

Environmental Assessment (Scotland) Act 2005

Protection of Water Margins Supplementary Guidance

Strategic Environmental Assessment Screening Determination

November 2014

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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 Protection of Water Margins 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 each determination and Screening Report containing the Statement of Reasons is available for public inspection at Militia House, Dumfries, DG1 2HR or on the Council's website at <http://www.dumgal.gov.uk/index.aspx?articleid=3948> and also available by request from: Development Planning at the above address, or by e-mail at ldp@dumgal.gov.uk or by telephoning 030 33 33 3000.

Andrew Maxwell
Service Manager
Development Planning and Environment

19 November 2014

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Protection of Water Margins 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 19 August 2014 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:

Consultation Authority	Date of Opinion	Likelihood of Significant Environmental Effects
Scottish Environment Protection Agency	12 September 2014	NO
Scottish Natural Heritage	12 September 2014	NO
Historic Scotland	28 August 2014	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Protection of Water Margins 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 'Supplementary Guidance – Protection of Water Margins' only seeks to provide additional guidance to LDP policy NE12. It does not set out a framework for projects or other activities. The guidance aims to protect water margins from development. This will limit the development that can take place around water margins and protect the riparian zone.
1 (b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	Water margins will be protected by policy NE12 of the Dumfries and Galloway LDP. The SG provides guidance on the implementation of policies 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 PPS will enable sustainable development through protecting water margins. This will likely have a protective (neutral) effect rather than a positive one.
1 (d) What are the environmental problems that are relevant to the PPS?	No	There are several environmental problems related to the PPS. These include flooding, erosion and biodiversity. The SG can contribute to controlling flooding and erosion, whilst also providing a habitat for plants and animals.
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 is relevant to directives including the Water Framework Directive and the Directive on the Assessment and Management of Flood Risks.
2 (a) Will the environmental effects be significant when consideration is given to their probability, duration, frequency and reversibility?	No	The SG will have a protective (neutral) effect on the environment. By definition a neutral effect can't be significant.
2 (b) Will the environmental effects be cumulative in nature?	No	The environmental effects will be protective and cumulative.

(Consider the impact of other PPS's as well as local conditions)		
2 (c) Will the environmental effects be trans-boundary in nature? (i.e., environmental effects on other Local Authorities or EU Member states)	No	Water bodies and their margins are trans-boundary in nature. Therefore any environmental effects, especially those in relation to flooding and erosion, will also be trans-boundary in nature. However these effects will be protective (neutral) for other local authorities.
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)	No	The SG will not create risks to human health.
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)	No	The SG has the potential to affect all of the Dumfries and Galloway Council area. However as the effects are neutral they cannot be significant.
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?	No	The SG does not specifically relate to vulnerable areas, areas of special natural or cultural heritage, environmental quality standards or intensive land uses.
2 (g) Will the PPS have a significant environmental effect on areas or landscapes which have a recognised national, Community or international protection status?	No	The SG will have a protective (neutral) effect on areas with recognised national, community or international protection status. Therefore the environmental effect will not be significant.

* **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 purpose of 'Supplementary Guidance – Protection of Water Margins is to provide more detailed guidance on policy NE12 of the Local Development Plan and to make sure that policy NE12 is accurately interpreted. This additional guidance focuses on maintaining buffer zones around water bodies which is likely to have a protective (neutral) effect on the environment. In addition to this policy NE12 of the Dumfries and Galloway Local Development Plan, which the SG is informing, has been subject to an SEA as part as of the Local Development Plan's SEA. Therefore it is considered that the principles of the SG have also been fully assessed.

4.0 Consultation Authority Responses

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Our ref: LDP/D
Our Case ID: 201403186

28 August 2014

Dear Mr Maxwell

**Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council – Protection of Water Margins
Supplementary Guidance
Screening Report**

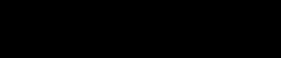
Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Protection of Water Margins Supplementary Guidance received by the Scottish Government's SEA Gateway on 19 August 2014. I have reviewed the screening report on behalf of Historic Scotland in its role 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 aims to add detail and advice to Policy NE12 of the emerging Dumfries and Galloway Local Development Plan (LDP) which deals with protection of water margins. As this policy has been subject to assessment through the SEA of the LDP I note that the council considers that the guidance is unlikely to have significant effects. In light of 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.

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/135464
SG ref: 00972

Andrew Maxwell
Dumfries and Galloway Council
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Dumfries
DG1 2HR

If telephoning ask for:
Silvia Cagnoni-Watt

12 September 2014

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Sir

**Environmental Assessment (Scotland) Act 2005
Town and Country Planning (Scotland) Acts
Dumfries and Galloway Council - Supplementary Guidance: Protection of Water Margins
- Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 22 August 2014.

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 Dumfries and Galloway Council - Supplementary Guidance (SG): Protection of Water Margins is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the Dumfries and Galloway Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

We understand that the purpose of 'Supplementary Guidance – Protection of Water Bodies' is to provide more detailed guidance on policy NE12 of the Local Development Plan (LDP) and to make sure that policy NE12 is accurately interpreted. We agree that as the LDP has been subject to a full strategic environmental assessment, the principles of this SG have also been fully assessed and it is therefore unlikely that additional significant environmental effects would arise.

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.



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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.

Should you wish to discuss this screening consultation please do not hesitate to contact me on planning.sw@sepa.org.uk or via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer

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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

Andrew Maxwell
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By email only to: sea.gateway@scotland.gsi.gov.uk

Date: 12 September 2014
Our Ref: CEA132720

Dear Mr Maxwell

Environmental Assessment (Scotland) Act 2005: SEA Screening Report - Supplementary Guidance – Protection of Water Margins Screening Determination

I refer to your screening consultation submitted on 20 August 2014 via the Scottish Government SEA Gateway in respect of the above plan.

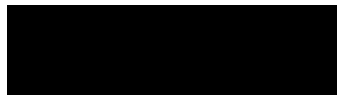
In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, SNH has considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

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

Yours sincerely



Dr Chris Miles
Unit Manager
Southern Scotland

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INVESTOR IN PEOPLE

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