

Environmental Assessment (Scotland) Act 2005

Strategic Environmental Assessment (SEA) Screening Determination

Supplementary Guidance (SG) – Planning and Education

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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) – Planning and Education

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
- ◆ NatureScot

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) – Planning and Education
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) – Planning and Education 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 17/02/2020.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Supplementary Guidance (SG) – – Planning and Education 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; see note below*
Scottish Natural Heritage	No
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

*As informed by the SEA Gateway on 17 February 2021, SEPA is unable to comment on SEA consultations at this time and the council has been directed by the SEA Gateway to the SEA topic guidance notes for soil, water, material assets, climatic factors and human health provided on SEPA website at Strategic Environmental Assessment | Scottish Environment Protection Agency (SEPA). The council has had regard to these and has concluded that in respect of SEPA’s main areas of interest (air, water, soil, human health, material assets (of which it has a specific interest in waste) and climatic factors) the Supplementary Guidance is unlikely to have significant environmental effects.

Formal Determination	Statement of Reason
26 February 2021	<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</p>

	requirements of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) etc. Act 2006.
	<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) – Planning and Education set out a framework that West Lothian Council will use to collect developer contributions towards education provision. The of the West Lothian Local Development Plan Supplementary Guidance (SG) – Planning and Education is simply to provide further information and detail in respect of policy INF1 of the adopted West Lothian Local Development Plan which was subject of a full Strategic Environmental Assessment (SEA). The SEA was reviewed in the Post Adoption Strategic Environmental Assessment.</p>

Publicity Requirements for the Determination:

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.

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. The current Coronavirus emergency prevents physical copies being made for inspection at West Lothian Council's principal office at the West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF but they can instead be requested by email from wlldp@westlothian.gov.uk.

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 26 February 2021. A copy of the statutory notice is provided as Appendix 2.

Signature:

Craig McCorriston,
Head of Planning, Economic Development & Regeneration

Date:

26 February 2021

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) – Planning and Education

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: Andrew Cotton

Job Title: Senior Education Planning Officer

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

Contact Phone: 01506 283080

Contact email: fiona.mcbrierty@westlothian.gov.uk

Part 7

Signature: Andrew Cotton

Date: 26 February 2021

Key Facts

West Lothian Council has undertaken screening of Supplementary Guidance (SG) - Planning and Education 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) – Planning and Education 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) – Planning and Education

<p>Purpose of PPS:</p>	<p>The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policy INF1 Infrastructure Provision and Developer Obligations.</p> <p>In particular, this SG further defines the terms used in policy INF1 and sets out a developer contribution rate and the methodology for calculating this rate.</p>
<p>What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)</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, Supplementary Guidance – Planning and Education 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 particularly associated with developer contributions and delivery of the spatial strategy set out in the LDP.</p>
<p>Period covered by the PPS:</p>	<p>Anticipated date of adoption 2021 onwards.</p>

<p>Frequency of updates:</p>	<p>Under the terms of the Planning etc (Scotland) Act 2006 Supplementary Guidance will ordinarily be reviewed and updated every 5 years, in tandem with the replacement of the Local Development Plan. The Planning (Scotland) Act 2019 has removed requirements to prepare supplementary and planning guidance in addition to introducing a requirement to review and update development plans every ten years.</p>
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Area Covered by the PPS:	This SG covers the West Lothian Local Development Plan area. It applies specifically to proposals for developer contributions towards education provision.
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>Policy INF1 (Infrastructure Provision and Developer Obligations) sets out those matters which developers are required to consider and take into account in proposals for development in West Lothian, and requirements for infrastructure to be in place or provided for to support development and the spatial strategy set out in the West Lothian Local Development Plan. The SG defines terms used in this policy and sets out a developer contribution (obligation) rate and explains how this will be implemented. It provides assistance in the Development Management process.</p>

Are there any plan objectives?	No
Copy of PPS attached	Yes
Date:	26/02/2021

Likely Significance of Effects on the Environment

The Council has considered the likely significance of effects on the environment of the Supplementary Guidance (SG) - Planning and Education 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)
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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	The SG provides information on the rate of developer contributions (obligations) towards education provision, the methodology for calculating this and how the contributions will be applied.
1(b): The degree to which the PPS influences other PPS including those in the hierarchy.	No	<p>The SG Planning and Education 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 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>The SG provides information on the rate of developer contributions (obligations) towards education provision, the methodology for calculating this and how the contributions will be applied.</p> <p>The SG at the same time is consistent with the wider objectives of the overarching West Lothian Local Development Plan which has itself already undergone SEA.</p>

1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	
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 provide clarity on developer contribution rates. Contributions (obligations) are required to support the development strategy set out in the adopted West Lothian Local Development Plan and cover a variety of topics.</p> <p>No negative environmental consequences are foreseen as being directly attributable to the SG.</p>
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)	No	None identified. The SG does not introduce 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.

The characteristics of the effects and the area likely to be affected		
2(a): The probability, duration frequency and reversibility of the effects	No	There are no significant environmental effects that can be attributed to the SG. Any consequences of development authorised by other policies of the West Lothian Local Development Plan, principally policy INF 1 can be avoided/mitigated/ minimised by application of other environmental protection policies within the Local Development Plan and adherence to the SG.
2(b): The cumulative nature of the effects	No	<p>None identified as education provision is required across West Lothian.</p> <p>A key purpose of the SG is however to promote and secure developer contributions (obligations) towards education provision at sites across West Lothian, support sustainable development and encourage best practice and</p>

		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.
2(c): Trans-boundary nature of the effects (i.e. environmental effects on other EU Members States	No	<p>No Trans boundary effects have been identified or are anticipated.</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>
2(d): The risks to human health or the environment (for example due to accidents)	No	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.
2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)	No	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 in West Lothian. The SG only applies to development that takes place within the administrative area of West Lothian and its effect is invariably constrained.
<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>	No	<p>The SG seeks to ensure the provision of education across West Lothian. Overall, the strategy of the Local Development Plan looks to protect the countryside from unnecessary and inappropriate development.</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> <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>2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</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>
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Summary of Environmental Effects

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

Table 2: Summary of Environmental Effects

The SG provides information on the rate of developer contributions (obligations) towards education provision, the methodology for calculating this and how the contributions will be applied.

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) – Planning and Education is considered to strengthen and re-inforce this position.

The Supplementary Guidance forms part of a framework for collection of developer contributions (obligations) required to support delivery of the development strategy set out in the West Lothian Local Development Plan and assist in the determination of planning applications.

The council considers it unlikely that the supporting Supplementary Guidance (SG) – Planning and Education will, in itself, have no significant environmental effects as it will provide only information for decision makers, the public and other stakeholders and serve as a management tool in relation to development proposals within West Lothian.

Overall, it is considered that the Supplementary Guidance (SG) – Planning and Education 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 housing and education 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) – Planning and Education 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
NaturesScot	No
Scottish Environment Protection Agency (SEPA)	No (see note page 3*)
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

- SEA Gateway
- Historic Environment Scotland
- Nature Scot
- Scottish Environment Protection Agency (SEPA) see note page 3*

5. Appendices

Appendix 1 - Supplementary Guidance (SG) - Planning & Education

Appendix 2 - Statutory Notice