

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

## **Open Space and New 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 **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 and 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

20<sup>th</sup> February 2020

## 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 21 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	18 February 2020	NO
Scottish Environmental Protection Agency	18 February 2020	NO
Scottish Natural Heritage	13 February 2020	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**

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		
Open space	✓	✓	-	-	-	-	-	-	✓	-	The Supplementary Guidance provides detailed guidance in support of LDP2 policy CF3: Open Space, the intention of which is to provide, protect and maintain open space in relation to new development proposals. Implemented correctly should have benefits for biodiversity and habitats, active recreation and the landscape setting of settlements.	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](mailto:SEA.Gateway@gov.scot)

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

## 01548 – screening - Dumfries and Galloway Council - Supplementary Guidance – Open Space and New Development

17 February 2020

Dear John

With reference to the Screening document you submitted on 22 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
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>NO</b>

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](mailto: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](mailto:HMConsultations@hes.scot)

Our case ID: 300019286  
Your ref: 01548 - screening  
18 February 2020

Dear Mr Doig

[Environmental Assessment \(Scotland\) Act 2005](#)  
[Dumfries and Galloway Council - Supplementary Guidance - Open Space and New Development](#)

### Screening Report

Thank you for your consultation which we received on 23 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 is that the Open Space and New Development guidance will provide further advice and support for policy CF3: Open Space from the recently adopted Dumfries and Galloway Local Development Plan. We note that you consider that, as the relevant policy has been subject to assessment through the local development plan, significant environmental effects as a result of the guidance are unlikely. 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](mailto: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/169719  
SG ref: SEA/01548/scr

If telephoning ask for:  
Jonathan Werritty

18 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](mailto:SEA_Gateway@gov.scot)

Dear Mr Doig

## **Environmental Assessment (Scotland) Act 2005 Open Space and New Development (Supplementary Guidance) - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 22 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 Open Space and New Development Supplementary Guidance is unlikely to have significant environmental effects that have not already been subject to SEA. We note that LDP2 Policy CF3: Open Space 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](http://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](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Jonathan Werritty  
Senior Planning Officer

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

Date: 13 February 2020  
Our ref: CEA158082

Dear Mr Doig

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

I refer to your screening consultation submitted on 21 January 2020 via the Scottish Government SEA Gateway in respect of the above plan.

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 has been prepared to provide detailed guidance in support of Policy CF3: Open Space of Local Development Plan 2 (LDP2). As it does not propose further change or development beyond that assessed in LDP2 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](mailto: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](http://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](http://www.nature.scot)