

# LANGHOLM

## Flood Protection Scheme

### Environmental Impact Assessment (Briefing Note)

#### Summary

Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

The fundamental components of an EIA would necessarily involve the following stages:

- a. Screening to determine which projects or developments require a full or partial impact assessment study;
- b. Scoping to identify which potential impacts are relevant to assess;
- c. Assessment and evaluation of impacts, to predict and identify the likely environmental impacts of a proposed project or development; and,
- d. Reporting the Environmental Impact Assessment report or EIA report, including an Environmental Management Plan (EMP), and a non-technical summary for the general audience.

The effects to be identified, described and assessed in the EIA include the expected effects deriving from the vulnerability of the scheme to risks, so far as relevant to the scheme, of major accidents and disasters.

#### Legislation

Regulation 2A of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 ('FRM Regulations') requires that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case relating to the scheme, the direct and indirect significant effects of the scheme on the following factors and the interaction between those factors—

- a. population and human health;
- b. biodiversity, and in particular species and habitats protected under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora<sup>1</sup> and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds<sup>2</sup>;
- c. land, soil, water, air and climate; and,
- d. material assets, cultural heritage and the landscape.

The effects to be identified, described and assessed in the EIA include the expected effects deriving from the vulnerability of the scheme to risks, so far as relevant to the scheme, of major accidents and disasters.

#### Stages

##### Screening

(This stage has been completed for the Langholm Flood Protection Scheme)

A formal screening opinion was sought from the consultative bodies under Regulation 5 of the FRM Regulations regarding the likely effects of the proposed Langholm Flood Protection Scheme (Scheme) on the environment and to offer an opinion whether the works should be subjected to EIA.

A preliminary Ecological Appraisal and screening report have been carried out, to assess whether there are any sensitivities that may be negatively impacted by the Scheme. Opinions from the consultees (Scottish Environment Protection Agency, NatureScot, Scottish Water & Dumfries and Galloway Council as the Planning Authority) were requested based on the screening report, to confirm whether the Scheme should be subject to an EIA.

SEPA also requested an Environmental Standards Test for River Morphology to assess the morphological impact of the Scheme on the rivers potentially affected and subsequently they requested that a full EIA be carried out due to the potential to have a significant effect on the water environment.

## Scoping

(This stage is currently underway for the Scheme)

The purpose of scoping is to identify those matters that should be covered in the EIA Report that is prepared for the Scheme and will be submitted to the consultative bodies and, in particular, to identify which of the factors and effects in Schedule 2 of the FRM Regulations are most important, and which can be dealt with in less detail to produce a streamlined EIA Report which focuses on the significant impacts.

Therefore, scoping should ensure that all of the relevant issues are identified and addressed in an appropriate manner in the EIA Report.

There is no formal scoping process under the FRM Regulations however it is considered best practice in the EIA process e.g., under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 that a formal opinion on the information to be supplied in the EIA Report be requested from the Planning Authority.

The scoping process allows the Council to be clear about what the competent authority and consultative bodies consider the significant effects of the Scheme are likely to be and, therefore, the topics on which the EIA report should focus.

A scoping report will be issued to the consultative bodies for their review to ensure the EIA report covers all the relevant issues. The consultees will include SEPA, NatureScot, Scottish Water, DGC Planners, EA, fisheries and the process will take a number of months.

## (EIA Report)

(This process will be carried out following the next community engagement events).

Under Regulation 2A of the FRM Regulations “environmental impact assessment” means, in respect of a proposed scheme or a modified scheme, a process consisting of—

- a. the preparation of an EIA report in respect of the Scheme;
- b. the carrying out of notifications in accordance with regulation 7 and, where relevant, regulation 8 (as read with paragraphs 1 to 3 of schedule 2 of the Flood Risk Management (Scotland) Act 2009 (the Act));
- c. the examination by the local authority or, as the case may be, the Scottish Ministers of the information presented in the EIA report and any other environmental information;
- d. the reasoned conclusion of the local authority or, as the case may be, the Scottish Ministers on the significant effects of the scheme on the environment, taking into account the results of the examination referred to in sub-paragraph (c); and
- e. the integration of the local authority’s or, as the case may be, the Scottish Ministers’ reasoned conclusion into the decision in respect of the scheme, notice of which is given in accordance with paragraph 10 of schedule 2 of the Act.

Therefore, the EIA will assess the environmental impact of the proposed Scheme and result in the preparation of an EIA Report. The EIA report will include:

- a. a description of the scheme comprising information on the site, design, size and other relevant features of the Scheme;
- b. a description of the likely significant effects of the scheme on the environment;
- c. a description of the features of the scheme and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- d. a description of the reasonable alternatives studied by the local authority, which are relevant to the scheme and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the Scheme on the environment;
- e. a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- f. (any additional information specified in schedule 2 of the FRM Regulations relevant to the specific characteristics of the scheme or of the type of operations in the scheme in question and to the environmental features likely to be affected.

The completed EIA report will then form part of the suite of publication documents and drawings which will be published when Dumfries and Galloway Council promotes the Scheme in accordance with the Flood Risk Management (Scotland) Act 2009. Statutory consultees and the public will have a 28 day period to make any representations or objections on the Scheme once published.