

SEA SCREENING REPORT (COVER NOTE)

PART 1

To: SEA.gateway@scotland.gsi.gov.uk
or
SEA Gateway
Scottish Executive
Area 1 H (Bridge)
Victoria Quay
Edinburgh EH6 6QQ

PART 2

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

Highland's Statutorily Protected Species: Supplementary Planning Guidance

The Responsible Authority is:

Highland 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 *or*
- 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 *or*
- an SEA is not required** because the PPS is unlikely to have significant environmental effects

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.

PART 5

- None of the above apply. We have prepared this screening report because:
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PART 6

Contact name

Jonathan Willet

Job Title

Biodiversity Officer (job-share)

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PART 7

Signature
(electronic
signature
is acceptable)

Jonathan Willet

Date

21/06/11

SEA SCREENING REPORT - KEY FACTS

Responsible Authority	Highland Council
Title of PPS	Highland's Statutorily Protected Species: Supplementary Planning Guidance
Purpose of PPS	This new guidance has been prepared by the Planning and Development Service and will aid applicants and their agents when considering development in relation to their responsibilities towards statutorily protected species
What prompted the PPS (e.g. a legislative, regulatory or administrative provision)	To provide new supplementary guidance consistent with the provisions of national and development plan policies and protected species legislation.
Subject (e.g. transport)	Statutorily Protected Species
Period covered by PPS	2011 Onwards
Frequency of updates	As appropriate
Area covered by PPS (e.g. geographical area – it is good practice to attach a map)	The Highland Council area.
Summary of nature/content of PPS	The detailed guidance sets out the key species to be aware of, the varying levels of protection accorded to them and how they should be dealt with in a development proposal so as to avoid breaking the law and to further the conservation of biodiversity. The guidance will be adopted as Statutory Guidance to the forthcoming Highland wide Local Development Plan.
Are there any proposed PPS objectives?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Copy of objectives attached	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Date	21/6/11

SCREENING TEMPLATE - GUIDANCE NOTE 1

- 1 The Responsible Authority should present its determinations regarding whether there are any likely significant environmental effects (both positive and negative).
- 2 Criteria for determining the likely significant effects on the environment are provided in Schedule 2 of the Act.
- 3 You may find it helpful to present your assessment of significant environmental effects using Table 1 which is the format preferred by the Consultation Authorities. An example is given below of how the first two rows of this table may be completed. A blank version of the whole table is given overleaf.

TABLE 1 – EXAMPLE

<p>Criteria for determining the likely significance of effects on the environment</p> <p>(Schedule 2 of the Environmental Assessment (Scotland) Act 2005)</p>	<p>Likely to have significant environmental effect?</p>	<p>Summary of likely significant environmental effects (negative and positive)</p>
<p>(a) the degree to which the strategy, plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p>	<p>YES</p>	<p>The [<i>insert name of PPS</i>] sets the framework for future development consents and contains policies and proposals for the location, nature, size etc. of new development that is likely to have significant environmental effects.</p>
<p>(b) the degree to which the strategy, plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>YES</p>	<p>The [<i>insert name of plan</i>] will have a significant influence on other plans such as Subject Plans and Environmental Action Plans. Those influences are</p>

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Our determinations regarding the likely significance of effects on the environment of **Highland's Statutorily Protected Species: Supplementary Planning Guidance**

TABLE 1 – LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

TITLE OF PPS Highland's Statutorily Protected Species: Supplementary Planning Guidance		
RESPONSIBLE AUTHORITY Highland Council		
Criteria for determining the likely significance of effects on the environment (1(a), 1(b) etc. refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005)	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	No	The guidance does not set a framework for projects or other activities.
1(b) the degree to which the PPS influences other PPS including those in a hierarchy	No	It is not anticipated that the guidance will influence other PPS at this time as the legislation it is based on has been on the statute books for several years and this guidance is only a summary of that.
1(c) the relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The PPS is likely to have some minimal positive impacts on biodiversity, in terms of the safeguarding and protection of statutorily protected species on development sites.

Criteria for determining the likely significance of effects on the environment (1(d) etc. refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005)	Likely to have significant environmental effects? YES/NO	Summary of significant environmental effects (negative and positive)
1(d) environmental problems relevant to the PPS	No	It is unlikely that any environmental problems are likely to arise as a result of following the advice of the supplementary guidance.
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	Likely to be some minimal positive impact for European Protected Species (EPS) as a result of following the supplementary guidance.
2 (a) the probability, duration, frequency and reversibility of the effects	No	The probability, duration, frequency or reversibility of effects on the environment through application of the supplementary guidance are not likely to be significant.
2 (b) the cumulative nature of the effects	No	The cumulative impact of applying the supplementary guidance should lead to a positive though minimal impact on the environment, namely the biodiversity on some development sites.
2 (c) transboundary nature of the effects (i.e. environmental effects on other EU Member States)	No	N/A
2 (d) the risks to human health or the environment (for example, due to accidents)	No	N/A

Criteria for determining the likely significance of effects on the environment (2(e), 2(f) etc refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005)	Likely to have significant environmental effects? YES/NO	Summary of significant environmental effects (negative and positive)
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	This PPS covers the whole of the Highland Council area but it is not considered that it would have a significant environmental effect on this area due to the relatively small sites of any proposed developments.
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	There will be some impacts in areas with special natural characteristics but these will not be significant. It is unlikely that the guidance will lead to exceeded environmental quality standards or limit values. The guidance will not lead to intensive land-use.
2 (g) the effects on areas or landscapes which have a recognised national, Community or international protection status	No	This PPS contains reference to legislation that specifically protects against any negative effects on such protected sites. It cannot itself have a negative effect on these sites.

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A summary of our considerations of the significant environmental effects of Highland's Statutorily Protected Species: Supplementary Planning Guidance is given below.

TABLE 2 – SUMMARY OF ENVIRONMENTAL EFFECTS

Highland's Statutorily Protected Species: Supplementary Planning Guidance will form part of the Highland wide Local Development Plan (HwLDP) which has been subject to Strategic Environmental Assessment and in doing so this guidance has effectively also been assessed.

The Highland Council do not believe that this guidance will have a significant environmental impact as it purely gives guidance on the statutory regulations and policies pertaining to protected species in relation to development. The reason that this is to be included as Supplementary Guidance rather than in the plan itself is to ensure the development of a succinct local development plan and to ensure that the most relevant and up to date guidance on statutory protected species can be included as a statutory part of the HwLDP, rather than being reviewed as part of the HwLDP on a 5 year cycle.