

# A83 Rest and Be Thankful

LTS EIAR VOLUME 4, APPENDIX 12.1 - GEOLOGY, SOILS AND  
GROUNDWATER LEGISLATION, POLICY AND GUIDANCE

Transport Scotland

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## A12-1. Legislation, Policy and Guidance

A12-1.1.1. This appendix set out the Soils (peat) and Groundwater legislation, policy and guidance that relates to the study area and informs the peat assessment and groundwater assessments. Geology, soils (except peat) and contaminated land have been scoped out.

### A12-1.2. National Legislation

A12-1.2.1. This Section lists the relevant legislation in relation to peat soils, groundwater dependant terrestrial ecosystems (GWDTEs) and groundwater.

#### Peat Soils

A12-1.2.2. No specific legislation exists in relation to peat soils, however, legislation that protects some aspects of soil and influences how our soils are managed are listed below.

#### [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#)

A12-1.2.3. It amends the Climate Change (Scotland) Act 2009 to make provision setting targets for the reduction of greenhouse gases emissions and to make provision about advice, plans and reports in relation to those targets. Peat is a carbon rich soil and therefore, any construction works where peat is removed, or disrupted should adhere to the requirements of this legislation.

#### [Wildlife and Natural Environment \(Scotland\) Act \(2011\)](#)

A12-1.2.4. This provides legislation on the way land and environment is managed in Scotland. Part 6 of this guidance details the requirements for protection of Sites of Special Scientific Interest (SSSI), this would include any soils or peat within a SSSI. As part of the Proposed Scheme is within a SSSI this legislation is relevant and has been adhered to.

### Climate Change (Scotland) Act (2009)

- A12-1.2.5. Climate Change (Scotland) Act (2009) provides targets for climate change and net zero which has implications on management of carbon rich soils such as peat.

### Groundwater and Groundwater Dependent Terrestrial Ecosystems (GWDTEs)

- A12-1.2.6. Legislation in relation to GWDTEs and groundwater has been listed in this Section.

### Water Framework Directive (WFD)

- A12-1.2.7. This provides an overarching framework to ensure good overall qualitative and quantitative health of surface and groundwaters. It states that practicable steps should be taken to mitigate adverse impacts on the status of a waterbody. Adverse impacts include impacts to the chemical or quantitative status of a groundwater body.

### Water Environment and Water Services (Scotland) Act (2003)

- A12-1.2.8. This Act makes provisions for protection of the water environment in relation to the provision of water and sewerage services, including ensuring the progressive reduction of pollution, and preventing further pollution of, groundwater and contributing to mitigating the effects of floods and droughts.

### The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

- A12-1.2.9. It provides information on regulatory controls over activities to protect and improve the water environment. Controlled activities include abstraction of water from the water environment and building or engineering works in the vicinity of inland waters (excluding groundwater) or wetlands. This legislation states that if controlled activities are undertaken then they must be authorised by Scottish Environment Protection Agency (SEPA).

### A12-1.3. National Policy

#### National Planning Framework 4 (NPF4)

- A12-1.3.1. It is the national spatial planning strategy for Scotland and which was adopted in February 2023.
- A12-1.3.2. NPF4, Part 2 Policy 5 states that development on peatland, carbon-rich soils and priority peatland habitat will only be supported for specific developments, including essential infrastructure, or development that will support a fragile community in a rural area, or for restoration of peatland habitats.
- A12-1.3.3. The policy provides further details on the detailed, site-specific assessment required to identify:
- the baseline depth, habitat condition, quality and stability of carbon rich soils
  - the likely effects of the development on peatland, including on soil disturbance
  - the likely net effects of the development on climate emissions and loss of carbon.
- A12-1.3.4. The peatland assessment was undertaken in accordance with relevant guidance and was used to inform careful project design ensuring the mitigation hierarchy was met, i.e. adverse impacts were first avoided and then minimised through best practice. A peat management plan was completed to demonstrate this approach has been followed as well as providing details on any restoration or enhancements.

### A12-1.4. Guidance and Standards

- A12-1.4.1. The following guidance documents have been referred to in relation to the assessment of peat soils, GWDTE and groundwater. Some guidance documents overlap between the different areas.

## Soils

### [SEPA Regulatory Position Statement – Developments on Peat](#)

- A12-1.4.2. This guidance sets out SEPA’s position on the waste management issues arising from the generation of waste peat because of developments on peat. It provides guidance on prevention or production of waste peat as well as re-use, recycling, storage, and disposal of peat soils from construction.

### [SEPA/Scottish Renewables Developments on Peatland: Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#)

- A12-1.4.3. This guidance sets out the hierarchy of management options in relation to excavated peat.

### [Scottish Government Guidance on Developments on Peat - Site Survey](#)

- A12-1.4.4. This guidance defines the consistent sampling methodology to quantify and qualify peat material on site and advice on how to publish peat surveys as part of a wider site investigation for development management applications.

### [NatureScot: Advising on peatland, carbon-rich soils and priority peatland habitats in development management](#)

- A12-1.4.5. This guidance provides advice on how developers, planning authorities and the Scottish government assess the effects of development proposals on peatland, carbon rich soils and priority peatland habitat.

### [SEPA Position Statement on Planning and Soils \(under review following publication of NPF4\)](#)

- A12-1.4.6. This document details how SEPA plan to engage with the land use planning system on soil related issues to achieve an effective interface with their regulatory and advisory remit and to support the priorities of the Scottish Government including climate change.

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[The Scottish Government 'Scottish Soil Framework'](#)

- A12-1.4.7. This document sets out the vision for soil protection in Scotland, and formally acknowledges the important services soils provide to society.

[Design Manual for Roads and Bridges \(DMRB\) - LA 109 Soils and Geology](#)

- A12-1.4.8. This document provides guidance for highways projects on assessing the environmental impacts to soils and geology. Although this document does not cover peat, the methodology has been taken into consideration when preparing the assessment methodology.

[Groundwater and Dependant Terrestrial Ecosystems](#)

[SEPA guidance on Assigning Groundwater Assessment Criteria for Pollutant Inputs SEPA WAT-PS-10-01](#)

- A12-1.4.9. This document describes how the WFD should be applied to assess potentially polluting high risk point sources inputs of pollutants into groundwater where a quantitative assessment is being carried out.

[Design Manual for Roads and Bridges \(DMRB\) - LA 113 Road drainage and the Water Environment](#)

- A12-1.4.10. This document provides guidance for highways projects on assessing the environmental impacts to drainage and the Water Environment. Where relevant this guidance has been used to design an assessment methodology for GWDTE and groundwater.

[Construction Industry and Research Institute \(CIRIA\) C750](#)

- A12-1.4.11. This document explains the principles of groundwater control and gives practical information for the effective and safe design, installation, and operation of such works. Section 6.2.1 of this guidance provides methodology on calculating the radius of influence of groundwater abstractions. This method has been used as part of the assessments of impacts from road cuttings on groundwater receptors and GWDTEs.

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### [Groundwater Protection Policy for Scotland v3](#)

- A12-1.4.12. This policy aims to provide a sustainable future for Scotland's groundwater resources by protecting legitimate uses of groundwater and providing a common SEPA framework to protect groundwater quality by minimising the risks posed by point and diffuse sources of pollution and maintain the groundwater resource by authorising abstractions and by influencing developments, which could affect groundwater quantity.

### [SEPA Regulatory Method \(WAT-RM-08\) Sustainable Urban Drainage systems \(SuDS\)](#)

- A12-1.4.13. This document provides guidance on the regulation of surface water discharges from built developments including construction sites, buildings, roads and yards. It covers the planning consultation procedure for new developments and the appropriate types of SuDS for the developments SEPA Regulatory Method (WAT-RM-11) Licencing Groundwater Abstractions including Dewatering (Version 5).

### [CIRIA SuDS Manual](#)

- A12-1.4.14. This guidance details the planning, design, construction and maintenance of SuDS to assist with their effective implementation within both new and existing developments.

### [CIRIA Control of Water Pollution from Linear Construction Sites, Technical Guidance](#)

- A12-1.4.15. This guide is aimed at clients, designers, regulators, environmental consultants, construction managers and site environmental managers in both the design and construction phases of a project. It provides good practice advice on the control of water pollution from linear construction sites.

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SEPA Land Use Planning System (LUPS) Guidance Note 31 –  
Guidance on Assessing the Impacts of Development on Groundwater  
Abstractions and Groundwater Dependent Terrestrial Ecosystems

A12-1.4.16. This guidance should be used for all environmental impact assessments and provides guidance on impacts from below ground works on nearby abstractions and GWDTEs.