

# **Strategic Environmental Assessment Screening Determination**

## **Notice of the Determination that the proposed East Dunbartonshire Council Supplementary Guidance on Planning Obligations will not require a Strategic Environmental Assessment**

### **Environmental Assessment (Scotland) Act 2005**

As required under the Environmental Assessment (Scotland) Act 2005, East Dunbartonshire Council has reviewed the likely significance of the environmental effects of the proposed Supplementary Guidance on Planning Obligations.

East Dunbartonshire Council has made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the Supplementary Guidance is not likely to result in significant environmental effects. The Supplementary Guidance will therefore not be subject to a Strategic Environmental Assessment.

**Neil Samson**  
**Strategic Environmental Assessment Technical Officer**  
Development and Regeneration  
Land Planning and Development  
Southbank House  
Strathkelvin Place  
Kirkintilloch  
G66 1XQ

#### **Relevant Documents:**

- SEA Screening Determination Notification to Consultation Authorities on 30<sup>th</sup> November 2015
- Screening Report submitted to Consultation Authorities on 12<sup>th</sup> November 2015
- Responses from the Consultation Authorities:
  - Covering Letter from Scottish Government SEA Gateway
  - Response from Historic Environment Scotland
  - Response from Scottish Environment Protection Agency (SEPA)
  - Response from Scottish Natural Heritage (SNH)

Date: 30<sup>th</sup> November 2015

SEA Gateway  
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Area 2 H (South)  
Victoria Quay  
Edinburgh  
EH6 6QQ

**DEVELOPMENT AND  
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Fax No: 0141 578 8575

Dear Sirs,

**SEA Screening Determination**  
**East Dunbartonshire Council Supplementary Guidance on Planning Obligations**

I refer to your letter dated 25<sup>th</sup> November 2015 outlining the responses from the Consultation Authorities to the Screening Report that was submitted on 12<sup>th</sup> November 2015 in relation to the proposed East Dunbartonshire Council Supplementary Guidance on Planning Obligations.

After reviewing the responses, the Consultation Authorities are in agreement with the Council's Screening findings and decision-making. Therefore, on 27<sup>th</sup> November 2015 East Dunbartonshire Council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the Supplementary Guidance on Planning Obligations is unlikely to give rise to any significant environmental effects. Therefore, the Supplementary Guidance will not be subject to a Strategic Environmental Assessment.

A copy of the screening determination will be available for inspection during normal office hours at Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ and on the Council website at [www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk). An advert will also be placed in the Kirkintilloch Herald to publicise the screening determination.

In accordance with Section 10(1) of the Act, a copy of the screening determination is enclosed and I would be obliged if you could forward this onto the Consultation Authorities.

If you have any further queries, please do not hesitate to contact the Strategic Environmental Assessment Technical Officer on 0141 578 8615.

Yours faithfully,



**Neil Samson**  
**Strategic Environmental Assessment Technical Officer**

STRATEGIC  
ENVIRONMENTAL  
ASSESSMENT:  
**SCREENING  
REPORT**

**Supplementary Guidance on  
Planning Obligations**



sustainable thriving achieving

**East Dunbartonshire Council**

[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

## SEA Screening Report: PART 1

To: [SEA.gateway@gov.scot](mailto:SEA.gateway@gov.scot)

Or

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

## SEA Screening Report: PART 2

An SEA Screening Report is attached for:

Supplementary Guidance on Planning Obligations

The Responsible Authority is:

East Dunbartonshire Council

### Complete PART 3 or 4 where appropriate

## SEA Screening Report: PART 3

Screening is required because the PPS falls under Section 5(3)(c) or Section 8(1) of the Environmental Assessment (Scotland) Act 2005. Our view is that: -  
**(Tick (✓) the appropriate section)**

**An SEA is required** because the PPS is likely to have significant environmental effects

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



## SEA Screening Report: PART 4

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

## SEA Screening Report: PART 5



### Contact Details

<b>Contact Name</b>	Neil Samson
<b>Job Title</b>	Strategic Environmental Assessment Technical Officer
<b>Contact Address</b>	Development and Regeneration, East Dunbartonshire Council, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF
<b>Contact Telephone Number</b>	0141 578 8615
<b>Contact Email</b>	Neil.Samson@eastdunbartonshire.gov.uk
<b>Signature</b> (electronic signature is acceptable)	
<b>Date</b>	12 <sup>th</sup> November 2015

## SEA Screening Report: PART 6

### Screening Report – Key Facts

<b>Responsible Authority</b>	East Dunbartonshire Council
<b>Title of PPS</b>	Supplementary Guidance on Planning Obligations
<b>Purpose of PPS</b>	The Supplementary Guidance on Planning Obligations will support the implementation of LDP Policies (including a specific policy regarding Planning Obligations), providing further guidance to ensure that the LDP policy is concise. It will provide additional guidance for applicants, development management colleagues and other stakeholders.
<b>What prompted the PPS</b> (e.g. legislative, regulatory or administrative provision)	<p>Circular 3/2012: Planning Obligations and Good Neighbour Agreements. This Circular details Scottish Government policy on the use of planning obligations, including unilateral obligations, and good neighbor agreements made under section 75 and section 75D respectively, of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.</p> <p>Circular 6/ 2013 on Development Planning Process &amp; Scottish Government. This circular provides guidance describing the development planning system in Scotland. It is intended to provide a single, straightforward description of the legal requirements. Legislative provisions on development planning are in both the primary legislation; the Town and Country Planning (Scotland) Act 1997, as amended, and the subsequent Development Planning Regulations. The Circular explains how the various legislative requirements fit together. Its paras 135 to 139 set out the status of supplementary guidance and suitable topics/ content.</p>
<b>Subject</b> (e.g. transport)	Town and Country Planning.
<b>Period covered by PPS</b>	Five years after the adoption of the Local Development Plan.
<b>Frequency of updates</b>	<p>Within the LDP Action Programme, action 12 sets out to monitor the progress of LDP housing sites and windfall developments through annual Housing Land Audit, section B; and site specific actions, section D, also ensures sites become effective prior to 2021.</p> <p>The Action Programme will be updated annually to take account of any changing circumstances and to include further details, where</p>

	available, on each action. This could identify any requirement to update the SG.			
<b>Area covered by PPS</b> (e.g. geographical area – it is good practice to attach a map)	The whole geographical area of East Dunbartonshire.			
<b>Summary of nature/ Content of the PPS</b>	<p>A 'planning obligation' or Section 75 Agreement is a legal agreement that covers financial contributions to meet the services and infrastructure needs of the local community associated with the new development.</p> <p>Planning obligations have a role in the development management process where they can be used to overcome obstacles to the grant of planning permission. In this way development can be permitted or enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for.</p> <p>This Guidance is intended to support the implementation of LDP Policies. It brings certainty to developers and the community by addressing costs whilst responding to implications for infrastructure and services that arise from development. The Guidance will help the discussion of the need for potential obligations early on in the planning process. It ensures that the burden of additional infrastructure, facilities and services that are related to the development are absorbed by the landowner and developer, and not by the Council or other public service provider.</p> <p>Existing deficiencies in public services, facilities or infrastructure can be made worse by new development and new deficiencies created. However, obligations are intended to address matters resulting from new proposals, not existing deficiencies.</p>			
<b>Are there any proposed PPS objectives?</b>	<b>Yes</b>		<b>No</b>	
<b>Copy of objectives attached</b>	<b>Yes</b>		<b>No</b>	
<b>Date</b>	12 <sup>th</sup> November 2015			

## SEA Screening Report: PART 7

### Considering the Likely Significance of Effects on the Environment

<b>Title of PPS</b>	Supplementary Guidance on Planning Obligations
<b>Responsible Authority</b>	East Dunbartonshire Council
Our determination regarding the likely significance of effects on the environment through the implementation of the Supplementary Guidance is set out in the table below.	

Criteria for determining the likely significance of effects on the environment (paragraph numbers refer to Schedule 2 of the Act)	Likely to have significant environmental effects? (Yes / No)	Summary of significant environmental effects (negative and positive)
1(a) the degree to which the PPS sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<b>No</b>	<p>The Local Plan 2 (LP2) (emerging Local Development Plan (LDP)) sets the substantive framework for considering planning applications. The SG will clarify:</p> <ul style="list-style-type: none"> <li>➤ The need for developer contributions towards essential infrastructure and facilities to enable planned development through the LDP to take place;</li> <li>➤ The need for developer contributions from windfall developments where it gives rise to a need;</li> <li>➤ Indicative costs associated with the requirements;</li> <li>➤ How costs will be apportioned will be dealt with on a case by case basis;</li> <li>➤ The mechanisms used to manage contributions;</li> <li>➤ How the Council manages and</li> </ul>



		<p>monitors the process;</p> <ul style="list-style-type: none"> <li>➤ The principles applied to the process in terms of the Circular test;</li> <li>➤ Circumstances of exemptions;</li> </ul> <p>The SG does not propose any additional developments. The aim of the SG is to outline the process by which contributions are agreed and secured in advance of a planning consent being issued, which will enable the development to proceed. All planned developments have been part of the overall SEA of the LP2/LDP. The LDP is paramount in determining applications and assessing any environmental implications/requirements.</p>
<p>1(b) the degree to which the PPS influences other PPS including those in a hierarchy.</p>	<p style="text-align: center; font-size: 2em; color: #008080;"><b>No</b></p>	<p>The proposed SG will be a key consideration for all development proposed through the LDP, the production of development briefs and masterplans, although these developments would be assessed individually at the site-specific level and environmental implications dealt with at that stage.</p> <p>The proposed SG will have an influence on the development of other LDP SG's and Planning Guidance in terms of the justification and reasoning for required contributions.</p> <p>A key link for the proposed SG would be in relation to the Open Space Strategy and emerging Green Network Strategy which have undergone or are currently going through the SEA process individually.</p>

		The proposed SG itself will not give rise to any significant environmental impacts either positive or negative.
1(c) the relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	<b>No</b>	The emerging LDP and Sustainability and Climate Change Framework have/will identify the key sustainable development issues and solutions within East Dunbartonshire. The SG focuses on the funding and monitoring process of what developer contributions are required for, how they are managed and how they are spent. Consequently it is considered that the SG has no direct bearing on this criterion.
1(d) environmental problems relevant to the PPS	<b>No</b>	The SG addresses the process of securing funds to enable planned and windfall development to proceed. In the case of planned development, environmental issues have been assessed at the LDP level. Windfall development is subject to assessment against the policies of the LDP as well as, in some cases, through project level EIA. It is considered that the SG has no direct bearing on this criterion.
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</b>	The SG itself is not anticipated to have any significant negative or positive environmental effects in terms of the degree to which it relates to the implementation of Community legislation on the environment.
2 (a) the probability, duration, frequency and reversibility of the effects	<b>No</b>	The SG itself is not anticipated to have any significant negative or positive environmental effects arising from its implementation.
2 (b) the cumulative nature of the effects	<b>No</b>	The LP2/LDP has already considered and been assessed in relation to the cumulative effects of proposed developments and the future

		direction of and impact on settlement patterns throughout East Dunbartonshire. It is therefore considered that there will not be any additional significant cumulative environmental effects arising from the implementation of the SG.
2 (c) transboundary nature of the effects (i.e. environmental effects on other EU Member States)	<b>No</b>	The SG does not refer or relate to any proposals outwith the context of the LDP and, therefore, East Dunbartonshire Council's administrative boundary.
2 (d) the risks to human health or the environment (for example, due to accidents)	<b>No</b>	There are not considered to be any risk to human health or the environment through the production and implementation of the SG. The factors highlighted in this criterion have already been assessed as part of the LDP.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<b>No</b>	The SG seeks developer contributions to enable development across East Dunbartonshire. As per the previous answer, the LDP has already been assessed in this context and it is considered that the SG has no additional bearing on this criterion.
2 (f) the value and vulnerability of the area likely to be affected due to- (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use.	<b>No</b>	The SG seeks developer contributions to enable development across East Dunbartonshire. The LDP contains a number of resource protection policies designed to address these criteria and which would be taken into account in determining any proposed application. On this basis it is considered that the SG has no direct bearing on this criterion.
2 (g) the effects on areas or landscapes which have a recognised national, Community or international protection status	<b>No</b>	

## SEA Screening Report: PART 8

### Proposed Supplementary Guidance Aims

The proposed aims for the Supplementary Guidance on Planning are as follows:

- To provide additional guidance regarding the LDP Planning Obligations Policy in relation to the types and thresholds of development where obligations will be requested the level of obligations and the range of purposes for which obligations will be sought.
- To provide exact levels of developer contributions required or the methodology for their calculation.
- To provide more detailed guidance on the delivery of affordable housing.

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#### 01128 Screening - East Dunbartonshire Council - Supplementary Guidance on Planning Obligations

Dear Neil,

With reference to the Screening document you submitted on 12 November 2015.

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
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>

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 7650.

Yours sincerely  
Johnathan Whittlestone  
SEA Gateway Officer

Victoria Quay, Edinburgh EH6 6QQ  
[www.scotland.gov.uk](http://www.scotland.gov.uk)

# Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Mr Neil Samson  
Development and Regeneration  
East Dunbartonshire Council  
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Our ref: LDP/EDUN  
Our Case ID: 201505160  
Your ref: 01128 SCREENING  
25 November 2015

Dear Mr Samson

## **Environmental Assessment (Scotland) Act 2005 East Dunbartonshire Council – Supplementary Guidance on Planning Obligations**

Thank you for consulting Historic Scotland on the screening report for East Dunbartonshire Council's Supplementary Guidance on Planning Obligations, received by the Scottish Government's SEA Gateway on 12 November 2015. I have reviewed the screening report on behalf of Historic Scotland in its role as a Consultation Authority in accordance with Section 9(3) of the above Act. In doing so, I have used the criteria set out in schedule 2 for determining the likely significance of effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

I understand that the Supplementary Guidance on Planning Obligations is intended to provide guidance in relation to the requirement for obligations, a methodology for their calculation and guidance on the delivery of affordable housing. On the basis of the information provided, I agree that the Strategy is unlikely to have significant effects on the historic environment.

However, as you will be aware, it is the responsibility of East Dunbartonshire Council as the Responsible Authority to determine whether the strategy requires an environmental assessment and to inform the Consultation Authorities accordingly. Please do not hesitate to contact me if you wish to discuss the contents of this letter in further detail.

Yours sincerely



**Virginia Sharp**  
Senior Heritage Management Officer, SEA



Our ref: PCS/143705  
SG ref: SEA/01128/SCR

If telephoning ask for:  
Nicki Dunn

17 November 2015

Neil Samson  
Development and Regeneration  
East Dunbartonshire Council  
Broomhill Industrial Estate  
Kilsyth Road  
Kirkintilloch  
G66 1TF

By email only to: [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

Dear Sir

**Environmental Assessment (Scotland) Act 2005  
Supplementary Guidance on Planning Obligations - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 13 November 2015.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment. Having reviewed the Screening Report, we consider that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have a specific interest in waste) and climatic factors) the Supplementary Guidance on Planning Obligations is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the East Dunbartonshire Council as Responsible Authority to make a formal determination taking into account the consultation responses received.

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 [Standing Advice for Responsible Authorities on Strategic Environmental Assessment \(SEA\) Scoping Consultations](#).

We are committed to providing early and focused advice and supporting continuous engagement and would therefore welcome the opportunity to meet with you and discuss these issues prior to the formal consultation. Further information can be found in the [Scottish Government SEA Guidance](#).

Should you wish to discuss this screening consultation please do not hesitate to contact me on 01698 839000 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely,  
Nicki Dunn  
Senior Planning Officer

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**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

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

Mr Neil Samson  
Strategic Environmental Assessment Technical Officer  
Development and Regeneration  
East Dunbartonshire Council  
Broomhill Industrial Estate  
Kilsyth Road  
Kirkintilloch  
G66 1TF

20 November 2015

Our ref: CNS/SEA/01128/CEA139071  
Your Ref: 01128

Dear Mr Samson

**Environmental Assessment (Scotland) Act 2005: East Dunbartonshire Council -  
Supplementary Guidance on Panning Obligations - Screening Determination**

I refer to your screening consultation submitted on 12 November 2015 via the Scottish Government SEA Gateway in respect of the above plan.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, SNH has considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

We 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 our planning adviser Ann Marie Quinn on 0141 951 0810 or via SNH's SEA Gateway at [sea.gateway@snh.gov.uk](mailto:sea.gateway@snh.gov.uk).

Yours sincerely  
[by email]

Kerry Wallace  
Operations Manager  
Strathclyde and Ayrshire

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