Environmental Assessment (Scotland) Act 2005

Assessing the Adequacy of Marketing for Change of Use Applications Supplementary Guidance

Strategic Environmental Assessment Screening Determination

November 2014

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1.0 DUMFRIES & GALLOWAY COUNCIL

SCREENING DETERMINATION ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

NOTICE IS HEREBY GIVEN that Dumfries & Galloway Council has made a determination in respect of the **Assessing the Adequacy of Marketing for Change of Use Applications 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 each determination and Screening Report containing the Statement of Reasons is available for public inspection at Militia House, Dumfries, DG1 2HR or on the Council's website at http://www.dumgal.gov.uk/index.aspx?articleid=3948 and also available by request from: Development Planning at the above address, or by e-mail at ldp@dumgal.gov.uk or by telephoning 030 33 33 3000.

Andrew Maxwell
Service Manager
Development Planning and Environment

19 November 2014

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

SCREENING DETERMINATION UNDER SECTION 8(1) OF THE ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

Assessing the Adequacy of Marketing for Change of Use Applications 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 20 August 2014 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
Scottish Environment Protection Agency	01 September 2014	NO
Scottish Natural Heritage	12 September 2014	NO
Historic Scotland	28 August 2014	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Assessing the Adequacy of Marketing for Change of Use Applications Supplementary Guidance are set out in Table 1:

Table1: Likely Significance of Effects on the Environment

Criteria for determining the likely significance of effects on the environment *	**Likely to have significant environmental effects? Yes/No**	**Summary of significant environmental effects (negative and positive)**
1 (a) To what degree will the PPS set the framework for projects and other activities, either with the regard to the location, nature, size and operating conditions or by allocating resources?	No	The SG seek does not seek to change or influence the Dumfries and Galloway LDP. It merely seeks to outline the minimum actions a developer / applicant are required to have gone through when actively marketing premises or a site before applying for change of use. The guidance supports LDP policy ED1(a): Established Business and Industrial Areas and CF1:Community Facilities.
1 (b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	As the purpose of the SG is to outline the various requirements needed to demonstrate that a site or premises have been effectively marketed it does not seek to directly influence other programmes and strategies.
1 (c) Is the PPS relevant to the integration of environmental considerations, in particular with a view to promoting sustainable development?	No	The SG is not considered relevant to this criteria as it merely seeks to outline the minimum actions a developer / applicant are required to have gone through when actively marketing premises or a site before applying for change of use.
1 (d) What are the environmental problems that are relevant to the PPS?	No	Any significant environmental issues have been considered in the SEA of the LDP.
1 (e) Will the PPS be relevant to the implementation of Community Legislation on the environment? (e.g., PPS linked to waste management or water protection)	No	The PPS would not be directly relevant to this issue and, if applicable, this would be considered in the assessment of individual planning applications.
2 (a) Will the environmental effects be significant when consideration is given to their probability, duration, frequency and reversibility?	No	There are no significant environmental problems identified.
2 (b) Will the environmental effects be cumulative in nature?	No	There are no significant environmental problems identified.

(Consider the impact of other PPS's as well as local conditions)		
2 (c) Will the environmental effects be trans-boundary in nature? (i.e., environmental effects on other Local Authorities or EU Member states)	No	No significant effects identified.
2 (d) Will the environmental effects be significant when consideration is given to the potential risks to human health? (e.g., contribution to medical conditions or the possibility of accidents)	No	No significant effects identified.
2 (e) Will the environmental effects be significant when consideration is given to the potential magnitude and spatial extent of the effects? (e.g. geographical area and size of population likely to be affected)	No	As the purpose of the SG is to outline the various requirements needed to demonstrate that a site or premises have been effectively marketed there are no significant effects identified.
2 (f) Is the value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage? ii) Exceeded environmental quality standards or limit values? OR iii) Intensive land use?	No	As the purpose of the SG is to outline the various requirements needed to demonstrate that a site or premises have been effectively marketed there are no significant effects identified.
2 (g) Will the PPS have a significant environmental effect on areas or landscapes which have a recognised national, Community or international protection status?	No	The SEA for the Dumfries and Galloway LDP considered any potential effects and provided mitigation measures if necessary. The SG is not considered to have any additional effects.

*** 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 is not considered to have any significant environmental effects. It merely seeks to outline the minimum actions a developer / applicant are required to have gone through when actively marketing premises or a site before applying for change of use. The guidance does not provide any new policy guidance, the environmental effects are therefore considered to be nil or minimal.

4.0 Consultation Authority Responses

HISTORIC SCOTLAND
ALBA AOSMHOR

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Edinburgh
EH9 1SH

Direct Line: 0131 668 8960
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Andrew.Stevenson2@scotland.gsi.gov.uk

Our ref: LDP/D
Our Case ID: 201403229

28 August 2014

Andrew Maxwell
Service Manager Development Planning
Planning and Environment
Dumfries and Galloway Council
Militia House
English Street
Dumfries
DG1 2HR

Dear Mr Maxwell

Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council – Assessing the Adequacy of Marketing for Change of Use Applications
Supplementary Guidance
Screening Report

Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Assessing the Adequacy of Marketing for Change of Use Applications Supplementary Guidance received by the Scottish Government's SEA Gateway on 20 August 2014. I have reviewed the screening report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so I 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 our main area of interest for the historic environment.

My understanding is that this guidance aims to add detail and advice to the relevant policies (e.g. ED1, ED7 and CF1) of the emerging Dumfries and Galloway Local Development Plan (LDP) which deal with marketing requirements for an application for change of use. As this policy has been subject to assessment through the SEA of the LDP I note that the council considers that the guidance is unlikely to have significant effects. In light this and the information contained within the screening report I agree that the guidance in itself is unlikely to have significant effects on the historic environment.

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.

Please do not hesitate to contact me should you wish to discuss this response.

Yours sincerely

[redacted]

Andrew Stevenson

HISTORIC SCOTLAND
ALBA AOSMHOR

Senior Heritage Management Officer (SEA)

INVESTOR IN PEOPLE

LEGACY 2014
XX COMMONWEALTH GAMES
GLASGOW

Our ref: PCS 135473
SG ref: 00979

If telephoning ask for:
Nicki Dunn

1 September 2014

Thomas Horton
Scottish Government
SEA Gateway
Area 2H
South Victoria Quay
Edinburgh
EH6 6QQ

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Sir

Environmental Assessment (Scotland) Act 2005
Supplementary Guidance: Assessing the Adequacy of Marketing for Change of Use Applications - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 22 August 2014.

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 supplementary guidance is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for Dumfries and Galloway Council as the 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 Standing Advice for Responsible Authorities on Strategic Environmental Assessment (SEA) Scoping Consultations, which is available from www.sepa.org.uk/planning.

We are committed to providing early and focused advice and supporting continuous engagement and would therefore welcome the opportunity to meet with you and discuss these issues prior to the formal consultation. Further information can be found in the Scottish Government SEA Guidance available at: www.scotland.gov.uk/Publications/2013/08/3355.

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 sincerely

Nicki Dunn
Planning Officer

Ecopy: hssea.gateway@scotland.gsi.gov.uk ; sea_gateway@snh.gov.uk

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Andrew Maxwell
Services Manager Development Planning and Environment
Planning and Environment
Dumfries and Galloway Council
Militia House
English Street
Dumfries
DG1 2HR

By email only to: sea.gateway@scotland.gsi.gov.uk

Date: 12 September 2014
Our Ref: CEA132775

Dear Mr Maxwell

Environmental Assessment (Scotland) Act 2005:
SEA Screening Report - Supplementary Guidance – Assessing the Adequacy of Marketing for Change of Use Applications.
Screening Determination

I refer to your screening consultation submitted on 20 August 2014 via the Scottish Government SEA Gateway in respect of the above plan.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, SNH has considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

We agree that the above Plan 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 Stuart Graham on 01387 272440 or via SNH's SEA Gateway at sea.gateway@snh.gov.uk

Yours sincerely

[redacted]

Dr Chris Miles
Unit Manager
Southern Scotland

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POSITIVE ABOUT DISABLED PEOPLE
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