrated, you will be required to demonstrate a positive ‘carbon balance and payback’ for the development and minimise any impacts upon peat, hydrology and peat stability. Any proposal which impacts on carbon sinks and stores must identify the likely impacts and measures in place to minimise the impacts, including how the proposals will reduce waste of soil and soil carbon as by-products of site development.

If the development cannot demonstrate a positive balance and payback, but the locational need is clearly established, you must identify sufficient mitigation to minimise its impact by appropriate siting, layout and design; re-use of removed soil or peat on-site by careful storing to prevent decomposition; and re-use it in a way that maintains its carbon content.

Compensate – where mitigation would be insufficient to avoid significant effects on carbon sinks or stores, off-site

offsetting will be required as an integral part of the development proposal. This will normally be secured by a Section 75 Legal Agreement and may involve physical offsetting or payment into an appropriate fund, which is used to reduce carbon emissions.

Further guidance is available from SEPA²⁵, Scottish Natural Heritage²⁶ and The James Hutton Institute²⁷ on this issue.

Contaminated Land

Although the National Park does not contain a lot of contaminated land, it is still very important to consider it when developing your proposal. Assessments may be required where there is any risk that contamination exists. This applies not only to the development site, but also to the surrounding area.

Where assessments show there to be a significant risk, the appropriate risk assessments must be carried out and the results included with the application.

Remedial actions may be required where contamination is suspected or known to exist and where this is the case you must

consider their impacts on the special qualities of the National Park, doing so in a way that looks at both the development site and the surrounding area.

You must include with your application:

- assessments to clarify any risk. This should include the development site, and also the surrounding area;
- further risk assessments where initial screening shows there to be a significant risk;
- clear information on all remedial actions to be taken framed against the aims of the National Park. Remedial actions may also be required on surrounding land.

See the following documents for further information:

- <https://www.sepa.org.uk/regulation/s/land/contaminated-land/>
- <https://www.gov.scot/publications/p-an-33-development-of-contaminated-land/>

Useful sources of advice and information

Links to Local Authorities which cover areas within the National Park :

Aberdeenshire Council
<https://www.aberdeenshire.gov.uk/>

Angus Council
<https://www.angus.gov.uk/>

Highland Council
<https://www.highland.gov.uk/>

Moray Council
<http://www.moray.gov.uk/>

Perth and Kinross Council
<https://www.pkc.gov.uk/>

Additional sources of relevant advice include:

Flood Risk and Land Use Vulnerability Guidance (SEPA, 2018)

<https://www.sepa.org.uk/media/143416/land-use-vulnerability-guidance.pdf>

²⁵ <https://www.sepa.org.uk/>

²⁶ <https://www.nature.scot/>

²⁷ <https://www.hutton.ac.uk/>

Reclamation of Surface Mineral Workings
(Planning Advice Note 64) (Scottish
Government, 2002) :

<https://www.gov.scot/publications/planning-advice-note-pan-64-reclamation-surface-mineral-workings/>

Using products and resources responsibly

<https://www.zerowastescotland.org.uk/>

Cairngorms National Park Local Development Plan 2020
Non-statutory guidance
Policy 10 Resources

This document is available in large print on request. Please contact the Cairngorms National Park Authority on 01479 873535. It is also available to view at www.cairngorms.co.uk

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Cairngorms National Park Authority
14 The Square
Grantown-on-Spey PH26 3HG

Email: planning@cairngorms.co.uk
Tel: 01479 873535
Fax: 01479 873527

www.cairngorms.co.uk

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