

**Environmental Assessment (Scotland) Act 2005**

**Strategic Environmental Assessment Screening Determination**

for

**Moffat Conservation Area Character Appraisal and Management Plan,  
Supplementary Guidance, April 2019**

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**1.0 ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005  
SCREENING DETERMINATION by DUMFRIES & GALLOWAY  
COUNCIL**

NOTICE IS HEREBY GIVEN that Dumfries & Galloway Council has made a **determination** in respect of the **Moffat Conservation Area Character Appraisal and Management Plan Supplementary Guidance**.

The Council has **determined** under Section 8(1) of the Act, and in consultation with the SEA Gateway, Historic Environment Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage, that the **document supplementary to the Local Development 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 on the **Council's website** <http://www.dumgal.gov.uk/article/15342/Supplementary-guidance> and at the Council Office, Ashwood House, Sun Street, Dumfries, DG9 7JJ or by email on request from: Development Planning [LDP@dumgal.gov.uk](mailto:LDP@dumgal.gov.uk) or by telephoning 0303 33 33 000

**David Suttie**  
Service Manager

11th April 2019

**2. Strategic Environmental Assessment (SEA)  
 Screening Determination under Section 8(1) of the  
 Environmental Assessment (Scotland) Act 2005  
 Supplementary Guidance to the Dumfries and Galloway Local  
 Development Plan: Moffat Conservation Area Character  
 Appraisal and Management Plan.**

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 through the Scottish Government’s SEA Gateway with its SEA Screening Report on 02 May 2018. The report set out the reasons why the Council is of the opinion that the supplementary guidance is not likely to have significant environmental effects.
  
2. The Council agrees with the opinions of the consultation authorities in their responses as to whether the application of the supplementary guidance is likely to have significant environmental effects:

<b>CONSULTATION AUTHORITY</b>	<b>LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>
Scottish Environment Protection Agency	NO
Historic Environment Scotland	NO
Scottish Natural Heritage	NO
<b>OVERALL VIEW</b>	<b>NO</b>

### 3. SEA Screening Report

The Council has considered the likely significance of effects on the environment of the 'Supplementary Guidance – Moffat Conservation Area Character Appraisal and Management Plan' as set out in the following summary. Table 1 below has a fuller explanation of how these conclusions have been reached.

#### Summary of Environmental Effects

The Supplementary Guidance will not have any significant environmental effects because it is an assessment of the existing buildings and features within and adjoining the Moffat Conservation Area. The document will provide information for decision makers, the public and other stakeholders regarding the special character, qualities, threats, opportunities and constraints within the area considered. The Moffat Conservation Area Character Appraisal and Management Plan defines the special historic and architectural character within the area surveyed and will serve as a management tool for review of the conservation area boundary; making decisions and identifying opportunities for potential further action by the local planning authority and others who may wish to prepare enhancement schemes.

**Table 1: Likely Significance of Effects on the Environment**

[The paragraph numbers in the table 1(a), 1(b), 2(a), 2(b) etc. refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005.]

<b>Criteria for determining the likely significance of effects on the environment *</b>	<b>Likely to have significant environmental effects? Yes/No</b>	<b>Summary of significant environmental effects (negative and positive)</b>
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 'Moffat Conservation Area Character Appraisal and Management Plan' does not set a framework for actions but reviews the boundary of the conservation area and provides information on the merits of, constraints and threats to the area which is designated for its special character. It sets out key characteristics and how they

		should be managed. It also identifies opportunities for long-term preservation and enhancement of the area.
1(b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	The SG provides background guidance to policy within the adopted Local Development Plan. It is not intended that it should directly influence other programmes or strategies other than to support applications for funding where that funding will preserve or enhance the character of the conservation area.
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 provide supportive guidance to help integrate environmental considerations and promote sustainable development, such as encouraging repair, long term maintenance and climate change adaptations to traditionally constructed buildings within the conservation area.
1(d) What are the environmental problems that are relevant to the PPS?	No	The appraisal identifies some under-use and poor building condition within the conservation area but does not introduce new policy considerations. Consequently, no environmental issues are raised.
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 appraisal does not introduce new policy considerations and does not make any reference to this issue. 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 effects identified.

<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 effects identified. However, it is intended that the document will encourage incremental improvements through better decision making to produce modest cumulative enhancement to the character of the conservation area.</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>There are no significant effects identified. The location of Moffat Conservation Area is wholly within Dumfries and Galloway Council's administrative region.</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>There are 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>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 supplementary guidance is intended to consolidate and preserve the cultural heritage of the very localised conservation area. There will be no significant change to cultural heritage. The appraisal seeks to control development and manage existing historic structures and spaces to ensure the protection of the character of the area.</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>Moffat Conservation Area lies within the Moffat Hills Regional Scenic Area and has three Category A Listed Buildings. 'Auldton Mote' Scheduled Monument lies 190m east of the conservation area.</p> <p>The CACAMP is an assembly of information and highlights the importance, and sensitivity, of the existing landscape, built heritage and archaeology to ensure that they will be preserved or enhanced by any future actions which take place within the Moffat Conservation Area. It does not itself propose any actions that would impact on the designations and any development that comes forward in the future as separate proposals will be scrutinised through the planning system.</p> <p>The areas proposed for inclusion within the conservation area and the area proposed for removal from the conservation area will be subject to formal consultation.</p> <p>The document will enable the Council to fulfil its statutory duties to preserve and enhance the character of Moffat Conservation Area and help to raise awareness of the special characteristics and sensitivity of the area.</p>
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#### 4. Consultation Authority Responses

Please note that the format of the original responses may be slightly altered in appearance but the original content remains unchanged. Copies of the originals can be made available to view on request.

A.

Local Government and Communities Directorate  
Planning and Architecture Division

T: 0131-244 9571 F: 0131-244 7555

E: [SEA.Gateway@gov.scot](mailto:SEA.Gateway@gov.scot)



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

**Marie Marshall**

Dumfries and Galloway Council

**01449 Screening - Dumfries and Galloway Council - Supplementary guidance: Moffat Conservation Area Character Appraisal and Management Plan**

26<sup>th</sup> March 2019

Dear Marie,

With reference to the Screening document you submitted on 5 March 2019.

The Consultation Authorities have now considered your screening request as per **Section 9(3)** of the **Environmental Assessment (Scotland) Act 2005**. For convenience I have set out, in the table below, their individual views on whether there is a likelihood of significant environmental effects.

Please note, these are the views and opinions of the Consultation Authorities on the likelihood of significant environmental effects arising from the plan or programme and not a judgement on whether an SEA is required. It is therefore for the Responsible Authority to determine whether an SEA is required in the circumstances. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

<b>CONSULTATION AUTHORITY</b>	<b>LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No

  

<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>
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As the Consultation Authorities have now notified you of their views, you should now refer to the 2005 Act to consider your next step. You should of course take into account the advice offered by the Consultation Authorities.

You should note, as per Section 10 of the 2005 Act, within 28 days of your determination about whether an SEA is required or not, a copy of the determination and any related statement of reasons must be passed to the Consultation Authorities. This may be done via the SEA Gateway.

If you have any queries or would like me to clarify any points, please call me on 0131 244 9571.

Yours sincerely,  
Melissa Shields,  
SEA Gateway Administrator



B.



William Carlin  
The Scottish Government  
Area 2H South  
Victoria Quay  
Edinburgh EH6 6QQ

Our ref: PCS/164283  
SG ref: SEA01449/SCR

If telephoning ask for:  
Judith Montford

By email only to: [SEA\\_Gateway@gov.scot](mailto:SEA_Gateway@gov.scot)

19 March 2019

Dear Mr Carlin

**Environmental Assessment (Scotland) Act 2005  
Supplementary Guidance: Moffat Conservation Area Character Appraisal and Management  
Plan - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 07 March 2019.

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 Moffat Conservation Area Character Appraisal and Management Plan Supplementary Guidance 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.

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 [SEA topic guidance](#) for those issues which fall within our remit. Further information on scoping can be found in the [Scottish Government SEA Guidance](#) (sections 3.4 to 3.8 in particular).

We are committed to providing early and focused advice and supporting continuous engagement and therefore if it is determined that SEA is required we would welcome the opportunity to meet with you and discuss these issues prior to the formal consultation.

Should you wish to discuss this screening consultation please do not hesitate to contact me on 01224266604 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Judith Montford, Senior Planning Officer, Planning Service

Ecopy: [sea.gateway@hes.scot](mailto:sea.gateway@hes.scot); [SEA\\_GATEWAY@nature.scot](mailto:SEA_GATEWAY@nature.scot)

C.



**By email to: [sea.gateway@gov.scot](mailto:sea.gateway@gov.scot)**

Ms Marie-Isabelle Marshall  
Built Heritage Policy Officer  
Planning and Environment Services  
Dumfries and Galloway Council  
Militia House  
English Street  
Dumfries  
DG1 2HR

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH  
Enquiry Line: 0131-668-8716  
Switchboard: 0131 668 8600  
HMConsultations@hes.scot  
Our case ID: 300019286  
Your ref: 01449 Screening

25 March 2019

Dear Ms Marshall

**Environmental Assessment (Scotland) Act 2005  
Moffat Conservation Character Area Appraisal and Management Plan  
Supplementary Guidance  
SEA Screening**

**Screening Report**

Thank you for your consultation which we received on 05 March 2019 about the above screening report. We have reviewed the screening report in our role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so we 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 main area of interest for the historic environment.

We understand from the screening report that the Moffat Conservation Area Character Appraisal and Management Plan is intended to support the implementation of policy HE2 of the adopted Dumfries and Galloway Local Development Plan (2014). It will define and appraise features and the pattern of built development that contribute to the special character of the Moffat Conservation Area. It will also establish the optimum ways of preserving and enhancing the distinctive character of the Conservation Area.

Given that the Local Development Plan has already been subject to a full SEA, it is considered that the guidance will in itself have minimal environmental effects. On the basis of the information provided, we agree that the Moffat Conservation Area Character Appraisal and Management Plan 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.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden who can be contacted by phone on 0131 668 8575 or by email on [Alison.Baisden@hes.scot](mailto:Alison.Baisden@hes.scot).

Yours sincerely

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
Scottish Charity No. SC045925, VAT No. GB 221 8680 15

D



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
**nature.scot**

David Suttie  
Service Manager Development Management & Building Standards  
Dumfries and Galloway Council  
Kirkbank House  
English Street  
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Sent by email via: [sea.gateway@gov.scot](mailto:sea.gateway@gov.scot)

Date: 20 March 2019  
Our ref: CEA154637 / A2896304  
Your ref: 01449 Screening

Dear Mr Suttie

**Environment (Scotland) Act 2005  
Supplementary Guidance – Moffat Conservation Area Character Appraisal and  
Management Plan**

I refer to your screening consultation submitted on 05 March 2019 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, we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

We understand that the supplementary guidance provides more detail on Local Development Plan (LDP) Policy HE2 and does not itself set out a framework for change or proposals for development. On that basis we agree that it 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 me on 0131 316 2644 or via SNH's SEA Gateway at [sea.gateway@nature.scot](mailto:sea.gateway@nature.scot).

Yours sincerely

Vivienne Gray  
Planning Advisor  
Supporting Good Development Team

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