

Environmental Assessment (Scotland) Act 2005

Dumfries Conservation Area Character Appraisal

Strategic Environmental Assessment Screening Determination

January 2014

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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 **Dumfries Conservation Area Character Appraisal**.

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:

on the **Council's website** (www.dumgal.gov.uk/) at <http://www.dumgal.gov.uk/index.aspx?articleid=3948>

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;

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Andrew Maxwell Service Manager – Development Planning and Environment

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Dumfries Conservation Area Character Appraisal

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 July 2013 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	16 August 2013	NO
Scottish Natural Heritage	16 August 2013	NO
Historic Scotland	16 August 2013	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Dumfries Conservation Area Character Appraisal 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 Conservation Area Character Appraisal (CACA) (the plan) only acts as guidance to help preserve the historic character of the area. The appraisal does identify enhancement opportunities, however these are just opportunities and there is no set programme to take these forward. The appraisal aims to preserve the historic character of the area, therefore ensuring that development will not occur that will alter the special historic nature. This will have the effect of limiting the amount and type of development that will occur in the area
1 (b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	The plan will influence the development plan for this area as it will act as Supplementary Guidance. However, in influencing the development plan, the CACA will only act to protect the areas of significant value for cultural heritage of a small part of the region.
1 (c) Is the PPS relevant to the integration of environmental considerations, in particular with a view to promoting sustainable development?	No	The plan will require the retention of historic buildings and the historic character of buildings being preserved and enhanced. This, in turn, may prompt support for local suppliers and craftsman. The retention /repair of buildings and reuse of building materials reduces pollution associated with new manufacture, reduces consumption of energy and water and reduces waste. However, any effect will occur only at local level and will not have significant environmental effects.
1 (d) What are the environmental problems that are relevant to the PPS?	No	The Council believes that there will no significant environmental effects resulting from the appraisal. The CACA applies to small, localised areas that are already well developed. The plan will seek to protect the current historic and natural environment of the area as they will limit development to a degree. The plan will identify possible opportunities for enhancement, but these will be consulted on with the community and partnership schemes will be encouraged where funding allows. However, there are no development plans or programmes or programmed work included in the

		appraisal.
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 sole purpose of the plan is to preserve the character of the area, and as such buildings will not be able to be demolished without permissions. Therefore, any activity of this nature that would disturb protected species will be identified prior to any action occurring. As very little development is expected, and certainly not large scale developments, there is not expected to be significant environmental impacts in relation to the implementation of other legislation.
2 (a) Will the environmental effects be significant when consideration is given to their probability, duration, frequency and reversibility?	No	The CACA covers a small area of Dumfries town centre, which is already well developed. Localised impacts of developments on the townscape will hopefully all be beneficial, but if not then should be of a relatively small scale and thus reversible in the short to medium term. The proposed Conservation Area will be protected and no habitat for European Protected Species is expected to be lost through development.
2 (b) Will the environmental effects be cumulative in nature? (Consider the impact of other PPS's as well as local conditions)	No	The CACA will not result in major changes or actions in the area affected. Therefore, there will be no cumulative effects and no loss of habitat. The plan seeks to enhance and protect the historic character and nature of the area.
2 (c) Will the environmental effects be trans-boundary in nature? (i.e., environmental effects on other Local Authorities or EU Member states)	No	The plan applies to a small, localised area and will not have any trans-boundary effects.
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	The plan will have no significant effects on human health. It will protect and enhance the historic character of the area, improving living conditions in the area. In the case of any renovation or building work, it will require the use of more sustainable materials that are compatible with the historic environment.
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	No	As this plan applies to a small, localised area in Dumfries then any effects will be limited in their magnitude and spatial effects. The plan will not lead to habitat loss or irreversible effects in the area as it will limit the type of development that can occur in the area affected by the plan.

area and size of population likely to be affected)		
2 (f) Is the value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage?	No	The plan will have only positive effects on cultural heritage, but these will only be in a localised area and will not be significant. As the plan will not lead to any major development (and should in fact restrict development and building in the area) it is unlikely that there will be any effects on European Protected Species or green space. The appraisal seeks to control development to ensure protection of the character of the area.
ii) Exceeded environmental quality standards or limit values? OR	No	The CACA will have positive or neutral affects on environmental quality standards. This is because the plan will seek to limit development and promote the use of building techniques that are compatible with the historic environment. However, any actions or works that take place are likely to be at a very small level and will not affect environmental quality standards.
iii) Intensive land use?	No	The plan applies to an area which is already developed. The CACA does not include any plans for development, and will not lead to intensive land use.
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 plan will have no significant environmental effects due to the localised nature of the plan and the fact that it will limit any development that will occur there in the future as a result of other plans, programmes or strategies. The CACA will indicate the importance of preserving and enhancing any areas of local archaeological interest.

* **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 Dumfries Conservation Area Character Appraisal (CACA) will define the special characteristics of the built heritage in Dumfries town centre and will serve as a management tool by identifying opportunities for further action by the local planning authority and others in preparing enhancement schemes. However, Dumfries is well developed in the main and little or no development should occur directly as a result of the CACA. In fact, this should make it more difficult for even minor development, which is not considered appropriate and/or compatible with the historic townscape, to occur.

Therefore, Dumfries and Galloway Council does not believe that any significant environmental effects will occur as a result of this plan. It is expected that the area should

exist largely as it is now with only minor developments (e.g. house extension, rebuilding a fence or wall) occurring. The CACA affects only a very small area relative to the region as a whole and any impacts will be extremely localised in nature.

While the CACA does discuss possible enhancement schemes, these are very much proposals and do not constitute a dedicated programme of works. When preparing a CACA, the Council is required to identify areas where the historic environment and character of the area could be enhanced. However, these are just proposals and may, or may not, go forward depending on a number of circumstances. Of the two schemes specifically mentioned, the Whitesands Masterplan is subject to a separate SEA Environment Report and the improvement works to Burns Square were approved by the Council prior to the development of the CACA and constitute predominantly re-surfacing works which are considered to result in local impacts only and not significant environmental effects.

The Council believes that the CACA is, in reality, a guidance document and as such does not have associated actions or works that will be carried out as part of the plan. It is possible that there may be some minor impact on species within the area covered by the plan, particularly in and around the River Nith, and development in close proximity to the river may result in the loss of important habitat and greenspace. However, as the plan is very limited in scope and affects only small, localised areas, the Council does not believe that there will be any significant environmental effects. If the CACA was likely to result in large scale development, then the Council would not have reached this conclusion. Minimal development is likely to occur in the Dumfries Conservation Area and will not have a significant effect on biodiversity.

The Dumfries CACA will help to protect the special character of the Conservation Area. However, the plan is unlikely to have significant effects on the historic environment as it is limited to a small area and does not identify major or specific, large-scale programmes of work.

The CACA will help to protect and enhance the area, and as such will continue to ensure that the material assets of the area affected will be maintained. However, the infrastructure of this area is established and little or no work is expected that would influence the material assets of this area.

Development may impact on flood risk associated with the River Nith however it is not considered that the CACA document itself would contribute to flooding and therefore would not result in a significant environmental effect. Individual proposals would be subject to flood risk assessments where considered to be appropriate.

4.0 Consultation Authority Responses



Andrew Maxwell
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Our ref: AMN/23/583
Our Case ID: 201302737

16 August 2013

Dear Mr Maxwell

**Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council – Dumfries Conservation Area Character Appraisal
Screening Report**

Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Dumfries Conservation Area Character Appraisal received by the Scottish Government's SEA Gateway on 26 July 2013. 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. As you will be aware, Historic Scotland are currently being consulted on the Conservation Area Character Appraisal itself and will be responding separately in due course.

I note that the council considers that as the appraisal will act as guidance relating to development plan policy for the built environment the appraisal in itself is unlikely to have significant effects on the historic environment. I also note that the appraisal does not identify major or specific works. In light of the information contained within the screening report I agree that significant effects on the historic environment as a result of the appraisal are unlikely.

As you will be aware, it is the responsibility of Dumfries and Galloway Council as the Responsible Authority to determine whether the appraisal 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

Andrew Stevenson
Senior Heritage Management Officer (SEA)





Our ref: PCS/128090
SG ref: 00860

Andrew Maxwell
Development Planning & Environment Service Manager
Dumfries & Galloway Council
Dumfries

If telephoning ask for:
Lorna Maclean

5 August 2013

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

Dear Mr Maxwell

**Environmental Assessment (Scotland) Act 2005
Dumfries Conservation Area Character Appraisal - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 26 July 2013.

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 plan 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 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 methodology of assessment. 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 about this stage and what to include in scoping consultations can be found in Chapter 5 of the Scottish SEA Tool Kit available from www.scotland.gov.uk/Publications/2006/09/13104943/45.

Should you wish to discuss this screening consultation, please do not hesitate to contact me on 01698 839 000 or via our SEA Gateway at sea.gateway@sepa.org.uk

Yours sincerely

Lorna Maclean
Senior Planning Officer (SEA)



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Andrew Maxwell
Development Planning & Environment Service
Manager
Dumfries & Galloway Council
Dumfries
DG1 2HR

Our ref: CEA125175

12 July 2013

Dear Andrew

Environmental Assessment (Scotland) Act 2005
Dumfries Conservation Area Character Appraisal
SEA Screening Report

Thank you for consulting Scottish Natural Heritage (SNH) on the screening consultation regarding the above draft supplementary planning guidance, submitted on 26 July 2013 via the Scottish Government SEA Gateway.

We agree that this Supplementary Planning Guidance is not likely to have significant environmental effects.

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

Please note that this consultation response provides a view solely on the potential for the plan 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 contact Stuart Graham stuart.graham@snh.gov.uk or SNH's SEA Gateway at sea.gateway@snh.gov.uk

Yours sincerely

By e-mail



Chris Miles
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