

Construction run-off permit (2021 update)



1 Introduction

SEPA have recently undertaken a review of our approach to permitting water run-off from construction sites to the water environment, including the production of a new construction run-off permit. This briefing document sets out the main changes that have been implemented and how this affects you.

The changes only affect licence level activities - this means construction sites that discharge water run-off to the water environment and

- a) cover an area greater than 4 hectares; or
- b) contain a road (or track) greater than 5 kilometres in length; or
- c) include any land with an area greater than 1 hectare that has a slope more than 25 degrees; or
- d) include any road (or track) with a length greater than 500 metres that has a slope more than 25 degrees.

Construction sites that do not meet the above thresholds will continue to be regulated under [General Binding Rule 10 of The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(as amended\)](#).

2 Overview of main changes

2.1 Permit reform

1. As part of our work to deliver One Planet Prosperity , we have committed to reform permits across all sectors. A core set of principles have been used to direct the reform of the new construction run-off permit: Simple, outcome focused permits will be clearer and more powerful.
2. Permits will be enforceable.
3. Permits will be written in simple, plain English that everyone will understand from the general public to the Sheriff in the court.
4. Permits will contain the minimum number of conditions to achieve the environmental outcomes of: <ul style="list-style-type: none"> a) preventing harm; b) preventing incidents and accidents; c) using resources sustainably.
5. Permits will put the responsibility on to the operator for environmental management.

2.2 Pollution prevention plans

One of the guiding principles of permit reform is to put responsibility on to the operator for environmental management. We believe the operator is the best person to manage their site in a way that meets the outcome-focused conditions of their permit.

Responsible operators should have appropriate plans and procedures in place to manage their sites effectively and prevent pollution of the environment. However, we will no longer require these to be submitted to SEPA, approved by SEPA and will no longer refer to them in permit conditions.

Therefore, pollution prevention plans will no longer be formally required by us. However, responsible operators are still expected to have and implement site-specific plans and procedures (which includes the information normally found in a pollution prevention plan) to deliver best practice construction run-off management and prevent pollution of the

environment. SEPA considers pollution prevention plans to be best practice, and guidance on what they should cover is available – please see [WAT-SG-75](#) for further information.

Where pollution incidents do occur, we may seek to review your plans and procedures as part of our investigation. Absent, inadequate, or badly implemented plans and procedures will reflect poorly on the operator and will be taken into consideration during our assessment of pollution incidents and what enforcement action to take.

2.3 Suspended solids limit

Our review has resulted in an updated approach on how we set discharge limits of suspended solids.

Where the discharge is to an environment that is sensitive to suspended solids, a greater degree of environmental protection is necessary and therefore a tighter suspended solids limit of 30 mg/l will be applied. This limit aligns with the previous regulatory precedent set by the Freshwater Fish Directive and ensures the protection of these key habitats.

Where the discharge is to an environment that is less sensitive to suspended solids, a more lenient suspended solids limit of 80mg/l will be applied. This limit aligns with published scientific evidence that concluded concentrations of 80mg/l suspended solids maintained good / moderate fisheries and were low risk.

Discharge location	Suspended solids limit
Discharge to environment sensitive to suspended solids	30 mg/l
Discharge to environment less sensitive to suspended solids	80 mg/l

The licence also requires that the water run-off is treated by a sustainable urban drainage system or equivalent. This system must be designed, constructed and maintained to ensure that the suspended solids discharge limits are complied with at all times. We will not specify the design, form, or size the treatment system must take - this responsibility lies with the operator to ensure the system is adequate to manage construction run-off from the construction site given any site-specific issues present.

2.4 Chemical treatment

We discourage the use of chemical additives (flocculants, coagulants or other settling / clarifying agents) to treat water run-off from construction sites as a primary measure. The use of chemical additives to treat water run-off from construction sites presents a high risk to the water environment given the presence of heavy metals and / or hazardous substances.

We expect passive (and / or mechanical) treatment systems to be used where possible, and chemical treatment only to be used as a last resort. Where any operator wishes to use chemical treatment, they must provide robust justification. The justification must be based on an assessment of site-specific factors and conclude why they have necessitated chemical treatment.

If you (the operator) wish to use chemical treatment, you must apply to us to authorise its use. As part of this application, you must include your justification as to why chemical treatment is required. Where your justification is insufficient, your application to use chemical treatment will be refused.

Where chemical treatment has been suitably justified, we will authorise its use and include further discharge limits in the licence to control the impact of any heavy metals and / or hazardous substances present in the selected chemical treatment.

2.5 Application fee

Associated with the updating permitting approach, we have undertaken a review of our charging. There are now only two charging bands for construction run-off permits:

Charging band	Thresholds	Application fee	Subsistence fee
Construction run-off	<p>Construction sites that discharge water run-off to the water environment; and</p> <p>a) cover an area greater than 4 hectares; or</p> <p>b) contain a road (or track) greater than 5 kilometres in length; or</p> <p>c) include any land with an area greater than 1 hectare that has a slope more than 25 degrees; or</p> <p>d) include any road (or track) with a length greater than 500 metres that has a slope more than 25 degrees.</p>	<p>Fixed fee.</p> <p>Refer to our charging scheme for latest fees – activity 10080 (any other CAR activity subject to a simple licence)</p>	
Large and complex construction project	<p>Projects that undertake one or more controlled activities (including the discharge of water run-off from a construction site to the water environment) and are:</p> <p>a) A project (or part of a project) that is a National Development, as identified in</p>	<p>Charged on a time and materials basis.</p> <p>Refer to Section 3.4 of our charging scheme guidance for further information.</p>	

Charging band	Thresholds	Application fee	Subsistence fee
	<p>the National Planning Framework;</p> <p>b) An onshore electricity generating station, wind farm or power station with a capacity of greater than 50 megawatts; and / or</p> <p>c) A linear project greater than 25km in length.</p>		

Further reviews of our charging scheme for construction run-off permits are planned. In future it is intended that application and subsistence charges will be risk-based, with activities that pose a higher environmental risk subject to higher fees. These changes will be subject to a public consultation.

3 Discharges to Scottish Water assets

Where you intend to discharge **all** the water run-off from your construction site to a Scottish Water asset, there is no need for you to apply to SEPA for an authorisation. A Scottish Water asset can be a combined, foul or surface water sewer.

Please note that any discharge to a Scottish Water asset requires permission and a separate authorisation from Scottish Water. Further information on Scottish Water's requirements can be found on their website: [Trade Effluent - Scottish Water](#).

Where Scottish Water do not authorise the discharge of water run-off from a construction site to their asset and you are required to discharge to the water environment, you must apply to SEPA for an authorisation.

Where do you discharge to?	SEPA authorisation required?	Scottish Water authorisation required?
Discharge only to the water environment	Yes	No
Discharge only to Scottish Water asset	No	Yes
Discharge to both water environment and Scottish Water asset	Yes	Yes

4 Discharges of trade effluent to the water environment

Where you intend to discharge trade effluent (for example concrete wash waters) from the construction site to the water environment you must apply to SEPA for a separate trade effluent authorisation. This activity will not be covered by your construction run-off permit.

Current [best practice](#) is to discharge trade effluent from construction sites to the foul sewer - please note that any discharge to a Scottish Water asset requires permission and a separate authorisation from Scottish Water. Where this is not possible, tankering away is the next best option. Only where you have demonstrated that neither of these options is practicable will SEPA consider an application to discharge trade effluent to the water environment.

5 How to apply

To complement our new permitting approach, we have created a new application form. This application form is designed specifically for construction run-off permits, and replaces the existing section of Form B.

To apply for a construction run-off licence, you must:

1. Complete application form A;
2. Complete application form N; and
3. Pay the appropriate application fee.

For information on accessing this document in an alternative format or language please contact SEPA by email at equalities@sepa.org.uk

If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

<http://contactscotland-bsl.org/>

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