

**Environmental Assessment (Scotland) Act 2005**

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

**Planning Guidance (PG)**

**Areas of Built Heritage & Townscape Value: The Shale Miners Rows**

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## 1. Introduction

This statement sets out West Lothian Council's determination in accordance with Section 10(1) of the Environmental Assessment (Scotland) Act 2005 on whether or not a Strategic Environmental Assessment (SEA) is required for Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows.

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:

- ◆ NatureScot (NS)
- ◆ Scottish Environment Protection Agency (SEPA), and
- ◆ Historic Environment Scotland (HES)

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>	Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows.
<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 Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows will have significant environmental effects.

In formally determining under Section 8(1) of the Act whether a SEA is required, the Council has considered the views of the three Consultation Authorities; Scottish Environment Protection Agency, Nature Scotland and Historic Environment Scotland which were issued through the SEA Gateway on 9 October 2020.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows is not likely to have significant environmental effects and the Council has therefore determined that a 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
Nature Scotland	No
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>

Formal Determination	Statement of Reason
16 November 2020	<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</p>
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	<p>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 Planning Guidance (PG) - Areas of Built Heritage &amp; Townscape Value: The Shale Miners Rows sets out a framework that West Lothian Council will use to assess planning applications for development on these sites identified in the adopted West Lothian Local Development Plan.</p> <p>The role of the West Lothian Local Development Plan Planning Guidance (PG) - Areas of Built Heritage &amp; Townscape Value: The Shale Miners Rows is simply to help interpret and provide further detail in respect of policies that are already set out in the adopted West Lothian Local Development Plan (2018) which was 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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<b>Publicity Requirements for the Determination:</b>	
<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:wldp@westlothian.gov.uk">wldp@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 19 November 2019. A copy of the statutory notice is provided as Appendix 2.</p>	
<b>Signature:</b>	Craig McCorrison, Head of Planning, Economic Development & Regeneration
<b>Date:</b>	16 November 2020

**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**

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

Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows

**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:**

A 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.

A 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.

**A 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:** Chris Alcorn

**Job Title:** Principal Planning Officer

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

**Contact Phone:** 01506 282428 (NB: Working From Home Winter 2020 – contact via e-mail below)

**Contact email:** [chris.alcorn@westlothian.gov.uk](mailto:chris.alcorn@westlothian.gov.uk)

**Part 7**

**Signature:** Chris Alcorn

**Date:** 16 November 2020

**Key Facts**

West Lothian Council has undertaken screening of Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows 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 Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows 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>	Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows

<p><b>Purpose of PPS:</b></p>	<p>The purpose of this Planning Guidance (PG) is to support the understanding and delivery of Local Development Plan planning policy ENV 27: Areas of Built Heritage and Townscape Value, in the adopted West Lothian Local Development Plan (2018).</p> <p>The PG expands on the principles of this policy and provides detailed guidance to help achieve the outcomes expected from related development in the five Shale Miners rows that are situated across West Lothian at Beresford Rise Dedridge, Livingston; Oakbank Cottages, near West Calder; Roman Camp Cottages by Broxburn; South Village, Pumpherston and Abercorn / Midhope Rows at Winchburgh.</p>
<p><b>What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)</b></p>	<p>Planning Guidance (PG) will provide further guidance to support the application of the planning policy ENV 27 and the design and assessment of proposals in the Shale Miners Rows that are important built heritage areas in West Lothian.</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 planning guidance to support the recently adopted West Lothian Local Development Plan,</p> <p>Specifically, Areas of Built Heritage &amp; Townscape Value: The Shale Miners Rows has been written with the intention of becoming non-statutory planning guidance (PG).</p>
<p><b>PPS Subject: (e.g. transport)</b></p>	<p>The policies are integral to the strategic spatial land use strategy which applies across West Lothian. In terms of this PG, it expands on the principles set out in the policy ENV 27 and provides further detailed guidance to help achieve the outcomes expected from developments in Areas of Built Heritage and Townscape Value and specifically the Shale Miners Rows located across West Lothian. The</p>

	Planning Guidance is intended for use by anyone considering development in the Shale Miners Rows.
<b>Period covered by the PPS:</b>	Anticipated date of adoption November 2020 onwards.
<b>Frequency of updates:</b>	Planning Guidance will ordinarily be reviewed and updated every 5 years, but sooner if circumstances require.
<b>Area Covered by the PPS:</b>	This PG covers the West Lothian Local Development Plan area. It applies specifically to the five Shale Miners rows that are situated across West Lothian at Beresford Rise Dedridge, Livingston; Oakbank Cottages, near West Calder; Roman Camp Cottages by Broxburn; South Village, Pumpherston and Abercorn / Midhope Rows at Winchburgh.
<b>Summary of nature/content of PPS:</b>	<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 detailed policies and proposals which are the basis for decision making on future planning applications.</p> <p>The guidance sets out detailed criteria to assist the development and assessment of proposals to proactively inform and encourage owners to adopt a more considered approach when preparing proposals for Areas of Built Heritage and Townscape Value that involve Shale Miners'</p>



	<p>Rows at Beresford Rise Dedridge, Livingston; Oakbank Cottages, near West Calder; Roman Camp Cottages by Broxburn; South Village, Pumpherston and Abercorn / Midhope Rows at Winchburgh.</p> <p>The guidance has been conceived to help positively influence the nature of these Areas of Built Heritage and Townscape Value, that are unique to West Lothian, and to mitigate any potentially minor adverse effects of new development on these areas and the surrounding environment.</p> <p>With careful thought and sensitive execution, particularly in terms of design and the use of materials, proposals related to the West Lothian Shale Miners Rows can be designed to be in much better harmony with their neighbours and the wider built environment.</p>
<b>Are there any plan objectives?</b>	No
<b>Copy of PPS attached</b>	Yes
<b>Date:</b>	16 November 2020

Likely Significance of Effects on the Environment
<p>The Council has considered the likely significance of effects on the environment of the Planning Guidance (PG) - Areas of Built Heritage &amp; Townscape Value: The Shale Miners Rows 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)
<b>The characteristics of plans and programme</b>		
<b>1(a): The degree to which the PPS sets a framework for the projects and other activities, either with regard to the</b>	No	It is the adopted Local Development Plan which sets a framework for assessing applications for new development and this PG contributes to that assessment.

<p>location, nature, size and operating conditions or by allocating resources.</p>		<p>The PG however contributes to that assessment framework and will provide the necessary guidance to improve local knowledge on the built environment, support the existing environment, and increase the quality of any new development which will result in lasting improvements to the wider environment and the protection of West Lothian’s built heritage.</p> <p>The implementation of the Planning Guidance is unlikely to result in significant environmental effects that are additional to those previously identified when Policy ENV 27 underwent SEA assessment as part of the adopted Local Development Plan.</p>
<p><b>1(b): The degree to which the PPS influences other PPS including those in the hierarchy.</b></p>	<p>No</p>	<p>Planning Guidance (PG) - Areas of Built Heritage &amp; Townscape Value: The Shale Miners Rows provides background guidance to policy within the adopted Local Development Plan and does not seek to directly influence other programmes and strategies.</p> <p>Although in itself new, this PG is essentially a refresh and an update of previous Supplementary Planning Guidance (SPG) which supported the now superseded West Lothian Local Plan and prior to that Area Local Plans for Bathgate, Broxburn, Livingston and the Calders.</p> <p>The guidance sets out detailed criteria to assist the development and assessment of proposals for development across the plan area and specifically supports policy ENV 27: Areas of Built Heritage &amp; Townscape Value - The Shale Miners Rows.</p> <p>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>
<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></p>	<p>No</p>	<p>This PG focuses on protecting the built environment, particularly with regard to future development which has been identified through the Local Development Plan process and which itself has been subject to a sustainability appraisal.</p>

		<p>The PG will help to integrate environmental considerations and promote responsible and sustainable development. It is concluded that its likely overall impact will have a positive effect on the environment by providing an additional layer of scrutiny of proposals and affording protection from potentially unacceptably damaging development of areas of local built heritage value.</p> <p>The general premise of policies that govern new development (and reinforced by the PG) is that development will only be permitted in circumstances which do not adversely affect the built heritage environment and which the PG assists in further defining.</p>
<b>1(d): Environmental problems relevant to the PPS</b>	No	<p>The West Lothian Local Development Plan has regard to the multitude of environmental issues which have the potential to affect the built heritage of West Lothian.</p> <p>The PG is one of a series which are designed to help protect and safeguard its environmental assets.</p> <p>The PG does not introduce any new policy considerations and consequently no negative environmental consequences are foreseen as being directly attributable to the PG.</p>
<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	<p>None identified. The PG does not introduce any new policy considerations and would not be directly relevant to this issue. If subsequently applicable, however, this could be considered in the assessment of individual planning applications.</p>

<b>The characteristics of the effects and the area likely to be effected</b>		
<b>2(a): The probability, duration frequency and reversibility of the effects</b>	No	There are no significant environmental effects that can be attributed to the PG.
<b>2(b): The cumulative nature of the effects</b>	No	There are no significant environmental effects that can be attributed to the PG.

		<p>A key purpose of the PG is to set out detailed criteria to assist progression and assessment of proposals relating to Shale Miners Rows in in the plan area and specifically supports policy: ENV 27 - Areas of Built Heritage and Townscape Value of the adopted LDP which seeks to prevent and minimise visually and environmentally intrusive development.</p> <p>Adherence to the PG should, if anything, have a positive effect on the built 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	<p>No trans boundary effects have been identified.</p> <p>The PG 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 built heritage context.</p>
<b>2(d): The risks to human health or the environment (for example due to accidents)</b>	No	<p>No significant effects have been identified. The PG will, if anything, have a benign effect and will generally facilitate more environmentally sensitive developments 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>
<b>2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)</b>	No	<p>There are no significant effects identified. The PG will support other relevant policies in the LDP which will be relied upon to help determine the acceptability of new development but the PG only applies to development that takes place within the administrative area of West Lothian and its effect is invariably constrained.</p>
<p><b>2(f): The value and vulnerability of the area likely to be affected due to:</b></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>	No	<p>The PG seeks to protect built heritage features from inappropriate and detrimental development and will have only positive effect 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> <p>It is considered that adherence to the requirements of the PG will be of negligible</p>

(iii) <b>Intensive land use</b>		consequence and will not in any event adversely affect the value and vulnerability of the criterion.
<b>2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</b>	No	<p>Any development will also need to comply with the development plan which includes a range of policies to ensure the cumulative impact of development does not adversely affect areas of built heritage and townscape value. 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 PG 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 Planning Guidance (PG) - Areas of Built Heritage & Townscape Value - The Shale Miners Rows and these are set out below.

**Table 2: Summary of Environmental Effects**

Planning Guidance (PG) – Areas of Built Heritage & Townscape Value - The Shale Miners Rows supports Local Development Plan Policies ENV 27: Areas of Built Heritage & Townscape Value 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.

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 environmentally sensitive development and the addition of Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows, is considered to strengthen and re-inforce this position.

The PG does not propose new development, but instead forms part of a framework for considering and assessing applications for development.

Development always has the potential to have adverse environmental consequences but additional care needs to be exercised in relation to sites of a particularly sensitive local built heritage. The specific policies referenced in the guidance will not however be applied in isolation; There are other environmental protection and general planning 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 supporting Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows will have any significant environmental effects as it will provide only information for decision makers, the public and other stakeholders and will primarily serve as a management tool in relation to the impact of new development on the natural environment.

Overall, it is considered that the Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows 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 (2018) and associated guidance will be avoided.

It is for this reason that West Lothian Council believes that Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows does not require a Strategic Environmental Assessment. However, should a particular instance arise where adherence to the PG 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

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

- SEA Gateway
- NatureScot
- Scottish Environment Protection Agency
- Historic Environment Scotland

#### 5. Appendices

Appendix 1 - Planning Guidance (PG) - Areas of Built Heritage & Townscape Value: The Shale Miners Rows

Appendix 2 - Statutory Notice