

Environmental Assessment (Scotland) Act 2005

Open Space and New Development (Parts 3 & 4) Supplementary Guidance

Strategic Environmental Assessment Screening Determination

February 2021

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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 **Open Space and New Development (Parts 3 & 4) 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, Kirkbank House, Dumfries, DG1 2HR;

Email address: LDP@dumgal.gov.uk;

Telephone No: 030 33 33 3000

David Suttie

Service Manager

24th 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 (Parts 3 & 4) 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 19 January 2021 setting out its reasons as to why it was of the opinion that the changes are not likely to have significant environmental effects.
2. SEA Gateway advise that SEPA are unable to comment at this time due to operational issues with the authority and direct advice for screening and scoping to SEPAs website.
3. 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	16 February 2021	NO
Scottish Natural Heritage	11 February 2021	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 (Parts 3 and 4) 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
SNH



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

John Doig

Dumfries and Galloway Council

01620 Screening - Dumfries and Galloway - Open Space and New Development
Supplementary Guidance Part 3 and 4

16th February 2021

Dear John,

With reference to the Screening document you submitted on 19th January 2021.

The Consultation Authorities have now considered your screening request as per **Section 9(3)** of the **Environmental Assessment (Scotland) Act 2005**. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions.

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. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

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, that 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,

Melissa Shields
SEA Gateway Administrator



By email to: sea_gateway@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8924
Switchboard: 0131 668 8600
HMConsultations@hes.scot

Our case ID: 300019286
Your ref: 01620 Screening

11 February 2021

Dear John Doig

[Environmental Assessment \(Scotland\) Act 2005](#)
[01620 Screening – Dumfries & Galloway Council – Open Space and New Development](#)
[Supplementary Guidance](#)

Screening Report

Thank you for your consultation which we received on 19 January 2021 about the above screening report. We have reviewed this 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.

Historic Environment Scotland's view

In light of the information and reasoning set out within the screening report, we **agree** with your view that there are **unlikely to be significant environmental effects for the historic environment**.

Historic Environment Scotland's comments

We understand that the supplementary guidance for Open Space and New Development will provide detailed guidance in support of LDP2 policy CF3: Open Space which relates to the protection, provision and maintenance of open space from development proposals. We note that the environmental effects for this policy area were considered as part of the Local Development Plan process and based on this and other information set out in the screening report, we agree that further effects for the historic environment are unlikely to be significant.

Next steps

The Environmental Assessment (Scotland) Act 2005 requires you as the Responsible Authority to determine whether an environmental assessment is required. You must then notify the Consultation Authorities within 28 days of making this determination. This may be done via the SEA Gateway (sea_gateway@gov.scot).



HISTORIC
ENVIRONMENT
SCOTLAND

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ALBA

We hope our advice is helpful to you in making this determination. Please feel welcome to contact us if you have any questions about this response. The officer managing this case is Alasdair McKenzie who can be contacted by phone on 0131 668 8924 or by email on alasdair.mckenzie@hes.scot.

Yours sincerely

Historic Environment Scotland

Mr John Doig
Development Planning
Dumfries and Galloway Council

Sent via: sea.gateway@gov.scot

11 February 2021

Our ref: CEA161789

Dear Mr Doig

**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005: OPEN SPACE AND NEW DEVELOPMENT
SUPPLEMENTARY GUIDANCE PART 3 AND 4 – SCREENING DETERMINATION**

I refer to your screening consultation submitted on 19 January 2021 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 provides further detail in support of Local Development Plan (LDP) policy CF3: Open Space. It does not make provision for further development or change beyond that already assessed during the LDP preparation process. 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 me on 0131 316 2644 or via NatureScots' SEA Gateway at sea.gateway@nature.scot.

Yours sincerely,

Vivienne Gray
Planning Advisor
Supporting Good Development