

**Environmental Assessment (Scotland) Act 2005**

**Strategic Environmental Assessment (SEA) Screening Determination**

**Supplementary Guidance (SG) – Flooding and the Water Environment**

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## 1. Introduction

This statement sets out West Lothian Council's determination under Regulation 10(1) of the Environmental Assessment (Scotland) Act 2005 on whether or not a Strategic Environmental Assessment (SEA) is required for Supplementary Guidance (SG) – *Flooding and the Water Environment*.

Screening is the first stage in the SEA process. The purpose of screening is to establish whether or not a Plan, Programme or Strategies (PPS) will have significant environmental effects. Screening takes the form of a formal submission, where the responsible authority (the Council) seeks the views of the following Consultation Authorities on whether a PPS is likely to have significant environmental effects and therefore whether a SEA is required:

- ◆ Historic Environment Scotland (HES)
- ◆ Scottish Environmental Protection Agency (SEPA), and
- ◆ Scottish Natural Heritage (SNH)

As well as consulting the above bodies, responsible authorities are required to take into account the criteria set out in Schedule 2 of the 2005 Act when determining whether or not the plan is likely to have significant effects. The details of this process are contained within the Screening Report.

If the responsible authority and the consultation authorities agree that the plan or programme is unlikely to have significant environmental effects, the responsible authority is required to make a determination to that effect under section 8(1) of the 2005 Act.

## 2. Record of SEA Determination and Publicity Requirements

<b>Title of Plan, Programme or Strategy:</b>	Supplementary Guidance (SG) – <i>Flooding and the Water Environment</i>
<b>Responsible Authority:</b>	West Lothian Council

### Record of SEA Determination:

In accordance with section 9(1) of the 2005 Act, West Lothian Council submitted to the Consultation Authorities a screening report summarising its views as to whether West Lothian Local Development Plan Supplementary Guidance (SG) – *Flooding and the Water Environment* will have significant environmental effects.

In formally determining under Section 8(1) of the Act whether a SEA is required, the Council has taken into account the views of the three Consultation Authorities; Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Environment Scotland which were issued through the SEA Gateway on 29 January 2019.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Supplementary Guidance (SG) – *Flooding and the Water Environment* is not likely to have significant environmental effects and the council has therefore determined that an SEA will not be required for the plan under Regulation 13(1) of the 2005 Act.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>

Formal Determination	Statement of Reason
8 February 2019	<p>West Lothian Council's reasoning for determining that there are no overall likelihood of significant environmental effects is as follows:</p> <p>West Lothian Council has prepared a local development plan to replace the West Lothian Local Plan 2009 (WLLP 2009) in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) etc. Act 2006.</p>

	<p>The new West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and is consistent with the Strategic Development Plan for Edinburgh and South East Scotland (SDP).</p> <p>The LDP focuses on providing for, and managing, future land use change across the council area in line with SESplan SDP requirements. The LDP comprises a development strategy for the period to 2024 and a detailed policy framework to guide future land use in a way which best reflects the SDP vision, strategic aims and objectives.</p> <p>The West Lothian Local Development Plan Supplementary Guidance (SG) – <i>Flooding and the Water Environment</i> aims to assist developers in making better planning applications to aid infrastructure delivery and help stakeholders gain a better understanding of the council’s commitment to minimising the risk of flooding across West Lothian. Its purpose is to assist developers and their agents by providing context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>The role of the West Lothian Local Development Plan Supplementary Guidance (SG) – <i>Flooding and the Water Environment</i> is simply to provide further information and detail in respect of policies ENV 11, EMG 1, EMG 2 and EMG 3 which set out in the adopted West Lothian Local Development Plan. The West Lothian Local Development Plan was the subject of a full Strategic Environmental Assessment and which will also be reviewed in the Post Adoption Strategic Environmental Assessment.</p>
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<p><b>Publicity Requirements for the Determination:</b></p> <p>In accordance with section 10(1) of the Environmental Assessment (Scotland) Act 2005, within 28 days of the determination having been made, the council will send a copy of the formal determination and related statement of reasons (prepared in accordance with section 8(2)(b)) to the Scottish Government SEA Gateway and the three Consultation Authorities.</p> <p>In accordance with section 10(2) of the 2005 Act, within 14 days of the determination having been made, a copy of the determination, along with the Screening Report, shall be provided for inspection by the public at West Lothian Council’s principal office at the West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF or on request from <a href="mailto:wlldp@westlothian.gov.uk">wlldp@westlothian.gov.uk</a>.</p> <p>The determination shall also be published in the West Lothian Courier and Linlithgow Journal &amp; Gazette newspapers to notify the public and will be available to view at <a href="http://www.westlothian.gov.uk">www.westlothian.gov.uk</a> from 14 February 2019. A copy of the statutory notice is provided as Appendix 2.</p>
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<b>Signature:</b>	Craig McCorriston, Head of Planning, Economic Development & Regeneration
<b>Date:</b>	8 February 2019

### 3. SEA Screening Report

#### Cover Note

#### Part 1

**To:**

SEA.Gateway@gov.scot

or

SEA Gateway  
Scottish Government  
2-H (South)  
Victoria Quay  
Edinburgh  
EH6 6QQ

#### Part 2

**An SEA Screening Report is attached for the plan, programme or strategy (PPS) entitled:**

Supplementary Guidance (SG) – *Flooding and the Water Environment*

**The Responsible Authority is:**

West Lothian Council

#### Complete Part 3 or 4 or 5

#### Part 3

**Screening is required by the Environmental Assessment (Scotland) Act 2005. Our view is that:**

An SEA is required because the PPS falls under the scope of Section 5 (3) of the Act and is likely to have significant environmental effects.

An SEA is required because the PPS falls under the scope of Section 5(4) of the Act and is likely to have significant environmental effects.

An SEA is not required because the PPS is unlikely to have significant environmental effects.

**Part 4**

The PPS does not require a SEA under the Act. However we wish to carry out a SEA on a voluntary basis. We accept that because the SEA is voluntary the Statutory 28 days timescale for views from the Consultation Authorities cannot be guaranteed.

**Part 5**

None of the above apply. We have prepared this screening report because:

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**Part 6**

**Contact Name:** Fiona McBrierty

**Job Title:** Development Planning and Environment Manager

**Contact Address:** c/o Civic Centre, Howden South, Livingston, EH54 6FF

**Contact Phone:** 01506 282418

**Contact email:** [fiona.mcbrierty@westlothian.gov.uk](mailto:fiona.mcbrierty@westlothian.gov.uk)

**Part 7**

**Signature:** Fiona McBrierty

**Date:** 8 February 2019

### Key Facts

West Lothian Council has undertaken screening of Supplementary Guidance (SG) – *Flooding and the Water Environment* with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005.

The Screening Report has been submitted to the Scottish Government SEA Gateway, setting out the views of West Lothian Council on the likelihood of the significant environmental effects of Supplementary Guidance (SG) – *Flooding and the Water Environment* with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005 and the potential for requiring a SEA.

<b>Responsible Authority:</b>	West Lothian Council
<b>Title of PPS:</b>	Supplementary Guidance (SG) – <i>Flooding and the Water Environment</i>
<b>Purpose of PPS:</b>	<p>The purpose of this Supplementary Guidance (SG) is to support Local Development Plan policies ENV 11, EMG 1, EMG 2 and EMG 3.</p> <p>In particular, this SG further defines the terms used in the policies and explains and interprets other matters necessary for the implementation of the policies; provides general planning criteria applicable to all sites and cases and design guidance. It assists developers and their agents by providing context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlights matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>The SG serves to re-inforce this whilst also seeking to protect current and future development from flood risk and sets the requirements for all new development in West Lothian in relation to flood risk and the provision of drainage and the management of surface water run-off.</p>
<b>What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)</b>	Supplementary Planning Guidance (SPG) relating to flood risk and drainage was produced to support policy IMP 6 of the West Lothian Local Plan (2009).

	<p>West Lothian Council adopted the West Lothian Local Development Plan on 4 September 2018 after Scottish Ministers confirmed the council could do so. It now forms part of the Development Plan for West Lothian along with the Strategic Development Plan (SDP1) for Edinburgh and South-east Scotland.</p> <p>The council has a programme to prepare a suite of new guidance to support the adopted West Lothian Local Development Plan,</p> <p>Specifically, <i>Flooding and the Water Environment</i> has been written with the intention of becoming statutory supplementary guidance (SG). SG becomes part of the development plan, giving it the same weight in decision making as the LDP. It has already been subject to consultation but will require to be approved by Scottish Ministers prior to its adoption.</p>
<p><b>PPS Subject:</b> (e.g. transport)</p>	<p>The policies are integral to the strategic spatial land use strategy which applies across West Lothian. In terms of this SG they are particularly associated with housing, business and tourism related development.</p>
<p><b>Period covered by the PPS:</b></p>	<p>Anticipated date of adoption (February 2019) onwards.</p>
<p><b>Frequency of updates:</b></p>	<p>Supplementary Guidance will ordinarily be reviewed and updated every 5 years, in tandem with the replacement of the Local Development Plan.</p>
<p><b>Area Covered by the PPS:</b></p>	<p>This SG covers the West Lothian Local Development Plan area. It applies specifically to areas which are or may be susceptible to flood risk.</p>
<p><b>Summary of nature/content of PPS:</b></p>	<p>A Local Development Plan (LDP) is prepared by the local planning authority, in this case West Lothian Council. It sets out a local interpretation of the requirements of national and strategic policy. In particular it must conform to the approved Strategic Development Plan (SDP1) which has been prepared by the strategic planning authority (SESplan) and its purpose is to implement requirements on a more detailed site-specific basis than exists within the SDP.</p> <p>The LDP comprises a written statement detailing a spatial strategy, including policies and proposals together with a Proposals Map.</p>

	<p>LDP's are intended to provide the vision and strategy for how communities will grow and develop in the future and also to provide certainty for communities and prospective investors about where development should take place and where it should not. LDP's also identify the supporting infrastructure required for growth and set out detailed policies and proposals which are the basis for decision making on future planning applications.</p> <p>Policies ENV 11 (Protection of the water environment/coastline and riparian corridors), EMG 1 (Water Environment Improvement), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) seek to assist developers in addressing the impact proposed development may have on the water environment, sustainable drainage and flood risk.</p> <p>The SG defines terms used in these policies and further explains how these policies should be implemented.</p> <p>The SG provides context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that need to be considered and the information required from developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere, and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>The SG serves to re-inforce this whilst also seeking to protect current and future development from flood risk and sets the requirements for all new development in West Lothian in relation to flood risk and the provision of drainage and the management of surface water run-off.</p> <p>The SG aims to assist developers in making better planning applications to aid infrastructure delivery and help stakeholders gain a better understanding of the council's commitment to minimising the risk of flooding</p>
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	across West Lothian.
<b>Are there any plan objectives?</b>	No
<b>Copy of PPS attached</b>	Yes
<b>Date:</b>	8 February 2019

Likely Significance of Effects on the Environment
<p>The Council has considered the likely significance of effects on the environment of the Supplementary Guidance (SG) – <i>Flooding and the Water Environment</i> with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005. The screening was undertaken with references to the criteria in Schedule 2 of the 2005 Act and is set out in Table 1 (below).</p>

**Table 1: Likely Significance of Effects on the Environment**

Criteria for determining the likely significance of effects on the environment <i>[The paragraph numbers in the table 1(a), 1(b), 2(a), 2(b) etc. refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005.]</i>	Likely to have significant environmental effects? (Yes / No)	Summary of significant environmental effects (negative and positive)
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The characteristics of plans and programme		
<p><b>1(a): The degree to which the PPS sets a framework for the projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</b></p>	<p>No</p>	<p>The adopted Local Development Plan sets a framework for assessing applications for new dwellings in predominately rural areas. The SG being screened here contributes to that assessment framework. It does not set a framework for projects or other activities. It seeks to provide practical detail for the application of LDP policies ENV 11 (Protection of the water environment/coastline and riparian corridors), EMG 1 (Water Environment Improvement), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) seek to assist developers in addressing the impact proposed development may have on the water environment, sustainable drainage and flood risk and does not in itself lead to significant effects.</p> <p>The SG assists developers and their agents by providing context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected</p>

		and, where necessary, restored to a more natural, resilient condition.
<b>1(b): The degree to which the PPS influences other PPS including those in the hierarchy.</b>	No	<p>The SG “<i>Flooding and the Water Environment</i>” although in itself new, is essentially a refresh and an update of previous Supplementary Planning Guidance (SPG) entitled <i>West Lothian Flood Risk and Drainage</i> which supported the now superseded West Lothian Local Plan.</p> <p>The SG provides background guidance to policy within the adopted Local Development Plan and does not seek to directly influence other programmes and strategies.</p> <p>It assists developers and their agents by providing context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlights matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>The SG specifically supports policies ENV 11 (Protection of the water environment/coastline and riparian corridors), EMG 1 (Water Environment Improvement), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) seek to assist developers in addressing the impact proposed development may have on the water environment, sustainable drainage and flood risk. It is at the same time consistent with the wider objectives of the overarching West Lothian Local Development Plan which has itself already undergone SEA.</p>
<b>1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.</b>	No	<p>The location of new development is significant in terms of promoting sustainable development and, in general terms, development outwith settlements is considered less sustainable than development within settlements where it is</p>

		<p>more likely to be closer to services and facilities. The SG will promote sustainable flood management whilst also encouraging interested parties to act in a way to contribute to the achievement of sustainable development.</p> <p>Sustainability is a core element of the spatial strategy and sustainable development is a fundamental concept in the West Lothian Local Development Plan. The SG will serve to re-inforce this whilst also seeking to protect current and future development from flood risk and sets the requirements for all new development in West Lothian in relation to flood risk and the provision of drainage and the management of surface water run-off.</p> <p>The general premise of policies that govern flood risk and the water environment is that there is a general presumption against development that will adversely impact on the water environment and, when considering proposals for development, the council will adopt a precautionary approach to flood risk from all sources including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.</p> <p>The SG is not site specific, it covers the entire West Lothian Council area and all planning applications for development will require to be assessed against the SG and will be taken into account when decisions are made.</p>
<p><b>1(d): Environmental problems relevant to the PPS</b></p>	<p>No</p>	<p>The West Lothian Local Development Plan has regard to the multitude of environmental issues which have the potential to affect the West Lothian environment. The SG is one of many which are designed to help protect and safeguard its environmental assets.</p> <p>There are environmental problems relevant to the SG. These include flooding itself and threats related to climate change such as sea level rise and increased rainfall levels, which increase the risk of flooding in areas for potential development. However the SG itself</p>

		will not lead to any significant environmental problems.
<b>1(e): The relevance of the PPS for the implementation of Community legislation on the environment (for example PPS linked to waste management or water protection)</b>	No	The SG is particularly relevant to flooding as a community legislative issue but will not in itself lead to significant environmental effects. Any effects are likely to be minor and positive.

**The characteristics of the effects and the area likely to be effected**

<b>2(a): The probability, duration frequency and reversibility of the effects</b>	No	<p>The SG will not in itself lead to any environmental effects. Any effects are likely to be minor, local, infrequent, of short duration and positive.</p> <p>Any consequences of development authorised by Policies ENV 11 (Protection of the water environment/coastline and riparian corridors), EMG 1 (Water Environment Improvement), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) can be avoided/mitigated/ minimised by application of other policies within the Local Development Plan and adherence to the SG, for example HOU 1 relating to housing development and EMP 1 in relation to employment land.</p>
<b>2(b): The cumulative nature of the effects</b>	No	<p>The SG will not in itself lead to any significant environmental effects. Any effects are likely to be minor, local, infrequent, of short duration and positive.</p> <p>A key purpose of the SG is however to promote and secure sustainable development and encourage best practice and thereby reduce and minimise any significant adverse effects on the environment in cumulative terms. Adherence to the SG should, if anything, have a positive effect on the environment of West Lothian.</p>
<b>2(c): Trans-boundary nature of the effects ( i.e. environmental effects on other EU Members States</b>	No	The SG will not in itself lead to any significant environmental effects and no trans boundary effects have been identified. Any effects are likely to be minor, local, infrequent, of short duration and positive. They are unlikely to be trans-boundary.

<p><b>2(d): The risks to human health or the environment (for example due to accidents)</b></p>	<p>No</p>	<p>The SG will not in itself lead to any significant environmental effects. Any effects are likely to be small, positive and reduce risks for human health. The SG will have a benign effect and will contribute to more sustainable development and which can only be beneficial to human health and wellbeing. Proposals will in any event be assessed in detail as and when planning applications are submitted.</p>
<p><b>2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)</b></p>	<p>No</p>	<p>There are no significant effects identified. The SG will support other relevant policies in the LDP which will be relied upon to help determine the acceptability of new development. Any effects are likely to be small, positive and local (usually to one watercourse and/or catchment area).</p>
<p><b>2(f): The value and vulnerability of the area likely to be affected due to:</b></p> <p><b>(i) Special natural characteristics or cultural heritage</b></p> <p><b>(ii) Exceeded environmental quality standards or limit values;</b></p> <p><b><u>or</u></b></p> <p><b>(iii) Intensive land use</b></p>	<p>No</p>	<p>The value and vulnerability of the area varies across West Lothian. However the SG will not in itself lead to any significant effects and any effects are likely to be small and positive.</p> <p>The SG seeks to inform developers on the matters which need to be addressed in relation to flood risk and the water environment and the impact their proposals may have on this.</p> <p>The SG provides context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that need to be considered and the information required from developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere, and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>The overarching SEA for the LDP has previously considered any potential significant environmental effects and provided mitigation measures where necessary.</p>

		<p>It is considered that adherence to the requirements of the SG will be of negligible consequence and will not in any event adversely affect the value and vulnerability of the criterion.</p>
<p><b>2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</b></p>	<p>No</p>	<p>The SG provides context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that need to be considered and the information required from developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere, and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.</p> <p>Any development will need to comply with the development plan which includes a range of policies to ensure the cumulative impact of different (or the same) types of development do not adversely affect designated landscapes and the principal landscape character/type of the area. There will be no implications for this PPS.</p> <p>The overarching SEA for the LDP has previously considered potential effects. It is considered that adherence to the requirements of the SG will be of negligible consequence and will not in any event adversely affect the value and vulnerability of the criterion.</p>

## Summary of Environmental Effects

The Council has considered the likely significance of effects on the environment of the Supplementary Guidance (SG) – *Flooding and the Water Environment* and these are set out below.

### Table 2: Summary of Environmental Effects

Supplementary Guidance (SG) – *Flooding and the Water Environment* supports policies ENV 11 (Protection of the water environment/coastline and riparian corridors), EMG 1 (Water Environment Improvement), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan by providing further guidance and detail on the circumstances in which development will be permitted within the West Lothian Local Development Plan area and setting out general planning criteria to be applied in decision-making and to assist developers in addressing the impact proposed development may have on the water environment, sustainable drainage and flood risk.

The West Lothian Local Development Plan has itself already undergone an extensive SEA examining its policies, proposals and land use allocations. They demonstrate West Lothian Council's commitment to sustainability and sustainable development and the addition of Supplementary Guidance (SG) – *Flooding and the Water Environment* is considered to strengthen and re-inforce this position.

The Supplementary Guidance forms part of a framework for assessing applications for development. Any new development could potentially have significant environmental effects, depending on its design and location in relation to sensitive receptors within the environment.

The council considers it unlikely that the supporting Supplementary Guidance (SG) – *Flooding and the Water Environment* will have any significant environmental effects. It will provide information for decision makers, the public and other stakeholders and serve as a management tool in relation to development affecting the water environment within West Lothian.

Overall, it is considered that the Supplementary Guidance (SG) – *Flooding and the Water Environment* is a qualifying plan or programme that will not have significant environmental effects and that, as part of a wider policy framework, significant environmental effects arising from new development permitted under the terms of the adopted Local Development Plan and associated Supplementary Guidance will be avoided. It is for this reason that West Lothian Council believes that Supplementary Guidance (SG) – *Flooding and the Water Environment* does not require a Strategic Environmental Assessment. However, should a particular instance arise where adherence to the SG was considered to be potentially detrimental to the environment, the Development Management process would be expected to have regard to such matters and to apply appropriate and proportionate mitigation measures through planning conditions on any planning permissions released by the council.

<b>4. Responses from Consultation Authorities</b>	
<b>CONSULTATION AUTHORITY</b>	<b>LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>

- SEA GATEWAY
- SEPA
- HISTORIC ENVIRONMENT SCOTLAND
- SCOTTISH NATURAL HERITAGE

## 5. Appendices

Appendix 1 - Supplementary Guidance (SG) – *Flooding and the Water Environment*

Appendix 2 - Consolidated Statutory Notice



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

Steve Lovell  
Principal Planning Officer  
West Lothian Council  
Civic Centre  
Howden South Road  
Livingston EH54 6FF

Sent via: [sea.gateway@gov.scot](mailto:sea.gateway@gov.scot)

Date: 10 January 2019  
Our ref: CEA153724 / A2825695  
Your ref: 01434 Screening

Dear Steve,

**Environmental Assessment (Scotland) Act 2005: Development in the Countryside  
Supplementary Guidance – Screening Determination**

I refer to your screening consultation submitted on 03 January 2019 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, 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 information on a range of Local Development Plan (LDP) policies where development in the countryside is either the main or a related issue. The Supplementary Guidance does not propose further development or change beyond that already assessed in the SEA of the LDP and we therefore agree that it 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](mailto:sea.gateway@nature.scot).

Yours sincerely

Vivienne Gray  
Planning Advisor  
Supporting Good Development Activity Team

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

Dualchas Nàdair na h-Alba, Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT  
Fòn: 0131 316 2600 [www.nature.scot](http://www.nature.scot)



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email to: [sea.gateway@gov.scot](mailto:sea.gateway@gov.scot)

Fiona McBrierty  
Development Planning and Environment  
Manager  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH45 6PF

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
Switchboard: 0131 668 8600  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300020246  
Your ref: 01433 Screening  
28 January 2019

Dear Ms McBrierty

[Environmental Assessment \(Scotland\) Act 2005](#)  
[01433 Screening - West Lothian Council - Supplementary Guidance: Flooding and the Water Environment](#)

### Screening Report

Thank you for your consultation which we received on 07 January 2019 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. Please note that our view is based on main area of interest for the historic environment.

We understand that the Supplementary Guidance: Flooding and the Water Environment (the SG) is required to support the understanding and delivery of a number of policies in the adopted West Lothian Local Development Plan. The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. You consider that the SG will not have any significant additional environmental effects. We are content to 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 West Lothian Council as the Responsible Authority to determine whether the guidance requires an environmental assessment and to inform the Consultation Authorities accordingly.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Virginia Sharp who can be contacted by phone on 0131 668 8704 or by email on [Virginia.Sharp@hes.scot](mailto:Virginia.Sharp@hes.scot).

Yours sincerely

### Historic Environment Scotland

Our ref: PCS/163106  
SG ref: SEA01433/scr

If telephoning ask for:  
Silvia Cagnoni-Watt

22 January 2019

Fiona McBrierty  
Development Planning and Environment Manager  
West Lothian Council Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

By email only to: [SEA\\_Gateway@gov.scot](mailto:SEA_Gateway@gov.scot)

Dear Fiona

**Environmental Assessment (Scotland) Act 2005**  
**West Lothian Council - Supplementary Guidance: Flooding and the Water Environment - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 04 January 2019.

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 (SG): Flooding and the Water Environment is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the West Lothian Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

We understand that the SG is produced to support a number of policies in the West Lothian Local Development Plan (LDP) which have already been subject to the SEA environmental assessment as part of the SEA of the LDP. We agree that the SG is unlikely to raise any significant environmental effects in addition to the ones already assessed as part of the LDP.

We provided comments to the SG on Flooding and the Water Environment on the 28 June 2017 (our ref: PCS/153280). We however understand that our email response did not reach the appropriate team and therefore the Council did not have the opportunity to include our comments in the final SG. We have now re-sent the response to your colleagues.

Please note that although we do not consider that the SG will have significant strategic effects on the environment we do consider that it may have some effects. We would therefore welcome consultation on the draft proposals which should be directed to our local Planning Service team at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Continued.....



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Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

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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).

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 01786 452430 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Silvia Cagnoni-Watt  
Senior Planning Officer

Ecopy: [sea.gateway@hes.scot](mailto:sea.gateway@hes.scot); [SEA\\_GATEWAY@nature.scot](mailto:SEA_GATEWAY@nature.scot)