

Environmental Assessment (Scotland) Act 2005

Moffat Conservation Area Character Appraisal Supplementary Guidance

Strategic Environmental Assessment Screening Determination

April 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 **Moffat Conservation Area Character Appraisal 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

1st April 2020

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Moffat Conservation Area Character Appraisal 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 26 February 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:

| Consultation Authority | Date of Opinion | Likelihood of Significant Environmental Effects |
|------------------------------------------|-----------------|-------------------------------------------------|
| Historic Environment Scotland | 17 March 2020 | NO |
| Scottish Environmental Protection Agency | 23 March 2020 | NO |
| Scottish Natural Heritage | 23 March 2020 | NO |

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of **Moffat Conservation Area Character Appraisal 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 | | |
| Conservation Areas | - | - | - | - | - | - | - | ✓ | ✓ | - | The Supplementary Guidance provides detailed guidance in support of LDP2 policy HE2: Conservation Areas, the intention of which is to ensure the protection and enhancement of conservation areas which also has positive impacts on the wider setting. | 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 SGs themselves will not have a significant environmental effect. The LDP2 has been subject to a full SEA and it is considered that the principles of these SGs have been fully assessed.

4.0 Consultation Authority Responses

Insert copy of letter in following order -

Historic Environment Scotland

SEPA

SNH



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

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

01566 - Screening - Dumfries and Galloway Council - Moffat Conservation Area Character Appraisal Supplementary Guidance

5 March 2020

Dear John

With reference to the Screening document you submitted on 26 February 2020.

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,

Grant Munro

SEA Gateway Administrator



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ENVIRONMENT
SCOTLAND

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EACHDRAIDHEIL
ALBA

By email to: sea.gateway@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
Switchboard: 0131 668 8600
HMConsultations@hes.scot

Our case ID: 300019286
Your ref: 01566 - Screening
17 March 2020

Dear Mr Doig

[Environmental Assessment \(Scotland\) Act 2005](#)
[Dumfries and Galloway Council - Moffat Conservation Area Character Appraisal](#)
[Supplementary Guidance](#)

Screening Report

Thank you for your consultation which we received on 26 February 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.

Historic Environment Scotland's view

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

Historic Environment Scotland's comments

We note that you consider that, as the relevant policy (HE2: Conservation Areas) has been assessed as part of the SEA of the recently adopted Local Development Plan, significant environment effects as a result of this character appraisal are. As noted above we are content to agree with this view.

Next steps

The Environmental Assessment (Scotland) Act 2005 requires you as the Responsible Authority to determine within 28 days whether an environmental assessment is required and to inform the Consultation Authorities accordingly. This may be done via the SEA Gateway (sea.gateway@gov.scot)



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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

Our ref: PCS/170355
SG ref: SEA01566/SCR

If telephoning ask for:
Judith Montford

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

23 March 2020

By email only to: SEA_Gateway@gov.scot

Dear Mr Doig

**Environmental Assessment (Scotland) Act 2005
Moffat Conservation Area Character Appraisal Supplementary Guidance -
Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 27 February 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 Moffat Conservation Area Character Appraisal Supplementary Guidance is unlikely to have significant environmental effects. The SG is said to provide detailed guidance in support of the implementation of LDP2 policy HE2: Conservation Areas within LDP2 which itself has been subject to a full SEA. Therefore we agree that the principles of these SGs have also been fully assessed as part of the SEA process. 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).



Chairman
Bob Downes

Chief Executive
Terry A'Hearn
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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 01224 266604 or via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Judith Montford
Senior Planning Officer
Planning Service

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

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

Sent by email via: sea.gateway@gov.scot

Date: 23 March 2020
Our ref: CEA158537

Dear Mr Doig,

Environmental Assessment (Scotland) Act 2005: Moffat Conservation Area Character Appraisal Supplementary Guidance – Screening Determination

I refer to your screening consultation submitted on 26 February 2020 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 HE2: Conservation Areas. 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 SNH's SEA Gateway at sea.gateway@nature.scot.

Yours sincerely

Vivienne Gray
Planning Advisor
Supporting Good Development Team

Scottish Natural Heritage, Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Tel: 0131 316 2600 www.nature.scot

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