

Strategic Environmental Assessment: Screening Report and Determination Policy NRG 1A of the West Lothian Local Development Plan

18 October 2018

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Record of Determination and Publicity Requirements

Title of Plan, Programme or Strategy	Policy NRG 1A of the West Lothian Local Development Plan
Responsible Authority	West Lothian Council

Record of 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 the inclusion of Policy NRG 1A in the West Lothian Local Development Plan (LDP) will have significant environmental effects.

In formally determining whether a SEA is required, the council has taken into account the views of the three Consultation Authorities issued through the SEA Gateway on 11 October 2018.

West Lothian Council and the Consultation Authorities are in agreement that the inclusion of Policy NRG 1A as proposed by Scottish Ministers in relation to the LDP is unlikely to have significant environmental effects and that a Strategic Environmental Assessment would not be required for the PPS (plan, programme or strategy).

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

Statement of reasons

Formal Determination
18 October 2018

West Lothian Council's reasoning for determining that there are no overall likelihood of significant environmental effects is as follows:

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.

The new West Lothian Local Development Plan (LDP) is consistent with the Strategic Development Plan for Edinburgh and South East Scotland (SDP), which was approved (with modifications) by Scottish Ministers in June 2013.

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.

On 22 March 2018 the West Lothian Council Executive agreed to adopt the West Lothian Local Development Plan, incorporating all of the recommended modifications in the LDP Examination Report issued by the Scottish Government Directorate of Planning and Environmental Appeals (DPEA). The council subsequently advertised its intention to adopt the LDP and informed the Scottish Ministers of this on 5 April 2018.

A screening request was submitted to the Consultation Authorities via the SEA Gateway on 14 February 2018 which intimated that, after having undertaken an exercise to update the SEA to address the Reporters recommended modifications from the Examination Report, the council had concluded that the modifications would have no significant environmental effects and that no further environmental assessment in respect of the changes was required.

On 5 April 2018 the council intimated to the SEA Gateway that it had gone on to make a formal determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan - Proposed Plan were unlikely, overall, to have any major significant negative environmental effects and therefore concluded that a further SEA was not required.

On 27 June 2018 the Scottish Minister for Local Government, Housing and Planning wrote to the council to advise that he had made a direction under Section 20(5) of the Town and Country Planning (Scotland) Act 1997 requiring that the council consider further modifying the Proposed Plan.

The Scottish Ministers decided that the local development plan, as notified on 5 April 2018, was not fully compliant with section 3F of the Town and Country Planning (Scotland) Act 1997. Specifically, the plan was found not to have set a proportion of emissions to be saved through the use of low and zero carbon generating technologies, nor was there any indication that the proportion of emissions to be saved would be increased in the future. In order to remedy this deficiency the Scottish Ministers invited the council to agree to include an additional policy in the LDP on the subject of 'Low and Zero Generating Carbon Technology'. The wording of the new policy, referenced as NRG 1A, was prescribed by the Scottish Ministers.

After due consideration the council agreed to make the modification required and Scottish Ministers subsequently confirmed that this met the terms of their Direction (dated 27 June 2018) and that the council was no longer constrained by the Direction. As a consequence the council adopted the LDP on 4 September 2018.

A SEA was initially undertaken when preparing the LDP Proposed Plan and was, as noted, updated on conclusion of the Examination to take account of modifications recommended by the Reporters. However the policy incorporated into the LDP (NRG 1A) in response to the Direction by Scottish Ministers had not previously been the subject of a SEA appraisal and the council considered it necessary to remedy this prior to submitting the West Lothian Local Development Plan SEA Post-Adoption Statement.

An Environmental Assessment of LDP Policy NRG 1A was undertaken and the council concludes that it is unlikely that the incorporation of policy NRG 1A, proposed by Scottish Ministers, will raise any detrimental environmental effects. Consequently there is no need for a further Strategic Environmental Assessment. However, should any potential additional effects be identified through the design process, the council is confident that appropriate mitigation or enhancement measures can be applied via planning conditions on any planning permissions released by the council.

Assessment Table

	Air			Biodiversity			Climatic Factors		Cultural Heritage		Landscape & Townscape			Material Assets			Population & Health	Soil	Water	
	A 1	A 2	A 3	B 1	B 2	B 3	CL 1	CL 2	CH 1	CH 2	L 1	L 2	L 3	M 1	M 2	M 3	P 1	S 1	W 1	W 2
POLICY	✓	✓	✓	/	/	/	✓	/	/	/	/	/	/	/	/	/	/	/	/	/
NRG 1a	<p>Low and Zero Carbon Generating Technology</p> <p>Planning policy has a vital role in promoting a climate resilient low carbon future through its influence on the location, type, scale design and sustainability of new development. Specifically, proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies and will generally result in positive environmental effects.</p>																			

The table above uses the abbreviations as follows:

<p>A 1 Air quality/CO2 emissions</p> <p>A 2 Need to travel by car?</p> <p>A 3 Opportunities for access to sustainable forms of public transport?</p> <p>B 1 International nature conservation areas/sites</p> <p>B 2 Designated national/regional/local bio-diversity sites/ancient woodlands/ geo-diversity sites/species/habitats/wildlife corridors?</p> <p>B 3 Green network</p> <p>CL 1 Location in relation to energy consumption</p> <p>CL 2 Sensitive location for increased flooding or instability</p> <p>CH 1 Listed buildings, Scheduled Ancient Monuments, Gardens and Designed Landscapes, Historic Battlefields or other non-designated historic sites?</p> <p>CH 2 Conservation areas/historic urban form</p>	<p>L 1 Designated landscapes?</p> <p>L 2 Conspicuous locations?</p> <p>L 3 Open space provision?</p> <p>M 1 Settlement coalescence?</p> <p>M 2 Use of mineral resources?</p> <p>M 3 Re-use of brownfield land?</p> <p>P 1 Co-location, sensitive development</p> <p>S 1 Prime quality agricultural land and peatland?</p> <p>W 1 Status of major water bodies? [refer River Basin Management Plan]</p> <p>W 2 Extent of flood risk?</p>
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Policy NRG 1A of the West Lothian Local Development Plan shall not be subjected to a Strategic Environmental Assessment.

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 at West Lothian Council's principle office at Civic Centre, Howden South Road, Livingston, EH54 6FF or on request from wldp@westlothian.gov.uk.

The determination shall also be advertised 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 25 October 2018.

Signature	Craig McCorrison, Head of Planning, Economic Development & Regeneration
Date	18 October 2018

SEA Screening Report Cover Note

Part 1

To:

SEA.gateway@scotland.gsi.gov.uk

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:

Policy NRG 1A of the West Lothian Local Development Plan

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 or

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 or

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: Steve Lovell

Job Title: Principal Planning Officer

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

Contact Phone: 01506-282430

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Part 7

Steve Lovell

Date: 18 October 2018

SEA Screening Report

Key Facts

West Lothian Council has undertaken screening for Policy NRG 1A of the West Lothian Local Development Plan 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 including Policy NRG 1A in the West Lothian Local Development Plan 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	Policy NRG 1A of the West Lothian Local Development Plan with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005.
Purpose of PPS	The West Lothian Local Development Plan (LDP) will set out the strategic land use planning allocations for the 5 year period of the plan. Policy NRG 1A specifically sets a proportion of emissions to be saved through the use of low and zero carbon generating technologies in new development and provides an indication that the proportion of emissions to be saved would be increased in the future. The PPS will help to reduce the energy requirements of new developments and reduce the dependence on fossil fuels.
What promoted the PPS	The requirement for the LDP is under Planning etc Scotland Act (2006) and the specific imperative to reduce the requirement for energy in all new developments including housing and encourage zero or low carbon technologies can be referenced to section 3F of the Town and Country Planning (Scotland) Act 1997.
PPS Subject	The policy is integral to the strategic spatial land use strategy which applies across West Lothian.
Period covered by the PPS	The policy is embraced within the West Lothian Local Development Plan which will cover the 10 year period from 2014 until 2024.
Frequency of update	The West Lothian Local Development Plan is likely for early review - potentially in 2019
Area Covered by the PPS	The West Lothian Local Development Plan (and hence the policy) covers the whole geographical area of West Lothian.

Summary of nature/content of the PPS

A Local Development Plans (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. The LDP comprises a written statement detailing a spatial strategy, including policies and proposals together with a Proposals Map.

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.

Specifically, Policy NRG 1A requires proposals for all new buildings to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It also advises that this percentage will increase at the next review of the Local Development Plan.

The policy identifies a number of exemptions which include:

- Alterations and extensions to buildings;
- Change of use or conservation of buildings
- Ancillary buildings that stand alone and cover less than 50 square metres
- Buildings which will not be heated or cooled, other than by heating provided solely for frost protection;
- Buildings which have an intended life of less than two years.

Copy of PPS attached	Yes
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Date	18 October 2018
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Consideration of the likely significant environmental effects

West Lothian Council's determinations of the likely significance of the environmental effects of including Policy NRG 1A in the West Lothian Local Development Plan with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005 are set out below. The screening was undertaken with references to the criteria in Schedule 2 of the 2005 Act.

Table 1 - Likely Significance of Effects on the Environment

Criteria for determining the likely significance of effects on the environment (para numbers refer to Schedule 2 of the Act)	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	No	Addressed in the determination statement.

location, nature, size and operating conditions or by allocating resources.		
1(b): The degree to which the PPS influences other PPS including those in the hierarchy.	No	Policy NRG 1A, although in itself new, is nevertheless consistent with the wider objectives of the overarching West Lothian Local Development Plan which has already undergone SEA.
1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	<p>Sustainability is a core element of the spatial strategy and sustainable development is a fundamental concept in the West Lothian Local Development Plan. Policy NRG 1A will serve to re-inforce this.</p> <p>Policy NRG 1A is not site specific, it covers the entire West Lothian Council area and all planning applications (save for the identified exceptions) for new development will require to be assessed against the policy 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 West Lothian and Policy NRG 1A is one of many which are designed to protect and safeguard its environmental assets.</p> <p>No negative environmental consequences are foreseen as being attributable to the inclusion of Policy NRG 1A.</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.
Characteristics of the effects and the area likely to be effected		
2(a): The probability, duration frequency and reversibility of the effects	No	Medium and long term effects are anticipated from the implementation of Policy

		NRG 1A and the LDP more generally.
2(b): The cumulative nature of the effects	No	<p>A key purpose of Policy NRG 1A 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 Policy NRG 1A will, if anything, have a positive effect on the environment of West Lothian.</p> <p>Therefore, it is not anticipated that the policy will have any significant effects in relation to this criterion.</p>
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.</p> <p>Policy NRG 1A 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	<p>Policy NRG 1A 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>
2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)	No	<p>No significant effects identified. Policy NRG 1A will complement other relevant policies in the LDP which will be relied upon to help determine the acceptability of new development but the policy 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:	No	<p>Any development will need to comply with the development plan which includes a range of policies for the implementation of new technologies therefore there</p>
(i) Special natural characteristics or		

<p>(ii) cultural heritage Exceeded environmental quality standards or limit values;</p> <p><u>or</u></p> <p>(iii) Intensive land use</p>		<p>is no implication for the PPS.</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 Policy NRG 1A 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 principle 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 Policy NRG 1A 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 West Lothian Local Development Plan has itself already undergone an extensive SEA examining its policies, proposals and land use allocations. They strengthen West Lothian Council's commitment to sustainability and sustainable development and the addition of Policy NRG 1A is considered to add to and re-inforce this position.

The council considers it unlikely that the inclusion of Policy NRG 1A will give rise to major significant environmental effects and it is for this reason that West Lothian Council believes that Policy NRG 1A is a qualifying plan or programme which does not require a Strategic Environmental Assessment. However, should a particular instance arise where adherence to Policy NRG 1A 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.

Appendices

Appendix 1 Policy NRG 1A of the West Lothian Local Development Plan

Appendix 2 Consultation Authorities replies to Screening Report (11 October 2018)