

Environmental Assessment (Scotland) Act 2005

Strategic Environmental Assessment (SEA) Screening Determination

Supplementary Guidance (SG) – Residential Development Guide

Table of Contents of Screening Determination

1. Introduction

2. Record of SEA Determination and Publicity Requirement

3. SEA Screening Report

- ◆ Cover Note
- ◆ Key facts
- ◆ Likely Significance of Effects on the Environment
- ◆ Summary of Environmental Effects

4. Responses from Consultation Authorities

- ◆ Scottish Government SEA Gateway Response
- ◆ Scottish Environment Protection Agency Response
- ◆ Historic Environment Scotland Response
- ◆ Scottish Natural Heritage Response

5. Appendices

- ◆ Appendix 1 - Supplementary Guidance (SG) – Residential Development Guide
- ◆ Appendix 2 - Statutory Notice

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) – Residential Development Guide.

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

Title of Plan, Programme or Strategy:	Supplementary Guidance (SG) – Residential Development Guide
Responsible Authority:	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) – Residential Development Guide 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 26 March 2019.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Supplementary Guidance (SG) – Residential Development Guide 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
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

Formal Determination	Statement of Reason
03 January 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) – Residential Development Guide sets out a framework that West Lothian Council will use to assess planning applications for residential development. The role of the West Lothian Local Development Plan Supplementary Guidance (SG) – Residential Development Guide is to provide further information and detail in respect of policies that are already set out in the adopted West Lothian Local Development Plan which was subject of a full Strategic Environmental Assessment and which will also be reviewed in the Post Adoption Strategic Environmental Assessment.</p>
--	---

Publicity Requirements for the Determination:	
<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 wlldp@westlothian.gov.uk.</p>	
<p>The determination shall also be published in the West Lothian Courier and Linlithgow Journal & Gazette newspapers to notify the public and will be available to view at www.westlothian.gov.uk from 4 April 2019. A copy of the statutory notice is provided as Appendix 2.</p>	
Signature:	Craig McCorrison, Head of Planning, Economic Development & Regeneration
Date:	29 March 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) – Residential Development Guide

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:

.....
.....
.....

Part 6

Contact Name: Steve Lovell

Job Title: Principal Planning Officer

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

Contact Phone: 01506 282430

Contact email: steve.lovell@westlothian.gov.uk

Part 7

Signature: Steve Lovell

Date: 29 March 2019

Key Facts

West Lothian Council has undertaken screening of Supplementary Guidance (SG) – Residential Development Guide 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) - Development in the Countryside with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005 and the potential for requiring a SEA.

Responsible Authority:	West Lothian Council
Title of PPS:	Supplementary Guidance (SG) – Residential Development Guide

<p>Purpose of PPS:</p>	<p>The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policies DES 1, HOU 1 and HOU 3 but it is also pertinent to a much wider range of subject matters addressed by policies CDA 1, HOU 4, HOU 7, INF 1, INF 2, TRAN 1, TRAN 2, TRAN 3, ENV 1, ENV 2, ENV 4, ENV 5, ENV 7, ENV 8, ENV 9, ENV 10, ENV 11, ENV 12, ENV 13, ENV 17, ENV 18, ENV 19, ENV 20, ENV 21, ENV 22, ENV 23, ENV 24, ENV 25, ENV 27, ENV 28, ENV 29, ENV 30, ENV 31, ENV 32, ENV 33, ENV 34, NRG 1, NRG 1a, NRG 2, NRG 5, EMG 1, EMG 2, EMG 3, EMG 4, EMG 5, EMG 6 and MRW 7.</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 policy; provides general planning criteria applicable to all sites and cases and design guidance.</p>
<p>What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)</p>	<p>Supplementary Planning Guidance (SPG) relating to new residential development was produced to support Policies HOU 1, HOU 2, HOU 5, HOU 6, HOU 7, HOU 8, HOU 9, HOU 10, CDA 4 and CDA 6M of the West Lothian Local Plan (2009).</p> <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 (SDP) for Edinburgh and South-east Scotland.</p> <p>The Council has a programme to prepare a suite of new guidance to support the recently adopted West Lothian Local Development Plan,</p> <p>Specifically, <i>the Residential Development Guide</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>PPS Subject: (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 specifically associated with new residential development.</p>

Period covered by the PPS:	Anticipated date of adoption (February 2019) onwards.
Frequency of updates:	Supplementary Guidance will ordinarily be reviewed and updated every 5 years, in tandem with the replacement of the Local Development Plan.
Area Covered by the PPS:	This SG covers the West Lothian Local Development Plan area.
Summary of nature/content of PPS:	<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 (SDP) 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>The SG expands on the principles set out in a range of policies and provides detailed guidance to help achieve the outcomes expected from residential development proposals across West Lothian. The guidance provides a basis for assessing the design of all new residential development across West Lothian in urban locations and applies to all scales of residential development from small scale infill proposals all the way up to the creation of new neighbour-hoods.</p>

Are there any plan objectives?	No
Copy of PPS attached	Yes
Date:	29 March 2019

Likely Significance of Effects on the Environment

The Council has considered the likely significance of effects on the environment of the Supplementary Guidance (SG) – Residential Development Guide 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).

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)
The characteristics of plans and programme		
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.	No	<p>The adopted Local Development Plan sets a framework for assessing applications for new residential development. The SG contributes to that assessment framework.</p> <p>The Residential Development Guide (SG) will support West Lothian’s Local Development Plan (LDP) which has been subject to a full SEA, expanding on a number of policies to provide more detail for interested parties on design and placemaking requirements for developments. The LDP sets the framework for projects whereas the SG will only play a supportive role.</p>
1(b): The degree to which the PPS influences other PPS including those in the hierarchy.	No	<p>The Residential Development Guide although in itself new, is essentially a refresh and an update of previous Supplementary Planning Guidance (SPG) which supported the now superseded West Lothian Local Plan.</p> <p>The Residential Development Guide provides background guidance to policy within the adopted Local Development Plan and does not seek to directly influence other programmes and strategies although it will incorporate the requirements of other related planning policy documents such as Scottish Planning Policy, Creating Places and Designing Streets.</p>

		The guidance sets out detailed criteria to assist the development and assessment of proposals for development across the plan area and specifically supports policies.
1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	Yes	<p>Policies DES 1, HOU 1 and HOU 3 (and a number of other related policies in the LDP) which will be supported by the Residential Development Guide SG set out a vision for sustainable development and the incorporation of high environmental and design standards for the built environment.</p> <p>The SG provides detailed guidance as to how design and placemaking can benefit the local community and is likely to present significant positive environmental effects whilst contributing towards promoting sustainable development in West Lothian by limiting any negative impacts associated with development standards on the local environment and communities.</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.</p> <p>The SG is not site specific, it covers the entire West Lothian Council area and all planning applications for residential development will require to be assessed against the SG and will be taken into account when decisions are made.</p>
1(d): Environmental problems relevant to the PPS	No	<p>The West Lothian Local Development Plan has regard to the multitude of environmental issues which have the potential to affect the countryside of West Lothian.</p> <p>The SG is one of many which are designed to help protect and safeguard its environmental assets.</p> <p>No negative environmental consequences are foreseen as being directly attributable to the SG.</p>
1(e): The relevance of the PPS	No	None identified. The SG does not introduce

<p>for the implementation of Community legislation on the environment (for example PPS linked to waste management or water protection)</p>		<p>any new policy considerations and would not be directly relevant to this issue. If applicable, this would be considered in the assessment of individual planning applications.</p>
---	--	---

<p>The characteristics of the effects and the area likely to be effected</p>		
<p>2(a): The probability, duration frequency and reversibility of the effects</p>	<p>No</p>	<p>There are no significant environmental effects that can be attributed to the SG. Any consequences of development authorised by Policies DES 1, HOU 1 and HOU 3 (and a number of other related policies in the LDP) can be avoided/mitigated/ minimised by application of other environmental protection policies within the Local Development Plan and adherence to the SG.</p>
<p>2(b): The cumulative nature of the effects</p>	<p>No</p>	<p>A key purpose of the SG is 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>
<p>2(c):Trans-boundary nature of the effects (i.e. environmental effects on other EU Members States</p>	<p>No</p>	<p>No trans boundary effects have been identified.</p> <p>The SG is in itself unlikely to have significant environmental impact beyond West Lothian, but that is not to diminish the positive value of the policy in a local context.</p>
<p>2(d): The risks to human health or the environment (for example due to accidents)</p>	<p>No</p>	<p>As a guidance document, it is unlikely that the risks to human health or the environment will be increased as a result of the SG.</p> <p>If anything, 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>2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)</p>	<p>No</p>	<p>There are no significant effects identified. The SG will support other relevant policies in the LDP in terms of design and placemaking principles which will be relied upon to help determine the acceptability of new residential development but the SG only applies to development that takes place within the administrative area of West Lothian and its effect is invariably constrained.</p>
<p>2(f): The value and vulnerability of the area likely to be affected due to:</p> <p>(i) Special natural characteristics or cultural heritage</p> <p>(ii) Exceeded environmental quality standards or limit values;</p> <p><u>or</u></p> <p>(iii) Intensive land use</p>	<p>No</p>	<p>The SG seeks to control development to ensure the protection of the character of West Lothian. Overall, the strategy of the Local Development Plan looks to protect the natural and built environment from inappropriately located and designed development.</p> <p>There are a range of natural and historical sites with recognised designations for their value in West Lothian including Conservation Areas, Listed Buildings, Gardens and Designed Landscapes. There are also a number of recognised national protected sites such as, the Union Canal Scheduled Monument and natural designations such as SSSI.</p> <p>Although the Residential Development Guide will provide guidance for developments, which have the potential to be located within or near to sensitive or protected areas, the Local Development Plan contains policies which apply appropriate safeguards to such areas and these policies have been subject to environmental assessment. It is not considered that the SG would be likely to introduce any significant environmental effects additional to those which would be considered through the assessed LDP policies</p> <p>The SG will have only positive effects on natural and cultural heritage and in a localised area.</p> <p>The overarching SEA for the LDP has previously considered any potential significant environmental effects and provided mitigation measures where necessary.</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.
2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<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) – Residential Development Guide and these are set out below.

Table 2: Summary of Environmental Effects

Supplementary Guidance (SG) – Residential Development Guide supports policies DES 1, HOU 1 and HOU 3 (and a number of other related policies in the adopted LDP) by providing further guidance and detail on the circumstances in which residential development will be permitted within the West Lothian Local Development Plan area and setting out general planning criteria to be applied in decision-making.

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) – Residential Development Guide is considered to strengthen and re-inforce this position.

The Supplementary Guidance does not in itself propose new residential development but instead it forms part of a framework for assessing applications for such development. New development could potentially have significant environmental effects, depending on its design and location in relation to sensitive receptors within the environment. Unchecked, the proliferation of new development could also have cumulative impacts, arising for example, from increased vehicular movements. Policies seek to manage new development and assist in avoiding such significant effects and are supported by the Supplementary Guidance. Furthermore, the specific policies referenced and guidance will not be applied in isolation; There are other environmental

protection policies included in the Local Development Plan which will additionally be applied in the assessment of planning applications.

The council considers it unlikely that the Residential Development Guide will have any significant adverse environmental effects and it as it will provide only information for decision makers, the public and other stakeholders and serve as a management tool in relation to development affecting the character, qualities, threats, opportunities and constraints within West Lothian.

Overall, it is considered that the Residential Development Guide 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 residential 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 this Supplementary Guidance (SG) 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.

4. Responses from Consultation Authorities

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

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

5. Appendices

Appendix 1 - Supplementary Guidance (SG) – Residential Development Guide

Appendix 2 - Statutory Notice

Appendix 2 : Statutory Notice

WEST LoTHIAN COUNCIL www.westlothian.gov.uk

THE ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005

SUPPLEMENTARY GUIDANCE (SG) – RESIDENTIAL DEVELOPMENT GUIDE

SCREENING DETERMINATION UNDER SECTION 8(1)

West Lothian Council has determined on 29 March 2019, in consultation with Historic Environment Scotland, the Scottish Environment Protection Agency and Scottish Natural Heritage, that the Supplementary Guidance (SG) – Residential Development Guide is unlikely to have significant environmental effects when considered in relation to the criteria set out under Schedule 2 of the Act. It has therefore been concluded that a Strategic Environmental Assessment (SEA) is not required. No environmental report will be prepared alongside the Supplementary Guidance (SG) – Residential Development Guide

A copy of the screening determination and the reasons for this conclusion are contained within the individual Screening Report which can be viewed at www.westlothian.gov.uk or at the offices of West Lothian Council, Civic Centre, Howden South Road, Livingston, EH54 6FF. Documents can also be requested by emailing wlldp@westlothian.gov.uk.

4 April 2019