

Environmental Assessment (Scotland) Act 2005

Dark Sky Park Friendly Lighting Supplementary Guidance

Strategic Environmental Assessment Screening Determination

March 2015

Contents:

1. Statutory Notice

2. Screening determination

3. Screening Report

4. Responses from Consultation Authorities

SEA Gateway Covering Letter

Scottish Natural Heritage Response

Historic Scotland Response

Scottish Environment Protection Agency Response

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 **Dark Sky Park Friendly Lighting 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:

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: 01387 260109

David Suttie Service Manager – Development Management

20 March 2015

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Dark Sky Park Friendly Lighting 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 02 Feb 2015 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	20/02/2015	NO
Scottish Natural Heritage	27/02/2015	NO
Historic Scotland	03/05/2015	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Dark Sky Park Lighting 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 does not seek to change policy ED12 of the Dumfries and Galloway LDP. It merely seeks to provide additional detail and ensure that policy ED12 is effectively implemented i.e. that any new or replacement lighting being installed within the Dark Sky Park or Transition Zone, follows the guidelines for good lighting practice contained within the SG. This good lighting practice aims to minimise / remove any negative impact on the quality of the night sky in this area (e.g. avoid light pollution). Therefore it does not seek to set the framework for projects and other activities.
1 (b) Will the PPS influence other plans, programmes and strategies (including those in the hierarchy) and to what degree?	No	The SG provides guidance on the implementation of policies within the LDP and 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 will help to integrate environmental considerations and promote sustainable development although this will only be in a supportive role.
1 (d) What are the environmental problems that are relevant to the PPS?	No	Any significant 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. The SG merely supports LDP Policy ED12.

2 (b) Will the environmental effects be cumulative in nature? (Consider the impact of other PPS's as well as local conditions)	No	There are no significant environmental problems identified. The SG merely supports LDP Policy ED12.
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	There are 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	Any effects would potentially affect the local area to which they are applicable, however 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	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.
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. The SG is not considered to have any additional environmental 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. The SG will be used to explain and aid the interpretation of Dumfries and Galloway LDP Policy ED12: Dark Sky Park. The LDP has already been subject to a full SEA which assessed any potential environmental effects of the LDP and its related policies. Therefore it is considered that the principles of the 'Supplementary Guidance – Dark Sky Park Friendly Lighting' have also been fully assessed.

4.0 Consultation Authority Responses

Mr Andrew Maxwell
Planning and Environment
Dumfries & Galloway Council
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English Street
DUMFRIES
DG1 2HR

Longmore House
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Edinburgh
EH9 1SH

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Our ref: LDP/DUM
Our Case ID: 201406884
Your ref: 01032 SCREENING
03 March 2015

Dear Mr Maxwell

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005
Dumfries and Galloway Council – Supplementary Guidance: Dark Sky Park Friendly Lighting

Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Supplementary Guidance: Dark Sky Park Friendly Lighting, received by the Scottish Government's SEA Gateway on 5 February 2015. I have reviewed the screening report on behalf of Historic Scotland in its role as a Consultation Authority in accordance with Section 9(3) of the above Act. In doing so, I have used the criteria set out in schedule 2 for determining the likely significance of effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

I understand that the Supplementary Guidance (SG) is intended as a tool to explain and aid interpretation of Local Development Plan Policy ED12: Dark Sky Park, which has been subject to SEA through the LDP process. On the basis of the information provided, I agree that the SG is unlikely to have significant effects on the historic environment.

However, as you will be aware, it is the responsibility of Dumfries and Galloway Council as the Responsible Authority to determine whether the strategy requires an environmental assessment and to inform the Consultation Authorities accordingly. Please do not hesitate to contact me if you wish to discuss the contents of this letter in further detail.

Yours sincerely



Virginia Sharp
Senior Heritage Management Officer, SEA

Our ref: PCS/138369
SG ref: SEA/01032/SCR

David Suttie
Planning and Environment
Dumfries and Galloway Council
Kirkbank House
English Street
Dumfries
DG1 2HS

If telephoning ask for:
Simon Watt

20 February 2015

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

Dear Mr. Suttie

Environmental Assessment (Scotland) Act 2005 Dumfries and Galloway Dark Sky Park Friendly Lighting Supplementary Guidance - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 05 February 2015.

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 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 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.



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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

Simon Watt
Planning Officer

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Scottish Natural Heritage
Dualchas Nàdair na h-Alba

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

David Suttie
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Dumfries and Galloway Council
Kirkbank House
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By email only to: sea.gateway@scotland.gsi.gov.uk

Date: 27 February 2015
Our Ref: CEA135151

Dear Mr Suttie

Environmental Assessment (Scotland) Act 2005:
01032 SEA Screening Report - Supplementary Guidance – Dark Sky Park Friendly Lighting

I refer to your screening consultation submitted on 02 February 2015 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 signature]

Dr Chris Miles
Unit Manager
Southern Scotland

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INVESTOR IN PEOPLE

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