



DUMFRIES AND GALLOWAY
Proposed Local Development Plan

**Strategic Environmental Assessment
Supplementary Report November 2012**

Non-technical Summary



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1. Introduction

- 1.1 **For the Local Development Plan (LDP), Strategic Environmental Assessment (SEA) is a requirement of the Environmental Assessment (Scotland) Act 2005. SEA is a technical assessment of the likely significant environmental impacts of a plan. The objective is to provide a high level of protection for the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development. Although the health of the environment is a vital component for social and economic wellbeing, social and economic effects are not a direct focus for the attention of SEA.**
- 1.2 The 'Strategic Environmental Assessment Supplementary Report' is published alongside the Proposed Plan of the Dumfries & Galloway Local Development Plan. It is supplementary to the Environmental Report (ER) for the D&G LDP that was required under the Environmental Assessment (Scotland) Act 2005. The Environmental Report was made up of:
- the Interim Environmental Report (IER), published for consultation (alongside the Main Issues Report (MIR)) in March 2011; and
 - the (SEA) Environmental Report, published for consultation (alongside the Further Consultation on Sites and Policies (FCSP)) in December 2011.
- 1.3 The primary purpose of the Supplementary Report is to provide a more detailed assessment of policies than was possible at earlier stages of preparation of the LDP. This is considered to represent helpful practice that is consistent with the spirit of the legislation.

2. Key Facts about Dumfries & Galloway LDP

2.1 Responsible Authority:

Dumfries & Galloway Council (DGC)

2.2 Title of Plan/Programme:

Dumfries & Galloway Local Development Plan (LDP)

2.3 What prompted the plan?

- The need to review and, as appropriate, update the current Structure Plan approved in 1999 and the 4 Local Plans adopted in 2006; and also
- the requirements of the Planning etc. (Scotland) Act 2006 and its associated Town and Country (Development Planning) (Scotland) Regulations 2008.

2.4 Plan subject?

The LDP is a development plan which should be prepared in accordance with the requirements of the Scottish planning system. It is focussed on the pattern and character of landuse in D&G over the period 2014 until 2024 and should also consider the likely planning requirements for the following 10 years.

2.5 Period covered by plan:

2014 -2024

2.6 Frequency of plan updates:

The LDP is to be reviewed every 5 years in line with requirements of the Planning etc. (Scotland) Act 2006.

2.7 Plan area:

The LDP will cover the entire Dumfries & Galloway Council area: c. 6,400 sq kms (this includes the area of Dumfries & Galloway (D&G) down to the Low Water Mark)^{2.8}

2.8 Purpose of the Plan / Plan objectives:

- In fulfilling the requirements for a development plan to cover the Dumfries & Galloway area as required by the Planning etc. (Scotland) Act 2006 and the associated 2008 Development Planning Regulations the LDP Proposed Plan sets out:
- an overall development vision and spatial strategy for the Dumfries & Galloway area;
- planning policies to support the vision and strategy;
- planning land allocations and policy application for the development or regeneration or conservation of local areas and to assist with the orderly and timeous bringing forward of land for development or regeneration, all in support of the spatial strategy; and
- a framework of planning policies for the management of development applications, and thereby providing support for the strategy;

and in doing all of these the LDP intends to contribute to sustainable development.

3. Non-technical Summary

- 3.0 The focus of the Supplementary Report is the text for policies in the Proposed Plan. It is considered that the assessment below, taken from Section 7.3 Policies of the full Report, along with Appendix 1 from the full Report, is sufficiently concise as to also serve as a Non-technical Summary.

Assessment of Policy text

- 3.1 In broad terms the Local Development Plan intends to carry forward the policies of the current Development Plan. Most existing policies were to be updated and amalgamated as appropriate for the new plan, but the broad principle would not be changed. Detailed texts for these updated policies were not available in the Main Issues Report or the Further Consultation Sites and Policies. The assessment carried out in the Environmental Report (December 2011) was on the identified policy objectives. In addition, a number of modified policy positions were set out in detail. These were also assessed in the December 2011 Environmental Report.
- 3.2 As noted in above, the Further Consultation on Sites and Policies included the objectives for most policies and details for a limited number of modified policy positions. As a result, the Environmental Report published in December 2011 was not able to make a detailed assessment of the text of all the policies to be carried forward from the current Development Plan.
- 3.3 In considering the policies in the Proposed Plan it is relevant to look at what, overall, they intend to do and, as they intend to work together, their structure. A list of policy titles is included in Appendix 1. The text for policies is in the Proposed Plan.

Policy Objectives:

- 3.4 The object of policies, as set out in para 2.8 above, is:
- planning policies to support the vision and strategy;
 - planning land allocations and policy application for the development or regeneration or conservation of local areas and to assist with the orderly and timeous bringing forward of land for development or regeneration, all in support of the spatial strategy; and
 - a framework of planning policies for the management of development applications based, inter alia, on support for the strategy;
- and in doing all of these should contribute to sustainable development.

Policy Framework:

- 3.5 The framework of policies comprises around 70 individual policies and includes three overarching policies. The intention of the overarching policies is to set out the key principles that need to be taken into account when assessing development proposals. These key principles have been pulled together into the overarching policies and are not repeated elsewhere in the Proposed Plan. Where relevant, all development proposals will be assessed against the policies in this section.
- 3.6 The overarching policies should expect to provide environmental protection and secure environmental benefits when any of the other policies are being applied. In determining the appropriate application of other policies, it is understood that the overarching policies may be taken as interpretative guidance.

The Assessment Methodology:

- 3.7 The matrix approach for the consideration of policy outlined in the Scoping Report is used for the assessment described in this Supplementary Report. The matrix facilitates the identification of the anticipated effects of the policies relative to a set of SEA objectives. The intention of the process is to distinguish likely positive and negative environmental impacts. Obviously, full information cannot be available, and all conclusions are subject to some degree of uncertainty. The approach, however, does intend to form a framework that facilitates constructive consideration of potential environmental impacts.
- 3.8 The first stage for the assessment of a comprehensive set of policy texts was in May and June 2012. It comprised the consideration of draft detailed policy texts relative to the SEA objectives for policy. These objectives are listed with Appendix 1(b).

First Draft Assessment:

- 3.9 An overview of the first policy assessment showed that, as expected, most of the individual assessments were of minimal or no effect. Overall, it showed that to a very large extent policies were responsive to environmental issues. Given the objective of the plan itself and that the policies were being carried forward from the current plan, this was not a surprising finding. On the other hand the assessment did also identify a number of concerns ranging from the broad approach and consistency of text to detailed points in individual policies. It was considered that certain of the policies could potentially be amended so as to avoid or mitigate certain environmental problems and secure additional environmental benefits. These comments were reviewed and accommodated as considered appropriate in the finalisation of policies for the Proposed Plan.

- 3.10 The general comments on the first assessment of policies and the responses in the policies in the proposed Plan are set out in Table 1 below.

	SEA General Comment on first text for LDP Policies	SEA comment on PP policy text	+, or 0, or -
1	It would help the policies to be more effective if there could be consistency in approach for policy: Throughout the plan there should be a similar relationship between policy texts and accompanying explanatory text. If a policy objective can be stated it would help for this to be included.	This concern has been partially addressed for policies in the PP.	+
2	It would help the policies to be more effective if the intended meaning of particular words is consistent, especially in policy. The word 'significant' has a technical meaning under the Habitats Directive. It has a wider meaning under SEA. The word sustainable may be understood as a feel-good word that is applied in many different contexts, with the result that it does not have effective meaning.	This concern has been partially addressed for policies in the PP.	+
3	The policies could be more effective and more positively assessed if issues that could be material in many different planning applications are either included or referenced in the overarching policy. For example, given that there is a section in Policy OP2 [OP1c in the PP] for landscape it would be consistent that there be a new section (short) for nature conservation. This then could include reference to a separate more specific new policy for soil, as well as the policies for sites and species.	Modifications to overarching policy address this issue.	+
4	It would help to clarify the intention of policy and secure a more positive assessment if the Policy OP2 [OP1 in the PP] section on amenity were to provide a wider or more comprehensive list of amenity factors. (It could note that potentially material factors are not limited to the list provided.) It could reference the policies for which it intends to provide some cover. These could include; NE7 (Trees & Development); ED15 (Adverts); HE3 Archaeology; NE11 (Water Margins); CF3a (Open Space) and IN8 (Waste in new development).	Modifications to overarching policy address this issue.	+
5	The introduction in Policy OP2 [OP1 in the PP] would appear to be the right place to reference the legislative overall objective for the LDP - that it contribute to sustainable development. This would help to clarify how the individual policies - that intend to bring about implementation of the spatial strategy and wider vision - should be properly understood and applied.	Modifications to overarching policy address this issue.	+
6	It could help the policies to be more effective if there is policy text to say that unless there are overriding contrary reasons there is a presumption against development that in spirit or substance would be likely to undermine the spatial strategy.	Taken to be implicit for PP policies.	0

	SEA General Comment on first text for LDP Policies	SEA comment on PP policy text	+, or 0, or -
7	It could help the policies to be more effective if there is policy text to say that where a policy preference is expressed this refers to potential alternatives and that this is material so long as they may be available - whether or not the prospective developer has the capacity to bring them forward.	Not addressed in PP policies, but is implicit in ED5: Development Outside a Town Centre.	-
8	A more positive assessment of policies could be made if there is policy text to say that there is a preference for the use of vacant, derelict or contaminated land rather than greenfield sites and that this will be taken as a material consideration in cases when and where such land might be available. (SEA obj 7.1)	Addressed in certain individual policies and OP1f (sustainability) but does not have its own policy.	+
9	A more positive assessment of the policies could be made if there is policy text to say that there is an objective to make optimum use of infrastructure and that where it appears that this would be undermined to a notable extent this will taken as a material consideration. (SEA obj 7.4)	Included in appropriate policies and in OP1f (Sustainability).	+
10	A more positive assessment of the policies could be made if there is policy text to say that there is an objective to make efficient use of land and building and that where it appears that this would be undermined to a notable extent this will taken as a material consideration. (SEA obj 7.5)	Addressed in OP1f (Sustainability).	+
11	A more positive assessment of the policies could be made if there is policy text to say that there is an objective to secure efficient land use change and construction of building and that where it appears that this would be undermined to a notable extent this will taken as a material consideration.(SEA obj 7.6)	Addressed in conservation policies. Could, potentially, be addressed in SG for Design.	0
12	It would help the policies to be more effective if there is text to specify the rural typology to be used in applying policy in rural areas	No policy to address this concern.	-
13	It would help the policies to be more effective if there is text or a policy setting out the criteria applied in the determination of settlement boundaries. This would help in future consideration of proposals adjacent or near to the settlement boundary. As a policy it would help in the determination of proposals adjacent to or near villages that do not have an inset map with settlement boundary.	No policy to address this concern. This can be addressed in Supplementary Guidance.	-
14	A more positive assessment of the policies could be made if there is policy to enable conservation of soils to be a material factor in planning decisions. This should cover both soil quality and soil loss or destabilisation.	Policy introduced.	+

Alternatives:

- 3.11 The Scoping Report explained how the room for policy alternatives is limited since they all must contribute to the higher level Spatial Strategy. Nonetheless, in moving to the finalised texts for policies, consideration of alternative approaches, emphases, and text details for individual policies - was part of the process.

Summary Matrix (Appendix 1) Comments:

- 3.12 The second assessment of the policies as they appear in the Proposed Plan is shown in Summary in tabular form in Appendix 1. It should be noted that some of the policies have been divided in order to facilitate a clearer assessment of environmental impacts. The intention of the approach was to identify the impacts of policies and their size and direction. These are individual assessments, and cannot be simply weighed one against another. The Summary could, however, also be looked at as a whole. At this level it may be taken as a visual representation of an overall conclusion.
- 3.13 Each of the SEA objectives is supported by one or more of the policies. The terms of the overarching policies are taken as being important because these should, as appropriate, be taken into account in all cases. In addition, there are a number of 'general policies', such as 'NE7 – Trees and Development' and 'NE13 – Soil' that will often be pertinent, and should be considered.
- 3.14 The SEA Material Assets Objective 7.6 "support [for] efficient landuse change and construction of buildings" is not directly addressed. However, it could be covered in the proposed Supplementary Guidance for Design.
- 3.15 The SEA Landscape Objective 9.3 "protect and where practicable enhance important views" could have been more comprehensively secured, but again, this might be included in the Design Supplementary Guidance.
- 3.16 SEA issues are identified relative to the objectives for resource efficiency and landscape in respect of policy for housing development in small building groups in the rural area (Policies H3). These, however, were already identified in broad terms in the Interim Environmental Report and are recognised as part of the Spatial Strategy. Some mitigation is provided in terms of policy for design.
- 3.17 There are SEA issues relative to the objectives for accessibility and resource efficiency in respect of policy for housing development in remote rural area (Policies H3). Some mitigation is provided by the condition that it would support a low carbon lifestyle. It is presumed that the Supplementary Guidance will set out how this will be assessed and if there would be sanctions for non-compliance.
- 3.18 It should be noted that in some cases a negative assessment can expect to be made in respect of an SEA objective because it cuts across a positive assessment for some other SEA objective. For example, the policy that protects against the further extraction of peat means that greenhouse gas sinks are protected but peat as a mineral asset is sterilised. Another example is that the protection of landscape in National Scenic Areas and within the Hadrian's Wall visual envelope means that there is a reduced scope for renewable energy development.

- 3.19 The policy for Wind Energy (IN2) has not been assessed along with all the other policies in the Supplementary Report. This is because it is derived directly from the Wind Energy Interim Planning Policy (IPP) approved by the Council in February 2012, following from consultation on an Environmental Report under the 2005 Act. [This is further explained in the Supplementary Report.]

Cumulative and Synergistic Effects:

- 3.20 In any particular case a number of different policies may come into play. Over time many different applications are expected to come forward. Thus, while the Proposed Plan intends to secure positive cumulative and synergistic effects through the application of its framework of policies, it is considered impractical to identify specific cumulative and synergistic effects. The very few minor negatives identified for policies mean that negative cumulative and synergistic effects are not expected to arise.

Supplementary Guidance:

- 3.21 The assessment Summary in Appendix 1 uses a '+1' to identify those policies that indicate they will be supported by Supplementary Guidance. For the most part it is probable that the likely significant environmental impacts for these documents will have been covered through the assessment of policies. They should therefore expect to be dealt with for SEA through Pre-screening or Screening, under Sections 7 and 8 of the 2005 Act. It is possible that in certain cases an Environmental Report under Part 2 of the Act will be required. In the assessment of policies it was not clear whether Supplementary Guidance for the forms of renewable energy other than wind energy is to be developed.

Conclusion:

- 3.22 In total, the Summary shows, as would be expected, that most of the individual assessments are of a nil or minimal effect. Setting these aside, the overall assessment for the framework of planning policies for the Proposed Plan is positive. By comparison with the first draft of policies, the set of policies in the Proposed Plan have been made more clear and coherent, so that they better secure the objectives of the LDP and SEA.
- 3.23 The more detailed assessment that lies behind the Summary in Appendix 1 can be inspected on request.

Appendix 1: Summary of Second Assessment of Policies

Appendix 1(a): List of Policies

¹ Some of the policies have been divided to help secure a clearer assessment.

² The text for the policies is in the Proposed Plan.

List¹ of LDP Proposed Plan Policies² Considered for Assessment		
Overarching Policies		
	OP1	Development Considerations
1	OP1a	General Amenity
2	OP1b	Historic Environment
3	OP1c	Landscape
4	OP1d	Biodiversity and Geodiversity
5	OP1e	Transport and Travel
6	OP1f	Sustainability
7	OP1g	Water Environment
8	OP2	Design Quality of New Development
9	OP3	Developer Contributions
Economic Development		
	ED1	Business & Industry
10	ED1a	Established Business & Industry Areas
11	ED1b	Allocated Business & Industry Sites
12	ED1c	Unallocated Land
13	ED2	Business Development in the Rural Area
14	ED3	The Crichton Quarter
15	ED4	Chapelcross
16	ED5	Development in a Town Centre
17	ED6	Retail Development Outside a Town Centre
18	ED7	Prime Retail Frontages in Dumfries and Stranraer
19	ED8	Town Centre Accessibility
20	ED9	Small, Neighbourhood and Rural Shops
	ED10	Tourism
21	ED10a	Tourist Attractions and Recreational Facilities
22	ED10b	Tourist Accommodation
23	ED11	Galloway and Southern Ayrshire Biosphere
24	ED12	Dark Sky Park
25	ED13	Fish Farming
26	ED14	Minerals

¹ Some of the policies have been divided to help secure a clearer assessment.

² The text for the policies is in the Proposed Plan.

List¹ of LDP Proposed Plan Policies² Considered for Assessment		
27	ED15	Peat Deposits and 'Carbon Sinks'
28	ED16	Advertisements
Housing		
	H1	Housing Land
29	H1a	Allocated Sites
30	H1b	Unallocated Sites
31	H2	Housing Development in Villages
	H3	Housing in the Countryside
32	H3a	Housing in the Countryside - Small Building Groups
33	H3b	Housing in the Countryside - not Small Building Groups
33.2	H3b	Housing in the Countryside - Remote Areas
34	H4	Development Immediately Outside Settlement Boundaries
35	H5	Affordable Housing
36	H6	Particular Needs Housing
37	H7	Temporary Residential Development
38	H8	Alterations and Extensions to Houses
39	H9	Residential Annexes to Existing Homes
Historic Environment		
	HE1	Listed Buildings
40	HE1a	Listed Buildings - Alterations
41	HE1b	Listed Buildings - Demolition
42	HE1c	Listed Buildings - Recording
43	HE2	Conservation Areas
44	HE3	Archaeology
45	HE4	Archaeologically Sensitive Areas
46	HE5	Hadrian's Wall
47	HE6	Historic Gardens and Designed Landscapes
Natural Environment		
48	NE1	National Scenic Areas
49	NE2	Regional Scenic Areas
50	NE3	Sites of International Importance for Biodiversity
51	NE4	Species of International Importance
52	NE5	Sites of National Importance for Biodiversity and Geodiversity
53	NE6	Forestry and Woodland
54	NE7	Trees and Development
55	NE8	Tree Preservation Orders

¹ Some of the policies have been divided to help secure a clearer assessment.

² The text for the policies is in the Proposed Plan.

List¹ of LDP Proposed Plan Policies² Considered for Assessment		
Natural Environment (Continued)		
56	NE9	Undeveloped Coast
57	NE10	Erosion and Coastal Protection
58	NE11	Supporting the Water Environment
59	NE12	Protection of Water Margins
60	NE13	Soil
Community Facilities		
61	CF1	Community Facilities
62	CF2	Green Networks
	CF3	Open Space
63	CF3a	Protection of Open Space
64	CF3b	Provision of Open Space
	CF4	Access Routes
65	CF4a	Existing Access Routes
66	CF4b	New Access Routes
Infrastructure		
67	IN1	Renewable Energy
68 , 69, 70	IN2	Wind Energy
71	IN3	New Waste Management Infrastructure
72	IN4	Protection of Existing Waste Management Infrastructure
73	IN5	Energy Recovery from Waste
74	IN6	Waste Management Requirements for New Development
75	IN7	Flooding and Development
76	IN8	Surface Water Drainage and SuDS
77	IN9	Waste Water Drainage
78	IN10	Contaminated Land
79	IN11	Telecommunications Development
Travel and Transport		
80, 81	T1	Transport Infrastructure
82	T2	Location of Development / Accessibility
83	T3	Established Harbours, Marinas and Slipways
84	T4	Freight Transport
85	T5	Former Transportation Routes

Appendix 1(b): List of SEA Objectives for LDP Policy

List of SEA objectives for LDP Policies (From Scoping Report December 2009)		
SEA Issue	Objective Ref	SEA Objectives: Does the policy ...
Biodiversity Flora & Fauna	BF&F: (1.1)	... protect and, where possible, support the enhancement of species and habitats and the links between them.
	BF&F: (1.2)	... protect and, where possible, support the enhancement or creation of spaces important for biodiversity.
	BF&F: (1.3)	... provide respect for natural processes and systems.
Population & Human health	P&HH: (2.1)	... support development that facilitates healthy lifestyles.
	P&HH: (2.2)	... support development that addresses safety concerns.
	P&HH: (2.3)	... support development that minimises conflict with environmental health concerns.
	P&HH: (2.4)	... support the creation and / or retention of quality open space for community use.
	P&HH: (2.5)	... protect and enhance public accessibility to open space and the wider landscape.
	P&HH: (2.6)	... provide support for the provision of recreation space.
	P&HH: (2.7)	... support development that respects community identity.
	P&HH: (2.8)	... support development that helps improve accessibility to jobs/ employment, education, public services and recreation opportunities.
Soil	S: (3.1)	... support the avoidance or minimisation of the adverse impacts of development on soil quality.
	S: (3.2)	... support the avoidance or minimisation of soil loss or destabilisation resulting from development.
Water	W: (4.1)	... support the water quality objectives of the Solway Tweed River Basin Management Plan for the Dumfries & Galloway area.
	W: (4.2)	... support opportunities to reduce flood risk through sustainable flood management. (Includes SuDS)
Air	A: (5.1)	... protect or, if practical and appropriate, support the improvement of local air quality.
Climatic Factors	CF: (6.1)	... support reduction in the need to travel.
	CF: (6.2)	... support an increase in the opportunities for more sustainable travel.
	CF: (6.3)	... support locations and detailed designs which enable reduced greenhouse gas emissions.
	CF: (6.4)	... support sustainable production of energy.
	CF: (6.5)	... support the efficient use of energy. (Includes CHP)
	CF: (6.6)	... support the ability of households and communities to utilise and generate renewable energy.
	CF: (6.7)	... support development design which intends to be resilient to the effects of climate change.
	CF: (6.8)	... support the inclusion of greenhouse gas sinks as part of development and avoid or minimise development that would prejudice greenhouse gas sinks.

List of SEA objectives for LDP Policies (From Scoping Report December 2009)		
SEA Issue	Objective Ref	SEA Objectives: Does the policy ...
Material Assets	MA: (7.1)	... support the regeneration of derelict, vacant or contaminated land.
	MA: (7.2)	... support the avoidance of blighting mineral assets.
	MA: (7.3)	... support the sustainable management of waste according to the waste hierarchy.
	MA: (7.4)	... support the optimum use of development infrastructure, viz. transport, utilities and services.
	MA: (7.5)	... support the efficient use of land and buildings.
	MA: (7.6)	... support efficient landuse change and construction of buildings.
	MA: (7.7)	... support development which in relation to its purpose has high design quality, and is robust and resilient.
	MA: (7.8)	... support avoidance of flood sensitive development in flood risk areas.
Cultural Heritage	CH: (8.1)	... protect, conserve and, where appropriate, provide for the enhancement of the historic environment and other elements of built cultural heritage.
	CH: (8.2)	... provide respect for the pattern and form of development, and the landscape and historic setting of settlements.
	CH: (8.3)	... protect archaeological sites and the historic environment.
	CH: (8.4)	... support tree planting as an integral part of development.
Landscape	L: (9.1)	... protect and, where appropriate, provide for the enhancement or restoration of good quality landscape character, local distinctiveness and scenic value.
	L: (9.2)	... protect and, where appropriate, provide for the enhancement of the landscape settings of settlements.
	L: (9.3)	... protect and where practicable enhance important views.
Other (SEA) Factors	OF: (10.1)	... help to implement the Spatial Strategy or responses to Main Issues
	OF: (10.2)	... provide cover (in outline or any detail) for anticipated Supplementary Planning Guidance or Masterplan

Appendix 1(c): Summary Assessment Key

Policy Assessment Key	
Nil or Minimal	0
Uncertain	!
Large Positive	3
Positive	2
Small Positive	1
Small Negative	-1
Negative	-2
Large Negative	-3
Positive & Negative	+ -
Overarching Policy	
General Policy	

Contact

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