

Our ref: PCS/126651  
Your ref: NRG2SF GWOTM

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17 May 2013

Dear Ms Squires

## **Proposed Supplementary Planning Guidance on windfarms over 12 MW East Lothian Council**

Thank you for your consultation letter of 25 March 2013 in relation to the above. The following comments are based on the document entitled 'Guidance for Wind farms over twelve megawatts' and should be read in conjunction with the additional advice we have provided on the Strategic Environmental Assessment (SEA) carried out in support of the document. Please note the advice provided below.

### **Advice for the planning authority**

#### **1. Peat management**

- 1.1 We welcome the section of the Guidance which recognises the potential impact on peat as a development constraint. While it is important to recognise peatlands as a carbon store, we would also highlight that there are important waste management implications regarding measures to deal with surplus peat, as set out within our [SEPA's Regulatory Position Statement - Developments on Peat](#). Landscaping with surplus peat (or soil) may not be of ecological benefit and consequently a waste management exemption may not apply.
- 1.2 In addition, the disposal of significant depth of peat is considered landfilled waste and this again may not be consentable under SEPA's regulatory regimes. It is therefore essential that the scope for minimising the extraction of peat is explored and alternative options identified that minimise risk in terms of carbon release, human health and environmental impact. We would recommend that the Guidance document is updated to reflect this.
- 1.3 Our [Planning and Energy webpage](#) provides links to current best practice guidance on peat survey, excavation and management.

#### **2. Impact on the water environment**

- 2.1 We support the section on flooding and watercourses and the reference to Water Framework Directive objectives. We would also highlight that groundwater dependent terrestrial ecosystems (GWDEs), which are types of wetland, are also specifically



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protected under the Water Framework Directive. We would request that additional advice is included in the section which specifically recognises the importance of this wetland habitat. Impacts on such areas should be minimised via adequate buffer zones and where avoidance is not possible, adequate mitigation should be provided. Further information on GWDTes is available in our [Planning guidance on windfarm developments](#).

- 2.2 We would also highlight that in order to meet the objectives of the Water Framework Directive, developments should be designed to avoid engineering activities in the water environment wherever possible. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative.
- 2.3 Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. Further guidance on the design and implementation of crossings can be found in our [Construction of River Crossings Good Practice Guide](#). Other best practice guidance is also available within the water [engineering](#) section of our website. We would request that this is also reflected in the proposed Guidance.

### **3. Surface water**

- 3.1 The Council may also wish to consider a more specific reference to construction stage sustainable drainage systems (SUDS). Large scale windfarm construction sites in the have storage areas, refuelling depots, site offices, temporary soils containment areas and a significant quantity of associated haul roads. Given the volume of rain that is likely to be experienced over the course of construction, careful consideration of construction SUDS should be considered. Additional advice to this effect should be included in the supporting guidance.

I trust the above is of use in developing the guidance, however if you have any queries relating to this letter, please contact me by telephone on 0131-273-7332 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Fraser Blackwood  
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#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*