

**Delayed Office Opening  
for Employee Training**

*This office will be closed from  
8.45 am - 11.00 am on the first  
Thursday of each month.*

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Our ref

Your ref            00944

Date                 19 March 2015

Dear Johnathan

**Screening Determination for Perth & Kinross Council Local Landscape Areas  
Supplementary Guidance**

This statement sets out the Council's determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 on whether or not a Strategic Environmental Assessment (SEA) is required for the above Supplementary Guidance.

**SEA Screening Process**

The screening process involved consulting the following Consultation Authorities on whether the Supplementary Guidance is likely to have significant environmental effects:

- Historic Scotland
- Scottish Environmental Protection Agency
- Scottish Natural Heritage

As well as consulting the above bodies, responsible authorities are required to take into account the criteria set out in Schedule 2 of the Act when determining whether or not the Supplementary Guidance is likely to have significant environmental effects.

In this instance, the Council wrote to the Consultation Authorities on 5 June 2014. Their initial responses are summarised as follows:

<b>Consultation Authority</b>	<b>Comment</b>	<b>Likely to have significant environmental effects</b>
<b>Historic Scotland</b>	I understand from the screening report that the guidance gives advice on how development can comply with Policy ER6 of the adopted LDP. I note that the Council considers that, as this policy has been previously assessed as part of the SEA of the LDP significant effects on the historic environment are unlikely in relation to this element of the guidance. I also note that an intention of the	No

	<p>guidance is to designate Local Landscape Areas (LLAs). While the designation of these sites has not been specifically assessed at the higher level it can be considered that the development of the policy implies the identification of areas to which the policy will apply. While individual assessments of identified LLAs would offer a finer grain of assessment it is likely that any findings in relation to the historic environment would not differ greatly from those of the policy for managing these landscapes. In terms of significant effects of the guidance the screening report appears contradictory in parts..., most notably when discussing cumulative effects...</p> <p>Notwithstanding this I am satisfied that significant effects over and above those identified [in] the assessment of Policy ER6 are unlikely and am therefore content to agree that the guidance in itself is unlikely to have significant effects on the historic environment.</p>		
<b>Scottish Environmental Protection Agency</b>	<p>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 Perth &amp; Kinross Council – Local Landscape Areas Supplementary Guidance is unlikely to have significant environmental effects.</p>	No	
<b>Scottish Natural Heritage</b>	<p>Designation of Local Landscape Areas (LLAs) is not referred to in the LDP, so potential environmental effects of designating LLAs were not assessed through the SEA. The screening report's summary of environmental effects states that in cumulative terms the environmental effects of these areas are likely to be significant and positive. However, we would be grateful if you are able to please clarify why it is considered this element can be screened out. We will then be able to confirm our position.</p>	<b>Initial Opinion</b>	<b>Revised Opinion</b>
		Unclear	No

Following receipt of an 'Unclear' response the Council provided Scottish Natural Heritage (SNH) with a note on 15 August (see Appendix 1) which sought to provide some further explanation for aspects of the Council's determination which may have caused some initial uncertainty as to the requirement for SEA.

In light of this additional information SNH now share the Council's view that further assessment would not add anything to the supplementary guidance, given that LDP Policy ER6 contains a number of landscape criteria against which development proposals will be assessed throughout the Perth and Kinross area, regardless of whether they are in a local designation. As such SNH considers that further assessment of the spatial element of this will not add anything significant; that is assuming that the guidance will not incorporate any further policy criteria against which proposals will be assessed. In response, the Council can confirm that the guidance document will not set out any additional policy criteria.

The Council has also considered the supplementary guidance against the criteria set out in Schedule 2 of the Act, and this analysis is attached to this document (See Appendix 2).

**Reasons for Determination**

Having consulted the three consultation authorities, and having considered the criteria set out in the Act, the Council considers that the Local Landscape Areas Supplementary Guidance is unlikely to have significant environmental effects.

The Council has therefore determined that SEA is not required.

Yours sincerely

Cíara Gray  
Strategic Planning Officer

## APPENDIX 1

### **Screening Determination – Perth & Kinross Council LLAs Supplementary Guidance – Further Information**

In response to the comments received from the Consultation Authorities on the Strategic Environmental Assessment (SEA) Screening Report for the Perth & Kinross Council Local Landscape Areas (LLAs) Supplementary Guidance, this note seeks to provide a further explanation for aspects of the Council's determination which may have caused some initial uncertainty as to the requirement for SEA.

The Consultation Authorities commented that the Council's Screening Determination was contradictory in places as in Table 1, page 7 of the Report, under criterion 2(a) 'The probability, duration, frequency and reversibility of the effects', and 2(b) 'The cumulative nature of the effects', the Council notes that *'in cumulative terms, and over time, there are likely to be significant positive effects'* but then concludes on page 11 that an Environmental Assessment of the guidance is not required. The reasons given for this are because significant environmental issues have already been assessed at the higher LDP level; existing Development Plan policies already ensure the protection of landscapes, including any which are or may be designated, and that the guidance will not have a significant direct effect on landscapes beyond those already assessed (as the LDP SEA looked at all of Perth and Kinross's landscapes in relation to both strategic and cumulative environmental sensitivities and development pressures). Therefore, it was considered that *'further assessment would not be in the interests of good planning and proportionality.'*

In terms of the identification of LLAs as part of this supplementary guidance document, both Historic Scotland and Scottish Natural Heritage (SNH) also correctly note in their responses that the intention to identify these areas was not specifically referred to in Policy ER6 of the Local Development Plan (LDP), and as such the designation of individual sites has not undergone SEA at the higher LDP level.

### **Potential Cumulative Effects**

With respect to highlighting the potential for significant positive cumulative effects under Table 1 criterion 2(a) and 2(b), the Council would like to clarify that it is considered that these possible minor effects are likely to be realised as a result of other policies and actions outwith the control of planning and LDP Policy ER6, and also irrespective of the existence of this piece of supplementary guidance, for example proposals by The Forestry Commission and individual land managers; additionally, they are unlikely to occur within the lifetime of the LDP and its guidance.

### **Designation of Local Landscape Areas**

Despite the reference to the designation of LLAs being omitted from Policy ER6 it is the Council's view that *'the development of the policy implies the identification of areas to which the policy will apply'* and that these designations will be progressed via supplementary guidance, as commented by Historic Scotland in their Screening response, and also acknowledged by the Examination Reporter in their conclusions on LDP

Examination Issue 15d: Managing Future Landscape Change where they recognise that Perth & Kinross Council had *'not included local landscape designations in the Proposed Plan but intends to pursue this issue through supplementary guidance...[and that] when adopted...it will form part of the development plan.'* (Page 229 paragraph 6 of attached Schedule 4).

However, notwithstanding this omission, the guidance document will only go so far as to identify these new areas on a map and provide some additional information as to the reasons for their designation; it will not prescribe any further detailed policy criteria for assessing development proposals against. Perhaps it is also worth noting at this point that significant positive effects have the potential to occur anywhere as a result of the LDP policy framework, not just through the drawing of a boundary on a map. It is therefore envisaged that the information to be contained within the guidance will merely act as a signpost for applicants and Development Management as to which elements of ER6 should be given greater consideration for proposals within these areas. As such the overarching policy ER6 will apply to these areas, and as noted in the conclusion to the Screening Report, the potential significant environmental effects of that policy were previously assessed through the LDP SEA, both individually and in combination with other policies in the Plan, and that Policy Assessment concluded that the implementation of the Plan's policy on landscape was expected to generate significant positive impacts for almost all of the SEA Objectives, either individually or in conjunction with other policies. (Paragraph 7.31, page 117 Environmental Report Addendum No.2, Perth & Kinross LDP – Proposed Plan, December 2011)

### **Other Local Authorities**

In preparing this note the Council has also looked at Screening Determinations made by other local authorities in Scotland for similar pieces of guidance, and notes that in the case of Falkirk Council's 'Landscape Character Assessment – Supplementary Guidance' SNH agreed that the Plan would not require an Environmental Assessment as it *'refers to the principles for landscape protection and enhancement that are set out within the policies of the Local Plan, which have already been through the SEA process.'*

Furthermore, Scottish Borders Council identified that their Draft Local Landscape Designations SPG *'...contributes to possible positive likely significant effects on the Landscape, Population and Human Health and Biodiversity...[and that] ...the Forces for Change and Management recommendations may well result in positive LSE(s) on Biodiversity.'* But yet they went on to conclude that they did not anticipate *'that the framework will result in any significant environmental effects on the issues listed in Schedule 3...of the Environmental Assessment (Scotland) Act 2005'* and therefore determined that an SEA was not required. This view was supported by SNH who commented that they agreed *'...with the assessments given by [the Council] ...in Table 1 of their screening report... [and] note that as the Act does not differentiate between positive and negative environmental effects, ...[SNH's] assessment is that the SPG would have some significant effects, but in respect of the natural heritage (including landscape) these are all positive.'* In reaching their conclusion SNH in this case highlighted that although the review and the implementation of the SPG could lead to certain areas of

former landscape value being more susceptible to adverse effects *'the key purpose of the LLD review was to establish a sound justification for the definition of SLAs'* [Special Landscape Areas] and did not consider that the guidance would have negative effects on the natural heritage. In this instance they did not disagree with the Council's Screening Determination. (See Appendix 3)

### **Conclusion**

Therefore due to the above mentioned reasons the Council considers that there is not a requirement to undertake SEA for this document.

APPENDIX 2

