

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

**Open Space and New Development Supplementary Guidance**

**Strategic Environmental Assessment Screening Determination**

**January 2015**

***Contents:***

**1. Statutory Notice**

**2. Screening determination**

**3. Screening Report**

**4. Responses from Consultation Authorities**

**SEA Gateway Covering Letter**

**Scottish Natural Heritage Response**

**Historic Scotland Response**

**Scottish Environment Protection Agency Response**

## **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 Open Space and New Development 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=3948>

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:** 01387 260109

**David Suttie** Service Manager Planning

28 January 2015

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

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

#### **Open Space and New Development 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 1 December 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:

| <b>Consultation Authority</b>          | <b>Date of Opinion</b> | <b>Likelihood of Significant Environmental Effects</b> |
|--|------------------------|--|
| Scottish Environment Protection Agency | 04/12/2014             | NO   |
| Scottish Natural Heritage              | 23/12/2014             | NO   |
| Historic Scotland                      | 17/12/2014             | NO   |

### 3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Open Space and New Development 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 policy CF3 of the Dumfries and Galloway LDP. It merely seeks to provide necessary detail and ensure that policy CF3 is appropriately implemented. 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 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 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 and Open Space Strategy.  |
| 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 CF3.  |

|   |           |   |
|---|-----------|---|
| <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 CF3.</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:<br/> i) Special natural characteristics or cultural heritage?<br/> ii) Exceeded environmental quality standards or limit values? OR<br/> iii) Intensive land use?</p> | <p>No</p> | <p>The SEA for the Dumfries and Galloway LDP and for the Open Space Strategy 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 and for the Open Space Strategy 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 explain and aid the interpretation of Dumfries and Galloway LDP Policy CF3: Open Space and New Development. The LDP and the Open Space Strategy (which informed the guidance in the policy) 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 – Open Space and New Development' have also been fully assessed.

## **4.0 Consultation Authority Responses**



HISTORIC SCOTLAND  
ALBA AOSMHOR

Mr Andrew Maxwell  
Development Planning  
Dumfries & Galloway Council  
Militia House  
English Street  
DUMFRIES  
DG1 2HR

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Direct Line: 0131 668 8704  
Switchboard: 0131 668 8600  
Virginia.Sharp@scotland.gsi.gov.uk

Our ref: LDP/DUM  
Our Case ID: 201405621  
Your ref: 01017 SCREENING  
17 December 2014

Dear Mr Maxwell

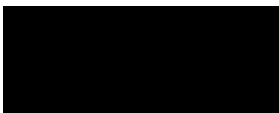
**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005**  
**Dumfries and Galloway Council – Supplementary Guidance: Open Space and New Development**

Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council – Supplementary Guidance: Open Space and New Development (the SG), received by the Scottish Government's SEA Gateway on 1 December 2014. I have reviewed the screening report on behalf of Historic Scotland in its role as a Consultation Authority in accordance with Section 9(3) of the above Act. In doing so, I have used the criteria set out in schedule 2 for determining the likely significance of effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

I understand that the SG focuses on the appropriate provision of open space or equivalent financial contribution, and is intended as a tool to explain and aid interpretation of Local Development Plan Policy CF3 and the Council's Open Space Strategy, both of which have been subject to SEA. On the basis of the information provided, I agree that the SG is unlikely to have significant additional 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 strategy requires an environmental assessment and to inform the Consultation Authorities accordingly. Please do not hesitate to contact me if you wish to discuss the contents of this letter in further detail.

Yours sincerely



**Virginia Sharp**  
Senior Heritage Management Officer, SEA



Our ref: PCS 137358  
SG ref: SEA/01017/SCR

Andrew Maxwell  
Planning and Environment  
Dumfries and Galloway Council  
Militia House  
English Street  
Dumfries  
DG1 2HR

If telephoning ask for:  
Silvia Cagnoni-Watt

4 December 2014

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

Dear Andrew Maxwell

**Environmental Assessment (Scotland) Act 2005  
Dumfries and Galloway Council – Supplementary Guidance - Open Space and New  
Development - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 2 December 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 (D&G) Council – Supplementary Guidance (SG) - Open Space and New Development is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the D&G Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

We understand that the SG will be used to explain and aid the implementation of an existing LDP policy (Policy CF3: Open Space and New Development). 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 – Open Space and New Development' have also been fully assessed. We are in agreement with this.

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  
James Curran

**Angus Smith Building**  
6 Parklands Avenue, Eurocentral,  
Holytown, North Lanarkshire ML1 4WQ  
tel 01698 839000 fax 01698 738155  
[www.sepa.org.uk](http://www.sepa.org.uk)

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 01786 452430 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Silvia Cagnoni-Watt  
Senior Planning Officer

Ecopy: [hssea.gateway@scotland.gsi.gov.uk](mailto:hssea.gateway@scotland.gsi.gov.uk) ; [sea\\_gateway@snh.gov.uk](mailto:sea_gateway@snh.gov.uk)



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

Andrew Maxwell  
Services Manager Development Planning and Environment  
Planning and Environment  
Dumfries and Galloway Council  
Militia House  
English Street  
Dumfries DG1 2HR

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

Date: 23 December 2014  
Our Ref: CEA134346

Dear Mr Maxwell

### **SEA Screening Report - Supplementary Guidance – Open Space and New Development Screening Determination**

I refer to your screening consultation submitted on 02 December 2014 via the Scottish Government SEA Gateway in respect of the above plan.

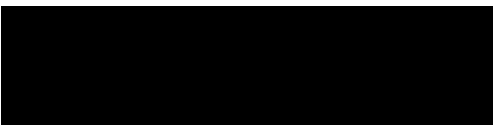
In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, SNH has considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

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](mailto:sea.gateway@snh.gov.uk)

Yours sincerely



**Dr Chris Miles**  
Unit Manager  
Southern Scotland

Ecopy [hssea.gateway@scotland.gsi.gov.uk](mailto:hssea.gateway@scotland.gsi.gov.uk); [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk);  
[sea\\_gateway@snh.gov.uk](mailto:sea_gateway@snh.gov.uk)

Scottish Natural Heritage, Greystone Park, 55/57 Moffat Road, Dumfries, DG1 1NP  
Email [Southern\\_scotland@snh.gov.uk](mailto:Southern_scotland@snh.gov.uk) Tel 01387 272440 Fax 01387 259247 [www.snh.org.uk](http://www.snh.org.uk)



