

Environmental Assessment (Scotland) Act 2005

Strategic Environmental Assessment (SEA) Screening Determination

**Planning Guidance (PG)
Non-employment uses in employment areas**

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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) – non-employment uses in employment areas.

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

Title of Plan, Programme or Strategy:	Planning Guidance (PG) – Non-employment uses in employment areas.
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 Planning Guidance (PG) – non-employment uses in employment areas 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 18 November 2020.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Planning Guidance (PG) – non-employment uses within employment areas 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
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

Formal Determination	Statement of Reason
15 January 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 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) – Non-employment uses within employment areas 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) – Non-employment uses in employment areas 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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Publicity Requirements for the Determination:	
<p>In accordance with section 10(1) of the Environmental Assessment (Scotland) Act 2005, within 28 days of the determination having been made, the Council will send a copy of the formal determination and related statement of reasons (prepared in accordance with section 8(2)(b) to the Scottish Government SEA Gateway and the three Consultation Authorities.</p> <p>In accordance with section 10(2) of the 2005 Act, within 14 days of the determination having been made, a copy of the determination, along with the Screening Report, shall be provided for inspection by the public at West Lothian Council’s principal office at the West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF; or on request from wlldp@westlothian.gov.uk.</p>	
<p>The determination shall also be published in the West Lothian Courier and Linlithgow Journal & Gazette newspapers to notify the public and will be available to view at www.westlothian.gov.uk from 21 January 2021. A copy of the statutory notice is provided as Appendix 2.</p>	
Signature:	Craig McCorriston, Head of Planning, Economic Development & Regeneration
Date:	15 January 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

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

Planning Guidance (PG) – Non-employment uses in employment areas.

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: Margaret Stone

Job Title: Planning Officer

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

Contact Phone: 01506 280000

Contact email: margaret.stone@westlothian.gov.uk

Part 7

Signature: Margaret Stone

Date: 15 January 2021

Key Facts

West Lothian Council has undertaken screening of Planning Guidance (PG) – Non-employment uses within employment areas 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) – Non-employment uses within employment areas 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:	Planning Guidance (PG) – Non-employment uses within employment areas

<p>Purpose of PPS:</p>	<p>This Planning Guidance supports policy EMP 1: Safeguarding and Developing Existing Employment Land; and is designed to assist developers when submitting planning applications for non-employment uses within employment areas.</p>
<p>What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)</p>	<p>Planning Guidance (PG) will provide further guidance to support the application of the planning policy EMP 1: safeguarding and developing existing employment land 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, Non-employment uses in employment areas has been written with the intention of becoming non-statutory planning guidance (PG).</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 PG, it expands on the principles set out in the policy EMP 1.</p>
<p>Period covered by the PPS:</p>	<p>January 2021 onwards.</p>
<p>Frequency of updates:</p>	<p>Planning Guidance will ordinarily be reviewed and updated every 5 years, but sooner if circumstances require.</p>
<p>Area Covered by the PPS:</p>	<p>This PG covers the West Lothian Local Development Plan area.</p>
<p>Summary of nature/content of PPS:</p>	<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)</p>

	<p>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 Planning Guidance seeks to ensure a sustainable spatial strategy is maintained and the most important employment areas within West Lothian are safeguarded for employment use. The guidance acknowledges that redevelopment on some employment areas can be supported where this facilitates regeneration and the improvement of the wider area. The guidance sets out requirements for marketing and provides details on what sites may be acceptable for other uses such as residential development, furthermore the guidance stipulates that on larger sites (over 2 Hectares) a mixed-use approach is encouraged depending on the demand and compatibility with neighbouring uses. The Planning Guidance relates to both previously developed employment land and undeveloped employment land.</p>
Are there any plan objectives?	No
Copy of PPS attached	Yes
Date:	15 January 2021

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) – Non-employment uses in employment areas 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

<p>Criteria for determining the likely significance of effects on the environment</p> <p><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></p>	<p>Likely to have significant environmental effects? (Yes/ No)</p>	<p>Summary of significant environmental effects (negative and positive)</p>
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<p>The characteristics of plans and programme</p>		
<p>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.</p>	<p>No</p>	<p>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> <p>The implementation of the Planning Guidance is unlikely to result in significant environmental effects that are additional to those previously identified when Policy EMP 1 underwent SEA assessment as part of the adopted Local Development Plan.</p>
<p>1(b): The degree to which the PPS influences other PPS including those in the hierarchy.</p>	<p>No</p>	<p>Planning Guidance (PG) – Non-employment uses in employment areas 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 guidance sets out detailed criteria to assist the development and assessment of proposals for development across the plan area and specifically supports policy EMP 1: safeguarding and developing existing employment land in West Lothian.</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>1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>No</p>	<p>The Planning Guidance sits within a wider development plan context which has undergone SEA.</p> <p>The Planning Guidance provides a clear set of guidance to explain the circumstances when</p>

		<p>non-employment uses within employment areas will be acceptable. It further stipulates what the proposal must take account of when submitting a planning application.</p> <p>The Planning Guidance shares the strategic objectives of the LDP which include promoting development in the most sustainable locations, promoting sustainable economic growth and repurposing vacant and under used land.</p>
1(d): Environmental problems relevant to the PPS	No	<p>The West Lothian Local Development Plan has regard to the multitude of environmental issues which have the potential to affect the 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>
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	<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>

The characteristics of the effects and the area likely to be effected		
2(a): The probability, duration frequency and reversibility of the effects	No	<p>There are no significant environmental effects that can be attributed to the PG.</p>
2(b): The cumulative nature of the effects	No	<p>There are no significant environmental effects that can be attributed to the PG.</p> <p>A key purpose of the PG is to set out detailed criteria to assist progression and assessment of proposals relating to non-employment uses within employment areas and specifically supports policy: EMP 1 Safeguarding and developing existing employment areas.</p>

		Adherence to the PG should, if anything, have a positive effect on the built environment of West Lothian.
2(c): Trans-boundary nature of the effects (i.e. environmental effects on other EU Members States	No	No trans boundary effects have been identified. The PG is in itself unlikely to have significant environmental impact beyond West Lothian.
2(d): The risks to human health or the environment (for example due to accidents)	No	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.
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 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.
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	No	The PG seeks to safeguard employment areas from intensive uses such as residential in unsustainable locations. The overarching SEA for the LDP has previously considered any potential significant environmental effects and provided mitigation measures where necessary. 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.
2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	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 or landscapes of recognised national, community or international protection status. There will be no implications for this PPS.

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

The Planning Guidance provides guidance on the operation of policy EMP 1 of the LDP - 'safeguarding and developing existing employment land'.

The Planning Guidance is closely allied with the policy context of the adopted West Lothian Local Development Plan 2018 and Scottish Government guidance and is intended to support the development strategy set out in the LDP.

The Planning Guidance outlines the circumstances when non-employment uses may be acceptable within employment areas and stipulates requirements for such proposals to take account of, for example, marketing requirements.

In conclusion, the Planning Guidance will result in no or minimal environmental effects and therefore it is concluded a SEA is not required.

4. Responses from Consultation Authorities

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

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

5. Appendices

Appendix 1 - Planning Guidance (PG) – Non-employment uses within employment areas.
Appendix 2 - Statutory Notice

T: 0131-244 5036
E: SEA.Gateway@gov.scot

Steve Lovell

01607 Screening - West Lothian Council - Non-employment Uses Within Employment Areas

15th December 2020

Dear Steve,

With reference to the Screening document you submitted on 18th November 2020.

The Consultation Authorities have now considered your screening request as per **Section 9(3)** of the **Environmental Assessment (Scotland) Act 2005**. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions.

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. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

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, that 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 5036.

Kind regards,

Grant Munro



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By email to: sea.gateway@gov.scot

Steve Lovell
Principal Planning Officer
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
Switchboard: 0131 668 8600
HMConsultations@hes.scot

Our case ID: 300020246
Your ref: 01607 Screening

14 December 2020

Dear Steve Lovell

[Environmental Assessment \(Scotland\) Act 2005](#)
[01607 Screening - West Lothian Council - Non-employment Uses Within Employment Areas](#)

Screening Report

Thank you for your consultation which we received on 18 November 2020 about the above screening report. We have reviewed this report in our role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so we have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment.

Historic Environment Scotland's view

In light of the information and reasoning set out within the screening report, we **agree** with your view that there are **unlikely to be significant environmental effects for the historic environment**.

Historic Environment Scotland's comments

We understand that the Supplementary Guidance (the SG) provides guidance on The Planning Guidance provides guidance on the operation of policy EMP 1 of the LDP - 'safeguarding and developing existing employment land'. The Planning Guidance outlines the circumstances when non-employment uses maybe acceptable within employment areas and stipulates requirements for such proposals to take account of, for example, marketing requirements. The parent policies have been subject to SEA as part of the LDP process, and you do not consider that the SG itself will have any significant additional environmental effects. We agree that significant effects on the historic environment as a result of the SG are unlikely.

Next steps

The Environmental Assessment (Scotland) Act 2005 requires you as the Responsible Authority to determine whether an environmental assessment is required. You must then

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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notify the Consultation Authorities within 28 days of making this determination. This may be done via the SEA Gateway (sea.gateway@gov.scot).

We hope our advice is helpful to you in making this determination. Please feel welcome to contact us if you have any questions about this response. The officer managing this case is Virginia Sharp who can be contacted by phone on 0131 668 8704 or by email on Virginia.Sharp@hes.scot.

Yours faithfully

Historic Environment Scotland

Our ref: PCS/173998
SG ref: SEA/01607/SCR

If telephoning ask for:
Silvia Cagnoni-Watt

4 December 2020

Margaret Stone
Planning Officer
West Lothian Council Civic Centre
Howden South Road
Livingston
EH54 6FF

By email only to: SEA_Gateway@gov.scot

Dear Margaret

Environmental Assessment (Scotland) Act 2005
West Lothian Council
Planning Guidance: 'Non-employment uses within employment areas'
Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 24 July 2020.

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 Planning Guidance: 'Non-employment uses within employment areas' is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the West Lothian 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 [SEA topic guidance](#) for those issues which fall within our remit. Further information on scoping can be found in the [Scottish Government SEA Guidance](#) (sections 3.4 to 3.8 in particular).



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.
www.sepa.org.uk • customer enquiries 03000 99 66 99

We are committed to providing early and focused advice and supporting continuous engagement and therefore if it is determined that SEA is required we would welcome the opportunity to meet with you and discuss these issues prior to the formal consultation.

Should you wish to discuss this screening consultation please do not hesitate to contact me via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot

Margaret Stone
Planning Officer
West Lothian Council

Sent via: sea.gateway@gov.scot

01 December 2020

Our ref: CEA161250

Dear Ms Stone

**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005 SCREENING DETERMINATION
PLANNING GUIDANCE: 'NON-EMPLOYMENT USES WITHIN EMPLOYMENT AREAS'**

I refer to your screening consultation submitted on 28 October 2020 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, we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

We understand that the draft guidance is to provide further information in support of Local Development Plan (LDP) Policy EMP1: Safeguarding and developing existing employment land. The guidance does not propose further development beyond that already assessed during preparation of the LDP. On that basis, we agree that the above guidance 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 me on 0131 316 2644 or via our SEA Gateway at sea.gateway@nature.scot.

Yours sincerely,

Vivienne Gray
Planning Advisor
Supporting Good Development Team

Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT

0131 316 2600 nature.scot