

Environmental Assessment (Scotland) Act 2005

Flooding and Development Supplementary Guidance

Strategic Environmental Assessment Screening Determination

February 2020

Contents:

1. Statutory Notice

2. Screening determination

3. Screening Report

4. Responses from Consultation Authorities

SEA Gateway Covering Letter

Historic Environment Scotland Response

Scottish Environment Protection Agency Response

Scottish Natural Heritage 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 **Flooding and 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 and on the **Council's website** (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;

Telephone No: 030 33 33 3000

David Suttie

Service Manager

18th February 2020

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Flooding and 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 15 January 2020 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
Historic Environment Scotland	23 January 2020	NO
Scottish Environmental Protection Agency	12 February 2020	NO
Scottish Natural Heritage	03 February 2020	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of **Flooding and Development Supplementary Guidance** are set out in Table 1:

Table1: Likely Significance of Effects on the Environment

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Flooding and Development	-	✓	-	✓	-	-	-	-	-	-	The Supplementary Guidance provides detailed guidance in support of LDP2 policy IN7: Flooding and Development, the intention of which is to have a positive benefit on human health and the water environment.	It is considered that the SG will not have a significant environmental effect.

* **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 provides guidance on the implementation of policies within LDP2 and therefore it is considered that the SG itself will not have a significant environmental effect. The LDP2 has been subject to a full SEA and it is considered that the principles of this SG have been fully assessed.

4.0 Consultation Authority Responses

Insert copy of letter in following order -

Historic Environment Scotland

SEPA

SNH



T: 0131-244 5036
E: SEA.Gateway@gov.scot

John Doig
Planning Officer
Development Planning
Economy & Development
Dumfries and Galloway Council
Kirkbank House, English Street
Dumfries, DG1 2HS

01535 - Screening - Dumfries and Galloway Council - Flooding and Development

12th February 2020

Dear John,

With reference to the Screening document you submitted on 15th January 2020.

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.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

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 5036.

Kind regards,

Grant Munro
SEA Gateway Administrator



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to: sea.gateway@gov.scot

Mr John Doig
Planning Officer, Development Planning
Dumfries and Galloway Council
Kirkbank House
English Street
Dumfries
DG1 2HS

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: 01535 Screening
23 January 2020

Dear Mr Doig

[Environmental Assessment \(Scotland\) Act 2005](#)
[Dumfries and Galloway Council - Local Development Plan - SG - Flooding and Development](#)

Screening Report

Thank you for your consultation which we received on 15 January 2020 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.

Our understanding from the screening report is that this guidance will add detail and advice on the interpretation of Policy IN7 of the Dumfries and Galloway Local Development Plan 2 (LDP).

We note that you consider that, as the relevant policy has been assessed as part of the environmental assessment of the LDP, significant effects as a result of the guidance are unlikely. In light of this and the information contained within the screening report we are content to 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.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Andrew Stevenson who can be contacted by phone on 0131 668 8960 or by email on andrew.stevenson2@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**

Our ref: PCS/169637
SG ref: SEA/01535/scr

If telephoning ask for:
Jonathan Werritty

12 February 2020

John Doig
Dumfries & Galloway Council
Planning and Environment Services
Kirkbank House
English Street
Dumfries
DG1 2HS

By email only to: SEA_Gateway@gov.scot

Dear Mr Doig

Environmental Assessment (Scotland) Act 2005 Flooding and Development (supplementary Guidance) - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 17 January 2020.

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 Flooding and Development Supplementary Guidance is unlikely to have significant environmental effects that have not already been subject to SEA. We note that LDP Policy IN 7: Design Flooding and Development has been subject to a full SEA. 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).



Chairman
Bob Downes

Chief Executive
Terry A'Hearn
OFFICIAL

Angus Smith Building

6 Parklands Avenue, Eurocentral,
Holytown, North Lanarkshire ML1 4WQ
tel 01698 839000 fax 01698 738155

www.sepa.org.uk • customer enquiries 03000 99 66 99

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 (01698) 839 000 or via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Jonathan Werritty
Senior Planning Officer

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot



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

John Doig
Development Planning
Dumfries & Galloway Council
Kirkbank House
English Street
Dumfries DG1 2HS

Sent by email via: sea.gateway@gov.scot

Date: 03 February 2020
Our ref: CEA158022

Dear Mr Doig

**Environmental Assessment (Scotland) Act 2005: Flooding and Development
Supplementary Guidance – Screening Determination**

I refer to your screening consultation submitted on 15 January 2020 via the Scottish Government SEA Gateway in respect of the above guidance. 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 guidance has been prepared to provide detail in support of policy IN7: Flooding and Development of Local Development Plan 2 (LDP2). It does not itself set out further proposals for development or change beyond those already assessed during the preparation of LDP2. On that basis, we agree that the guidance 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 Vivienne Gray on 0131 316 2644 or via SNH's SEA Gateway at sea.gateway@nature.scot.

Yours sincerely

Vivienne Gray
Planning Advisor
Supporting Good Development Team

Scottish Natural Heritage, Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Tel: 0131 316 2600 www.nature.scot

Dualchas Nàdair na h-Alba, Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT
Fòn: 0131 316 2600 www.nature.scot