



**Planning & Economic
Development**

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Howden South Road
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Contact :
Tel: 01506 282425

3rd October 2017

Dear Sir/Madam

**Strategic Environmental Assessment Screening Determination
West Lothian Council – Supplementary Guidance – Planning and Noise**

I refer to your correspondence dated 5th September 2017 regarding the Consultation Authorities' responses to our Screening request for the proposed West Lothian Supplementary Guidance – Planning and Noise which was submitted to the SEA Gateway on 8th August 2017.

The responses provided by the Consultation Authorities are in agreement with West Lothian Council's findings that a Strategic Environmental Assessment would not be required.

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

In addition to consulting the above bodies, the Council has also taken into account the criteria set out in Schedule 2 of the Environmental Assessment (Scotland) Act 2005 in determining whether or not the Supplementary Guidance is likely to have significant environmental effects.

Thus, as of 3rd October 2017, West Lothian Council have made a determination under Section 8(1) of the Act that the Supplementary Guidance – ‘Planning and Noise’ is unlikely to have any significant negative environmental effects and therefore a SEA is not required.

The Supplementary Guidance – ‘Planning and Noise’ shall not be subjected to a Strategic Environmental Assessment.

In accordance with the Act, a copy of the determination, along with the Screening Report, shall be provided for inspection by the public at West Lothian Council’s principle office at Civic Centre, Howden South Road, Livingston, EH54 6FF or on request from DPgeneral@westlothian.gov.uk. The determination shall also be advertised in the West Lothian Courier newspaper to notify the public and will be available on www.westlothian.gov.uk.

Yours Sincerely

Margaret Stone
Planning Officer

West Lothian Council

SCREENING REPORT

For Supplementary Guidance

'Planning and Noise'

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council

Title of the plan:

Supplementary Guidance (SG) – Planning and Noise

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

Legislative provision – The SG will support policy EMG 5 – Noise of the West Lothian Local Development Plan and will form part of the plan. The guidance provides detail on the acceptable noise criteria that requires to be met, guidance on how to carry out a Noise Impact Assessment (NIA) and outlines exceptional circumstances.

Plan subject:

(e.g. transport)

Town and Country Planning.

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

An SEA is not required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

Contact details:

Margaret Stone
Planning Officer
West Lothian Council
West Lothian Civic Centre, Howden South Road, Livingston, EH54 6PF
01506 280000
margaret.stone@westlothian.gov.uk

Date:

8 August 2017

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The SG has been prepared in connection with the West Lothian Local Development Plan (LDP) and as such forms part of the LDP in line with Section 25 of the Planning etc. (Scotland) Act 2006.

The SG provides further information on 'Policy EMG 5 Noise' contained in the LDP. The Scottish Government's Planning Advice Note (PAN 1/2011) Planning and Noise and updated guidance and standards have been taken into account in the preparation of the SG.

The Local Development Plan Proposed Plan (LDP PP) was published in October 2015 and the plan is currently with the DPEA for examination. A Strategic Environmental Assessment - Environmental Report was published in August 2014, which sets out the likely significant environmental effects of implementing the strategy for the development set out within the LDP PP.

Description of the Plan:

The SG 'planning and noise' is aimed at helping to prevent and limit the adverse effects of noise. It applies to where new noise sensitive developments are proposed near to existing noise sources and where potentially noisy developments are introduced into existing noise sensitive areas.

The SG provides guidance on undertaking noise impact assessments (NIA) which may be required for any potential development in determining planning applications.

The SG will cover the administrative geographical boundaries of West Lothian Council.

The policy and guidance once adopted will be a material consideration in the determination of planning applications.

What are the key components of the plan?

Policy EMG 5 Noise of the WLLDP PP reads;

'There is a presumption against developments that are:

*a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or
b. residential or other noise sensitive developments being close to noisy land use.*

The only exceptions will be where it can be demonstrated that:

a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and

b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity.

The terms of the council's Supplementary Guidance on Noise will apply.'

The SG provides guidance on;

- Policy context
- Exceptional circumstances
- Noise guidance for;
 - Road traffic
 - Rail traffic
 - Industrial and commercial noise
 - Construction site noise
 - Noise from specific developments
- Noise criteria for;
 - Traffic noise
 - Vibration
 - Industrial and commercial noise
 - Construction noise
 - Wind turbine noise
- Noise Impact Assessments (NIA)
- Further guidance documents.

Have any of the components of the plan been considered in previous SEA work?

Yes. The document is produced to support 'EMG 5 Noise' in the Proposed West Lothian Local Development Plan which was published in October 2015. An Environmental Assessment has previously been undertaken in respect of policies and proposed land allocations in the Proposed West Lothian LDP. The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications.

In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:

All

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Error! Reference source not found.)**

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		
Supplementary Guidance – 'Planning and noise'	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	<p>The SG aids the development management process by providing guidance to ensure due care and attention is paid to applying noise assessment criteria to new development proposals and that any noise impact assessments are carried out in accordance with recognised national policy.</p> <p>The principle of controlling noise sensitive developments which are proposed near to existing noise sources and where potentially noisy developments are introduced into existing noise sensitive areas may lead to a positive effect on population on human health. However, this policy principle is integral to the WLLDP which has been subject to a SEA.</p>	The SG is not considered to have any additional environmental effects.

Component 2												
Component 3												
Etc.												

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING

Summary of interactions with the environment and statement of the findings of the Screening:
 (Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

It is considered the SG will result in no or minimal environmental effects and therefore it is concluded a SEA is not required.

When completed send to: SEA.gateway@scotland.gsi.gov.uk or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

T: 0131-244 9571 F: 0131-244 7555
E: SEA.Gateway@gov.scot

Margaret Stone
Planning Officer
West Lothian Council

Our ref: 01309 Screening - West Lothian Council - Planning and Noise

5 September 2017

Dear Sir/Madam

With reference to the Screening document you submitted on 8th August 2017.

The Consultation Authorities have now considered your screening request as per **Section 9(3)** of the **Environmental Assessment (Scotland) Act 2005**. For convenience I have set out, in the table below, their individual views on whether there is a likelihood of significant environmental effects.

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. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

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

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, 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 9571.

Yours sincerely

Melissa Shields
SEA Gateway Administrator



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to: sea.gateway@gov.scot

Margaret Stone
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6PF

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our ref: LDP/WLOTH
Our case ID: 300020246
Your ref: 01309 Screening

05 September 2017

Dear Ms Stone

[Environmental Assessment \(Scotland\) Act 2005](#)
[West Lothian Council - Supplementary Guidance \(SG\) Planning and Noise](#)

Screening Report

Thank you for your consultation which we received on 08 August 2017 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 (the SG) will support Local Development Plan policy EMG5 Noise, by providing guidance on the application of noise assessment and control criteria. Policy EMG5 has been subject to SEA, and you do not consider that the SG will have any additional environmental effects. On the basis of the information provided, we agree that the SG is not likely to have any 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.

Yours sincerely

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Margaret Stone
West Lothian Council
Planning & Building Standards
County Buildings
Linlithgow
West Lothian
EH49 7EZ

18 August 2017

By email only to: SEA_Gateway@gov.scot

Dear Ms Stone

**Environmental Assessment (Scotland) Act 2005
West Lothian Supplementary Guidance - Planning and Noise - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 08 August 2017.

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 West Lothian Supplementary Guidance (SG) - Planning and Noise 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 provides further detailed information on Policy EMG5 Noise, which has already been subject to SEA as part of the Local Development Plan process, and that this SG will not lead to significant environmental effects which have not been assessed already.

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).

continued.....



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office

Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk • customer enquiries 03000 99 66 99

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.

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer

Ecopy: sea.gateway@hes.scot; sea_gateway@snh.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

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

Margaret Stone
Planning Officer
West Lothian Civic Centre
Howden South Road
Livingston EH54 6PF

Sent via: sea.gateway@gov.scot

Date: 11 August 2017
Our ref: CEA147077 / A2375656

Dear Margaret

**Environmental Assessment (Scotland) Act 2005: Supplementary Guidance –
Planning and Noise
Screening Determination**

Thank you for your screening report submitted on 08 August 2017 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 of the 2005 Act.

We understand that the supplementary guidance provides further information on Local Development Plan (LDP) Policy EMG5 Noise. The supplementary guidance seeks to ensure that noise assessment criteria are applied to new development but does not itself propose or lead to development. Proposals and policies that would lead to significant environmental effects have previously been subject to SEA during the LDP preparation process. In terms of our interests, we therefore 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 Vivienne Gray on 0131 316 2644 or via SNH's SEA Gateway at sea.gateway@snh.gov.uk.

Yours sincerely

Janice Winning
Operations Manager
Forth

Scottish Natural Heritage, Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh. EH12 7AT
Tel. 0131 316 2600 Fax 0131 312 2690 www.snh.gov.uk

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