

Environmental Assessment (Scotland) Act 2005

Town Centre and Retail Development Supplementary Guidance

Strategic Environmental Assessment Screening Determination

January 2015

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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 Town Centre and Retail Development 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=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;

Telephone No: 01387 260109

David Suttie Service Manager Planning

28 January 2015

2.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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

Town Centre and Retail Development 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 18 September 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	15/10/2014	NO
Scottish Natural Heritage	10/10/2014	NO
Historic Scotland	01/10/2014	NO

3.0 SEA Screening Report

The Council's determinations regarding the likely significance of effects on the environment of Town Centre and Retail Development 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 or influence policy ED5: Development in Town Centres of the Dumfries and Galloway LDP. The SG does not set out to provide a framework for projects or other activities. The principle of any development will be established by policies contained within the LDP itself; a document that has already been subject to a full strategic environmental assessment (SEA).
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 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	It is not anticipated that the SG will be relevant in this aspect.
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 ED5: Development in Town Centres
2 (b) Will the environmental effects	No	There are no significant environmental problems identified. The SG merely supports LDP Policy

be cumulative in nature? (Consider the impact of other PPS's as well as local conditions)		ED5: Developments in Town Centres
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	Any effects could potentially affect any part of the Dumfries and Galloway area, 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 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

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 ED5: Development in Town Centres. The LDP has already been subject to a full SEA which assessed any potential effects of the LDP and its associated policies. Therefore it is considered that the principles of 'Supplementary Guidance – Town Centre and Retail Developments' have also been fully assessed.

4.0 Consultation Authority Responses



HISTORIC SCOTLAND
ALBA AOSMHOR

Andrew Maxwell
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Development Planning and Environment
Planning and Environment
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Our ref: LDP/DUM
Our Case ID: 201403900

1 October 2014

Dear Mr Maxwell

**Environmental Assessment (Scotland) Act 2005
Dumfries and Galloway Council – Town Centres and Retail Development
Supplementary Guidance
Screening Report**

Thank you for consulting Historic Scotland on the screening report for Dumfries and Galloway Council's Supplementary Guidance on Town Centres and Retail Development received by the Scottish Government's SEA Gateway on 19 September 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 supports Policy ED5 of the emerging Dumfries and Galloway Local Development Plan (LDP) which relates to development in town centres. 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 of 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


Andrew Stevenson
Senior Heritage Management Officer (SEA)

Our ref: PCS/135989
SG ref: SEA/00995 /Scr

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

If telephoning ask for:
Lorna Maclean

15 October 2014

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

Dear Mr Maxwell

**Environmental Assessment (Scotland) Act 2005
Dumfries & Galloway Supplementary Guidance Town Centre and Retail
Development - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 19 September 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 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 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

Lorna Maclean
Acting Planning Unit Manager SW

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

Date: 10 October 2014
Our Ref: CEA133237

Dear Mr Maxwell

Environmental Assessment (Scotland) Act 2005:
SEA Screening Report - Supplementary Guidance – Town Centre and Retail
Development
Screening Determination

I refer to your screening consultation submitted on 18 September 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 signature]

Dr Chris Miles
Unit Manager
Southern Scotland

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INVESTOR IN PEOPLE

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