

PLANNING CONSULTATION

Authority: The Moray Council, Development Services, Environmental Services Department, Council Office, High Street, Elgin, IV30 1BX

Case Officer: Jim Martin **Planning Ref:** 09/00247/FUL

Proposed Development: Full to install two 800kw wind turbines at Myreton, Crossroads, Kelth

SEPA Ref: P5/09/00247/FUL **Date:** 24 March 2009

SEPA Contact: Alison Wilson **(Planning Unit - North Region)**
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Copy to: Clive Streeter, Myreton, Crossroads, Kelth, AB55 6NJ
(applicant)

Thank you for consulting SEPA on the above planning application. SEPA comments as follows. These comments are without prejudice to SEPA's consideration of any elements controlled through environmental regulation administered by SEPA.

ADVICE FOR THE PLANNING AUTHORITY

1. Surface Water Drainage

- 1.1 Limited details have been provided for surface water drainage.
- 1.2 It is a requirement of the Controlled Activities Regulations (CAR) that sites are drained by a Sustainable Urban Drainage System (SuDS).
- 1.3 SEPA however notes that most of the access tracks will be constructed as part of the already consented turbine installation (ref. no. 07/01102/FUL). SEPA recommends that prior to the commencement of the development on site, a more detailed specification for the surface water drainage arrangements should be submitted which will accord with best practice in The SuDS manual C697. The measures proposed should cover any new road access to the turbines, the crane hard-standings, the construction compound, the cable trenches, the site office, and the proposed substation where not already agreed under the consented turbine installation.

2. Construction Method Statement

- 2.1 SEPA requests that a condition is attached to any grant of planning consent requiring a site specific construction method statement to be agreed by the planning authority, in consultation with SEPA, prior to the commencement of development which is implemented in full during construction. A Method Statement is required to be part of the site induction for the contractors and be available on site at all times for reference.



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2.2 SEPA requests that the method statement addresses the following issues:

Waste - all waste streams associated with the works should be identified including construction practices to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials; reduction, re-use and re-cycling where appropriate of waste material generated by the proposal.

Surface water run-off – including measures to prevent erosion, sedimentation or discolouration of controlled waters should be provided, along with monitoring proposals and contingency plans.

Fuel and chemical storage - Any oil, fuel and chemicals should be stored in a bunded temporary storage area. Any contaminated water within the bund should be pumped out and transported off site to a suitable disposal point. There should be no drainage from within the bund, even via an oil interceptor. Oil spill clean up materials should be stored on site throughout the construction period.

Road construction - Useful guidance on, *inter alia*, minimising impact from construction of the type of access roads used in windfarms can be found in "Forests and Water Guidelines" Third Edition (2000) which can be obtained from the Forestry Commission.

Timing of works - road and other heavy construction should be staged to avoid periods of high rainfall if possible.

Environmental management – identification of mechanisms to ensure subcontractors will be well controlled and be aware of relevant environmental issues. Additionally, details of emergency procedures/pollution response plans should be identified.

3. **Waste Management**

3.1 SEPA notes that remaining excavated soil will be distributed in a thin layer around each turbine site. If any sub surface deposits which need to be removed from the site are unearthed, they will be transported to a local waste transfer depot.

3.2 Any proposals for reuse or recycling of materials, such as soil, off-site may require to be registered with SEPA under the Waste Management Licensing (Scotland) Regulations 1994. Further information is detailed below under 'Advice for the Applicant'.

4. **Watercourse Engineering Works**

4.1 SEPA notes that the new access tracks will not cross any open watercourses within the proposed development site boundary and as such no engineering works will be required.

5. **Foul drainage**

5.1 It is unclear if the proposal includes temporary toilet facilities with provision for sealed waste storage and removal. Such operations do not require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). As such if the proposal does include such facilities, provided the effluent will be collected by a suitable and licensed effluent carrier, SEPA has no objections.

INFORMATION FOR THE PLANNING AUTHORITY – FLOOD RISK

Note that the SEPA-Planning Authority Protocol Policy 41 states: "If the consultation does not specify that the planning authority would like SEPA to comment on the flood risk, this will not be assessed. In these circumstances, if SEPA makes no comment on flood risk, planning authorities should not assume that no such risk exists." If the planning authority is of the opinion that the site may be at risk from flooding please re-consult SEPA highlighting that flood risk is an issue. For your information the Indicative River & Coastal Flood Map (Scotland) can be found at www.sepa.org.uk/flooding/mapping/.

PLANNING UNIT NORTH

REGULATORY ADVICE FOR THE APPLICANT

Local SEPA Office: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel:01343 547663

REGULATORY ADVICE

The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR)

From 1 April 2006 the above regulations replace the Control of Pollution Act and Groundwater Regulations. These new regulations not only control discharges to watercourses and land but also cover abstractions, impoundments and engineering works within and in the vicinity of inland surface waters. This means that activities such as culverting, ditch clearing, dredging, bridging and damming all now require to be authorised under CAR.

In order to ensure proportionate controls over activities, the Regulations provide for three levels of control: General Binding Rules (GBRs), Registrations and Water Use Licences. If SEPA considers that GBRs or a Registration will not provide sufficient environmental protection, SEPA can require a higher level of control. For example, SEPA could require an activity which was covered by GBRs to be Registered or even Licensed. Any person undertaking an activity which falls within the scope of the GBRs do not have to contact SEPA but must abide by any rule laid out in the Regulations which relates to their activity. However, an application must be made to SEPA for a Registration or Licence. SEPA has 30 days for determining an application for Registration and 4 months for a Licence; this should be taken into consideration when planning works. CAR allows a variety of different authorisable activities at the one site to be covered by a single licence.

The publication 'The Water Environment (Controlled Activities) (Scotland) Regulations 2005: A Practical Guide' provides very useful advice on CAR and it is recommended that all applicants consult this document which is available both from the website (www.sepa.org.uk/wfd/index.htm) and from local SEPA offices to determine whether an application for authorisation is required for the development.

The Water Environment (Oil Storage) (Scotland) Regulations 2006

The Regulations apply to any kind of container which is being used and which is stored on premises above ground, whether inside or outside a building. These include fixed tanks, intermediate bulk containers, drums (oil drums or similar containers used for storing oil) or mobile bowsters. The range of premises covered by the Regulations is wide including land and mobile plant but does not include storage of oil in vehicles or vessels.

It is not necessary for storage facilities to be registered with SEPA however applicants should ensure compliance with the Regulations. Full details of the requirements can be found from SEPA's website at: www.sepa.org.uk/regulation/oilstorage2006/index.htm.

Waste Management Licensing (Scotland) Regulations 1994

SEPA encourages waste minimisation whenever possible. Further details can be found on SEPA's website (found at www.sepa.org.uk/wastemin/index.htm).

SEPA similarly encourages the recovery and reuse of controlled waste, such as soils from other sites provided that it is in accordance with the Waste Management Licensing Regulations 1994. Any proposals for reuse or recycling of materials, such as soils from other sites, may require to be registered with SEPA under a Waste Management Exemption. There are specific criteria which if met will constitute an exemption from licensing under these Regulations (namely Paragraph 35 of Schedule 3 to the Regulations). These exemptions are required to be registered by SEPA and the details must be forwarded to the relevant SEPA office. Applicants should first consult SEPA's website at www.sepa.org.uk/regulation/waste/exemptions.htm and then contact the local SEPA office for further advice.

OTHER ADVICE FOR THE APPLICANT

Waste Minimisation

Waste minimisation projects have saved businesses money as they have reduced energy usage, water consumption and waste disposal costs. If you are interested in saving your business money and benefiting the environment through minimising waste, you can find more information on SEPA's website (found at www.sepa.org.uk/wastemin/index.htm or from your local SEPA office).

Sustainable Waste Management

SEPA realises the potential contribution that recycled and substitute sectors can have for the construction industry and in making Scotland more sustainable, and therefore works with several organisations to offer information and advice, a link to this information can be found at <http://www.sepa.org.uk/nws/planning/index.htm>. One of the key concepts of sustainable development is the reuse of waste materials as opposed to using virgin materials. Construction and demolition wastes are often sent to landfill incurring charges and landfill tax, even though they can often be reused or recycled. More information on the uses of demolition materials, the reuse of waste and case studies can be found on the Waste and Resources Action Programme (WRAP) website at http://www.aggregain.org.uk/terminology/demolition_waste.html. Reuse and recycling of waste is encouraged where ever possible, however, their use may require to be registered with SEPA under a Waste Management Exemption or a licence and therefore advice should be sought from the local SEPA office.

Pollution Prevention

In addition to the requirements of legislation the following good practice guidance should be considered when developing and an appropriate strategy for prevention pollution from the development:

- Pollution Prevention Guidance note PPG2: Above ground storage tanks (SEPA);
- Pollution Prevention Guidance note PPG4: Disposal of sewage where no mains drainage is available (SEPA);
- Pollution Prevention Guidance note PPG5: Works in, near or liable to affect Watercourses (SEPA);
- Engineering in the Water Environment. Best Practice Guide: Construction of River Crossings (SEPA)

- Pollution Prevention Guidance note PPG6 - Working at Construction and Demolition Sites (SEPA);
- Control of Water Pollution from Construction Sites – Guidance for consultants and contractors (CIRIA C532);
- Control of Water Pollution from Linear Construction Sites – Site Guide (CIRIA 649);
- Control of Water Pollution from Linear Construction Projects – Technical Guidance – (CIRIA C648); SEPA Special Requirements for Civil Engineering Contracts for the Prevention of Pollution V2 (2006) (SEPA)
- SEPA Guidance on the Special Requirements for Civil Engineering Contracts V2 (2006) (SEPA)
- SEPA Code of Practice - 'Mineral extraction code of practice for the owners and operators of quarries and other mineral extraction sites';
- CIRIA C697 SuDS manual
- The Small Environmental Guidance for Construction Works (SEPA/CIRIA); and
- Forests and Water Guidelines: Fourth Edition (Forestry Commission)

SEPA would expect to see the principles contained within this guidance to be incorporated within any environmental statement or construction method statement requested.