Environmental Assessment (Scotland) Act 2005

Surface Water Drainage and Sustainable Drainage Systems (SuDS) Supplementary Guidance

Strategic Environmental Assessment Screening Determination

February 2020
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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 Surface Water Drainage and Sustainable Drainage Systems (SuDS) 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

Surface Water Drainage and Sustainable Drainage Systems (SuDS) 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:

<table>
<thead>
<tr>
<th>Consultation Authority</th>
<th>Date of Opinion</th>
<th>Likelihood of Significant Environmental Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Environment Scotland</td>
<td>23 January 2020</td>
<td>NO</td>
</tr>
<tr>
<td>Scottish Environmental Protection Agency</td>
<td>23 January 2020</td>
<td>NO</td>
</tr>
<tr>
<td>Scottish Natural Heritage</td>
<td>03 February 2020</td>
<td>NO</td>
</tr>
</tbody>
</table>
3.0 SEA Screening Report

The Council’s determinations regarding the likely significance of effects on the environment of Surface Water Drainage and Sustainable Drainage Systems (SuDS) Supplementary Guidance are set out in Table 1:

Table 1: Likely Significance of Effects on the Environment

<table>
<thead>
<tr>
<th>Plan Components</th>
<th>Environmental Topic Areas</th>
<th>Explanation of Potential Environmental Effects</th>
<th>Explanation of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>SuDS</td>
<td>Biodiversity, flora and fauna</td>
<td>✓</td>
<td>The Supplementary Guidance provides detailed guidance in support of LDP2 policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS). The implementation of the policy and supporting SG correctly has the potential for a positive impact on biodiversity, open space, human health, amenity and proper disposal of surface water.</td>
</tr>
</tbody>
</table>

* 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

Error! Reference source not found. 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
01536 - Screening - Dumfries and Galloway Council - SuDS –

12\textsuperscript{th} February 2020

Dear John,

With reference to the Screening document you submitted on 15\textsuperscript{th} January 2020.

The Consultation Authorities have now considered your screening request as per Section 9(3) of the \textit{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.

<table>
<thead>
<tr>
<th>CONSULTATION AUTHORITY</th>
<th>LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Environment Scotland</td>
<td>No</td>
</tr>
<tr>
<td>Scottish Environment Protection Agency</td>
<td>No</td>
</tr>
<tr>
<td>Scottish Natural Heritage</td>
<td>No</td>
</tr>
</tbody>
</table>

| 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.

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

Victoria Quay, Edinburgh  EH6 6QQ

www.gov.scot
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
Dear Mr Doig

Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council - Local Development Plan - SG - SUDS

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 IN8 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
John Doig  
Dumfries & Galloway Council  
Planning and Environment Services  
Kirkbank  
English Street  
Dumfries  
DG1 2HS

By email only to: SEA_Gateway@gov.scot

Dear Sir

Environmental Assessment (Scotland) Act 2005  
Surface Water Drainage and Sustainable Drainage Systems (SuDS) Supplementary Guidance - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 15 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 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 01698 839000 or via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours faithfully

Nicki Dunn
Senior Planning Officer

Ecory: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot
Dear Mr Doig

Environmental Assessment (Scotland) Act 2005: Surface Water Drainage and Sustainable Drainage Systems 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 IN8: Surface Water Drainage and Sustainable Drainage Systems 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