

# **Environmental Assessment (Scotland) Act 2005**

## **Mineral Resources Supplementary Guidance**

### **Strategic Environmental Assessment Screening Determination**

**June 2015**

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## 1.0 DUMFRIES & GALLOWAY COUNCIL

### ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

#### SCREENING DETERMINATION

NOTICE IS HEREBY GIVEN that Dumfries & Galloway Council has made a **determination** in respect of the **Mineral Resources Supplementary Guidance**.

The Council has **determined** under Section 8(1) of the Act, and in consultation with the SEA Gateway, Historic Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage, that the **document/ plan** is unlikely to have significant environmental effects and therefore that a full strategic environmental assessment of it is **not** required.

A copy of the determination and Screening Report containing the Statement of Reasons is available for public inspection at the address below:

on the **Council's website** ([www.dumgal.gov.uk/](http://www.dumgal.gov.uk/)) at <http://www.dumgal.gov.uk/index.aspx?articleid=14014>

and also available by request from:

Development Planning

**Address:** Development Planning, Dumfries and Galloway Council, Militia House, Dumfries, DG1 2HR;

**Email address:** [LDP@dumgal.gov.uk](mailto:LDP@dumgal.gov.uk);

**Telephone No:** 030 33 33 3000

**David Suttie**

Service Manager

June 2015

## **2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)**

### **SCREENING DETERMINATION UNDER SECTION 8(1) OF THE ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005**

#### **Mineral Resources Supplementary Guidance**

This statement sets out Dumfries & Galloway Council's determination under Section 8(1) of the Act as follows:

1. Dumfries & Galloway Council consulted the consultation authorities referred to below via SEA Gateway with its SEA Screening Report on 20 March 2015 setting out its reasons as to why it was of the opinion that the changes are not likely to have significant environmental effects.
2. The Council agrees with the consultation authorities in their opinions as to whether or not the changes are likely to have significant environmental effects:

<b>Consultation Authority</b>	<b>Date of Opinion</b>	<b>Likelihood of Significant Environmental Effects</b>
Scottish Environment Protection Agency	13 April 2015	NO
Scottish Natural Heritage	15 April 2015	NO
Historic Scotland	1 April 2015	NO

### 3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Mineral Resources Supplementary Guidance are set out in Table 1:

**Table1: Likely Significance of Effects on the Environment**

Criteria for determining the likely significance of effects on the environment *	Likely to have significant environmental effects? Yes/No	Summary of significant environmental effects (negative and positive)
1 (a) To what degree will the PPS set the framework for projects and other activities, either with the regard to the location, nature, size and operating conditions or by allocating resources?	No	The SG does not seek to change or influence policy ED14 of the Dumfries and Galloway LDP. It merely seeks to provide background information to help the appropriate implementation of the policy. Therefore it does not seek to set the framework for projects and other activities.
1 (b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	The SG provides information on the implementation of a policy within the LDP and does not seek to directly influence other programmes and strategies.
1 (c) Is the PPS relevant to the integration of environmental considerations, in particular with a view to promoting sustainable development?	No	The SG will help to integrate environmental considerations and promote sustainable development although this will only be in a supportive role.
1 (d) What are the environmental problems that are relevant to the PPS?	No	Any significant issues have been considered in the SEA of the LDP.
1 (e) Will the PPS be relevant to the implementation of Community Legislation on the environment? (e.g., PPS linked to waste management or water protection)	No	The PPS would not be directly relevant to this issue and, if applicable, this would be considered in the assessment of individual planning applications.
2 (a) Will the environmental effects be significant when consideration is given to their probability, duration, frequency and reversibility?	No	There are no significant environmental problems identified. The SG merely supports LDP Policy ED14.

<p>2 (b) Will the environmental effects be cumulative in nature? (Consider the impact of other PPS's as well as local conditions)</p>	<p>No</p>	<p>There are no significant environmental problems identified. The SG merely supports LDP Policy ED14.</p>
<p>2 (c) Will the environmental effects be trans-boundary in nature? (i.e., environmental effects on other Local Authorities or EU Member states)</p>	<p>No</p>	<p>No significant effects identified.</p>
<p>2 (d) Will the environmental effects be significant when consideration is given to the potential risks to human health? (e.g., contribution to medical conditions or the possibility of accidents)</p>	<p>No</p>	<p>No significant effects identified.</p>
<p>2 (e) Will the environmental effects be significant when consideration is given to the potential magnitude and spatial extent of the effects? (e.g. geographical area and size of population likely to be affected)</p>	<p>No</p>	<p>Any effects would potentially affect the local area to which they are applicable, however there are no significant effects identified.</p>
<p>2 (f) Is the value and vulnerability of the area likely to be affected due to:  i) Special natural characteristics or cultural heritage?  ii) Exceeded environmental quality standards or limit values? OR  iii) Intensive land use?</p>	<p>No</p>	<p>The SEA for the Dumfries and Galloway LDP considered any potential effects and provided mitigation measures if necessary. The SG is not considered to have any additional effects.</p>
<p>2 (g) Will the PPS have a significant environmental effect on areas or landscapes which have a recognised national, Community or international protection status?</p>	<p>No</p>	<p>The SEA for the Dumfries and Galloway LDP considered any potential effects. The SG is not considered to have any additional environmental effects.</p>

\* **1(a), 1(b) etc.** refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005

**2(a), 2(b) etc.** refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005

### **Summary of Environmental Effects**

The SG is not considered to have any significant environmental effects. The SG will be used to provide background information to aid the interpretation of Dumfries and Galloway LDP Policy ED14: Mineral Safeguarding. The LDP has already been subject to a full SEA which assessed any potential environmental effects. Therefore it is considered that the principles of the 'Supplementary Guidance – Mineral Resources' have also been fully assessed.

## **4.0 Consultation Authority Responses**

David Suttie  
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Development Management  
Planning and Environment  
Dumfries and Galloway Council  
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English Street  
Dumfries  
DG1 2HS

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Our ref: LDP/DUM  
Our Case ID: 201407998

1 April 2015

Dear Mr Suttie

**Environmental Assessment (Scotland) Act 2005  
Dumfries and Galloway Council – Mineral Reserves Supplementary Guidance  
Screening**


Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Mineral Reserves Supplementary Guidance received by the Scottish Government's SEA Gateway on 20 March 2015. I have reviewed the screening report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so I have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

My understanding is that this guidance supports Policy ED14 of the Local Development Plan through the mapping of geological reserves and quarry locations. I note that as the policy has been subject to full strategic environmental assessment as part of the LDP SEA it is considered that significant effects on the historic environment are unlikely. In light this and the information contained within the screening report I agree that the guidance in itself is unlikely to have significant effects on the historic environment.

However, as you will be aware, it is the responsibility of Dumfries and Galloway Council as the Responsible Authority to determine whether the guidance requires an environmental assessment and to inform the Consultation Authorities accordingly.

Please do not hesitate to contact me should you wish to discuss this response.

Yours sincerely



Andrew Stevenson  
Senior Heritage Management Officer (SEA)



Our ref: PCS/139286  
SG ref: SEA/01056/SCR

David Suttie  
Service Manager Development Management  
Planning and Environment  
Dumfries and Galloway Council  
Kirkbank House  
English Street  
Dumfries, DG1 2HS

If telephoning ask for:  
Lorna Maclean

13 April 2015

By email only to: [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

Dear Mr Suttie

## **Environmental Assessment (Scotland) Act 2005 Dumfries & Galloway Council Supplementary Guidance Mineral Reserves - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 20 March 2015.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment. Having reviewed the Screening Report, we consider that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have a specific interest in waste) and climatic factors) the plan is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for Dumfries and Galloway Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

It is understood that the Supplementary Guidance will provide background information in relation to Local Development Plan policy ED14: Mineral Safeguarding but will not provide any further policy guidance. Policy ED14 has been subject to SEA.

Please note that although we do not consider that the plan will have significant strategic effects on the environment we do consider that it may have some effects. We would therefore welcome consultation on the draft proposals which should be directed to our local Planning Service team at [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk).

If it is formally determined that SEA is required, you will be aware that the next stage requires the Responsible Authority to consult the Consultation Authorities on the proposed scope and level of detail to be included within the Environmental Report. This can be undertaken through preparation of a concise Scoping Report. We would encourage you to use the scoping process to focus the assessment on those SEA issues upon which there are likely to be significant environmental effects, to outline the baseline information you consider as most relevant and explain your proposed method of assessment. To assist with this process we have produced Standing Advice for Responsible Authorities on Strategic Environmental Assessment (SEA) Scoping Consultations, which is available from [www.sepa.org.uk/planning](http://www.sepa.org.uk/planning).



Chairman  
David Sigsworth  
Chief Executive  
Terry A'Hearn

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We are committed to providing early and focused advice and supporting continuous engagement and would therefore welcome the opportunity to meet with you and discuss these issues prior to the formal consultation. Further information can be found in the Scottish Government SEA Guidance available at: [www.scotland.gov.uk/Publications/2013/08/3355](http://www.scotland.gov.uk/Publications/2013/08/3355).

Should you wish to discuss this screening consultation please do not hesitate to contact me on 01698 839 000 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Lorna Maclean  
Acting Planning Unit Manager (SW)

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## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

David Suttie  
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By email only to: [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

Date: 15 April 2015  
Our Ref: CEA135836

Dear Mr Suttie

### **Environmental Assessment (Scotland) Act 2005: SEA Screening Report - Supplementary Guidance – Mineral Reserves**

I refer to your screening consultation submitted on 20 March 2015 via the Scottish Government SEA Gateway in respect of the above plan.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, SNH has considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

We agree that the above Plan is not likely to have significant environmental effects.

Please note that this consultation response provides a view solely on the potential for the plan or programme to have significant environmental effects. We cannot comment on whether or not the plan or programme meets other criteria determining the need for SEA as set out in the Act.

Should you wish to discuss this screening determination, please do not hesitate to contact Stuart Graham on 01387 272440 or via SNH's SEA Gateway at [sea.gateway@snh.gov.uk](mailto:sea.gateway@snh.gov.uk)

Yours sincerely,

**Dr Chris Miles**  
Unit Manager  
Southern Scotland

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