

# **Strategic Environmental Assessment Screening Determination**

## **Notice of the Determination that the proposed East Dunbartonshire Council Contaminated Land Inspection Strategy 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 Contaminated Land Inspection Strategy.

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

#### **Lauren Hollas**

#### **Strategic Environmental Assessment Technical Officer**

Place, Neighbourhood and Corporate Assets

Land Planning and Development

Southbank House

Strathkelvin Place

Kirkintilloch

G66 1XQ

#### **Relevant Documents:**

- SEA Screening Determination Notification to Consultation Authorities on 5<sup>th</sup> July 2016
- Screening Report submitted to Consultation Authorities on 6<sup>th</sup> June 2016
- Responses from the Consultation Authorities:
  - Covering Letter from Scottish Government SEA Gateway
  - Responses from Historic Environment Scotland
  - Responses from Scottish Environment Protection Agency (SEPA)
  - Responses from Scottish Natural Heritage (SNH)

5<sup>th</sup> July 2016

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

**PLACE, NEIGHBOURHOOD AND CORPORATE  
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Telephone 0141 578 8600

Fax No: 0141 578 8575

Dear Sirs,

**SEA Screening Determination  
East Dunbartonshire Council Contaminated Land Inspection Strategy**

I refer to your letter dated 4<sup>th</sup> July 2016 outlining the responses from the Consultation Authorities to the screening report that was submitted on 6<sup>th</sup> June 2016 in relation to the proposed East Dunbartonshire Council Contaminated Land Inspection Strategy.

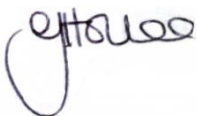
After reviewing the responses, the Consultation Authorities are in agreement with the Council that the Strategy is unlikely to have significant environmental effects. On 5<sup>th</sup> July 2016 East Dunbartonshire Council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the Contaminated Land Inspection Strategy is unlikely to have significant environmental effects. Therefore, the document 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 local newspapers 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 8532.

Yours faithfully,



**Lauren Hollas**  
**Strategic Environmental Assessment Technical Officer**

# SCREENING REPORT

## STEP 1 – DETAILS OF THE PLAN

**Responsible Authority:**

East Dunbartonshire Council

**Title of the plan:**

Contaminated Land Inspection Strategy

**What prompted the plan:**

(e.g. a legislative, regulatory or administrative provision)

Statutory Guidance requires all local authorities to develop and publish, by October 2001, a strategic approach to the inspection of land in their area for the purposes of identifying contaminated land and then to keep this under periodic review.

**Plan subject:**

(e.g. transport)

[Contaminated Land and Land Use.](#)

**Screening** is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

**An SEA is required, as the environmental effects are likely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

**An SEA is not required, as the environmental effects are unlikely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

**Contact details:**

Lauren Hollas  
Strategic Environmental Assessment Officer  
East Dunbartonshire Council  
Place, Neighbourhood and Corporate Assets  
Southbank House  
Strathkelvin Place  
Kirkintilloch  
G66 1XQ

**Date:**

6<sup>th</sup> June 2016

## STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

### Context of the Plan:

The purpose of the Contaminated Land Inspection Strategy (CLIS) is to set out how the Council intends to identify contaminated land within the local area and to remove the potential for significant harm to occur within the local environment in the context of Part IIA of the Environmental Protection Act 1990.

It will act as the local guidance document for managing contaminated land in East Dunbartonshire taking into account the regulations and procedures outlined in the Environmental Protection Act 1990 (Part IIA), Contaminated Land (Scotland) Regulations 2005, Environmental Liability (Scotland) Regulations 2009, Radioactive Contaminated Land (Scotland) Amendment Regulations 2009 and the Scottish Government's Contaminated Land – Statutory Guidance (Edition 2), where applicable. These are the main national legislative drivers and influencers for the development of East Dunbartonshire Council's Contaminated Land Inspection Strategy. At a local level, East Dunbartonshire Council's Local Outcome Improvement Plan (LOIP) 2016 – 2019, which outlines the strategic direction and priorities for the Council, will influence the direction of the CLIS. In addition, the development of the CLIS the outcomes of the Strategy will guide land use practices in the future within the Council as well as align with any other Council documents such as Corporate Plan, Community Plan and enforcement policies by taking into account the relevant requirements.

### Description of the Plan:

[The CLIS will identify all contaminated land within East Dunbartonshire, prioritising and inspecting land where adhoc land investigation work confirms that the definition of contaminated land is most likely to apply. This will help to reinforce the need to ensure that redevelopment of contaminated sites in East Dunbartonshire is in line with the local and national planning policies and strengthen existing practices that are guided by the Environmental Protection Act 1990 Part IIA and related Statutory Guidance.](#)

[It is expected that such works will be carried out by the Environmental Protection Officer within the Council as part of a walkabout survey of the land. This will be in line with the methodology and best-practice procedures outlined within the Strategy for the inspection of potentially contaminated land. This will adhere to the requirements in legislation. It should be noted that the Council has a software package Geographic Information Systems \(GIS and Groundview\) which is used to identify suspected contaminated land, based on historical land uses, in order to prioritise surveys.](#)

Whilst it is intended that the Strategy will be updated every 5 years, the action programme that will form part of the Strategy will not be time bound but laid out in phases in order of priority for dealing with contaminated land.

### What are the key components of the plan?

It is expected that the Strategy will align to the vision of the Scottish Government for improving the state of our contaminated land as well as adhere to the requirements of the Environment Protection Act 1990. In addition, it will contain a set of objectives in which the action programme will aim to meet. As mentioned in Box 6, the action programme will identify the correct phases and processes to follow to address and manage contaminated land. However, it is

unlikely that it will contain any specific measures as each site will be dealt with based on the use of the land in line with best practice.

At this stage, the components of the plan known are draft objectives, including the following:

- Identify all potentially contaminated land within East Dunbartonshire;
- Prioritise and inspect land where site investigation work confirms that the definition of contaminated land is most likely to apply; and,
- Ensure that redevelopment of contaminated sites in East Dunbartonshire is in line with local and national planning policies.

The wording of these objectives is likely to be refined upon the drafting of the document but the intentions will remain the same.

**Have any of the components of the plan been considered in previous SEA work?**

A previous iteration of the CLIS was Screened as part of the SEA process in 2013; however, the Strategy failed to be developed so no further SEA was carried out. Any relevant components that have been carried forward into the updated Strategy will need to respond to new/updated legislation, Council documents and strategic outcomes, and baseline information. As such, any previous SEA work related to the CLIS is not relevant.

However, contaminated land is addressed as an issue as part of Policy 3: Supporting Regeneration and Protection of the Green Belt in East Dunbartonshire Council's proposed Local Development Plan (LDP); all policies contained within the LDP have been subject to a full SEA.

**In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:**

At this stage in development of the Strategy, very few details for each of the main components are known. However, a set of draft objectives, defined in box 7, has been provided which are considered to be the components of the Strategy that are likely to require Screening at this stage. It is intended that these objectives will be assessed as a package as part of this Screening Report as the achievement of each objective is dependent on a commitment to the other objectives within the Strategy.

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND  
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Error! Reference source not found.)**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil and Geology	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
<p>Objectives:</p> <ul style="list-style-type: none"> <li>Identify all potentially contaminated land within East Dunbartonshire;</li> <li>Prioritise and inspect land where site investigation work confirms that the definition of contaminated land is most likely to apply; and,</li> <li>Ensure that redevelopment of contaminated sites in East Dunbartonshire is in line with local and national planning policies.</li> </ul>	✓	✓	✓	✓	✓	✗	✓	✗	✗	✗	<p>After reviewing the proposed draft objectives for the Contaminated Land Inspection Strategy (CLIS), the scope of the Strategy is such that it is anticipated that the main environmental topic areas of interest are in relation to <b>Biodiversity, Flora and Fauna, Population and Human Health, Water Quality, Soil and Geology, Air Quality and Material Assets</b>. Specifically, identifying all potentially contaminated land in East Dunbartonshire, which will be done using software that the Council currently uses, and using this information to prioritise survey work will</p>	<p>Although the primary role of the Strategy will ensure greater management of contaminated land and reinforce existing procedures in terms of land use and development of contaminated sites with a range of potential benefits, as previously described, the overall effects are unlikely to be significant. In addition, as the Strategy intends to set no timescales or physical approach to remediating contaminated land beyond existing Scottish Government guidelines and without a defined action programme, it is unlikely that the scope of the Strategy will be significant enough to require a full environmental assessment.</p>

											<p>ultimately help to inform future land use practices in relation to specified sites and for the management of potential contamination. In addition, ensuring that redevelopment of contaminated sites is in line with local and national planning policies will promote appropriate management of soil and land in the local area.</p> <p>The current state of potentially contaminated land will be determined as a result of this Strategy, but there is the potential that without increased knowledge and awareness of the health of land in East Dunbartonshire and proper intervention that contamination, especially of heavy metal or hydrocarbons, can impact on the range of habitats and species in the area and increase the risk of pollution to surface water particularly on sites or land with up-hydraulic gradients of watercourses. Furthermore, disturbance to sites can have a secondary impact in terms of moving the presence of fine</p>	
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											<p>particle contaminated materials into the atmosphere. As such, the Strategy has the potential to reduce these risks as a secondary result of soil/land management and improve conditions for species and habitats.</p> <p>Overall, meeting these objectives through the Strategy will be beneficial to communities by focusing on both rural and urban land requirement upgrades and appropriate management, guide future development and planning processes and ultimately consider the need for improvements to soil and land assets to meet national requirements.</p>
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**STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING**

**Summary of interactions with the environment and statement of the findings of the Screening:**  
(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

After reviewing the purpose of the Contaminated Land Inspection Strategy (CLIS) and the proposed draft objectives along with continuous discussions with the Council’s Environmental Protection Officer, it has been established that the intention of the Strategy is to provide local level guidance in response to the Environmental Protection Act 1990 Part IIA in order to managed contaminated land in East Dunbartonshire.

Although the Strategy intends to set an action programme of required phases for dealing with contaminated land, including carrying out adhoc surveys where potential contaminated sites are identified, the content of the Strategy is largely governed by existing documents, such as Scottish Government guidance, and national legislative drivers which are weighted more in the hierarchy of documents and there is unlikely to be much influence from a SEA perspective at this stage.

Furthermore, although the proposed draft objectives for the Strategy identified minor positive impacts for **Biodiversity, Flora and Fauna, Population and Human Health, Soil and Geology, Water Quality, Air Quality and Material Assets**, the scope of the Strategy was not deemed to be significant. Therefore, it has been determined that, under Section 5(3) of the Environmental Assessment (Scotland) Act 2005, a full SEA is unlikely to be required.

When completed send to: [SEA.gateway@scotland.gsi.gov.uk](mailto:SEA.gateway@scotland.gsi.gov.uk) or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

Local Government and Communities Directorate  
Planning and Architecture Division

T: 0131-244 7650 F: 0131-244 7555  
E: [Johnathan.Whittlestone@gov.scot](mailto:Johnathan.Whittlestone@gov.scot)  
D: 4 July 2016

Lauren Hollas  
Strategic Environmental Assessment Technical Officer  
Sustainability Policy Team  
Place, Neighbourhood & Corporate Assets  
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**011991 Screening - East Dunbartonshire Council - Contaminated Land Inspection Strategy**

Dear Lauren,

With reference to the Screening document you submitted on 6 June 2016.

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.gov.scot](http://www.gov.scot)

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Ms Lauren Hollas  
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Our ref: AMN/23/643  
Our Case ID: 201601257  
Your ref: 01191 SCREENING  
24 June 2016

Dear Ms Hollas

**Environmental Assessment (Scotland) Act 2005  
East Dunbartonshire Council - Contaminated Land Inspection Strategy  
Screening Report**

Thank you for your consultation which we received on 06 June. I have reviewed the screening report on behalf of Historic Environment Scotland in its role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so I have used the criteria set out in Schedule 2 for determining the likely significance of the 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 Contaminated Land Inspection Strategy (CLIS) will set out how your Council will identify contaminated land, and through an associated Action Programme will provide guidance on the correct phases and processes for the management of contaminated land in line with local and national planning policies. You consider that whilst there will be interaction with some environmental topic areas, these will be minor and positive in nature. You do not predict significant interaction with cultural heritage. Based on the information provided, I agree that significant effects on the historic environment are unlikely.

However, as you will be aware, it is the responsibility of East Dunbartonshire Council as the Responsible Authority to determine whether the guidance requires an environmental assessment and to inform the Consultation Authorities accordingly.

I hope this response has been helpful to you. Please feel welcome to contact me should you wish to discuss my comments in further detail.

Yours sincerely

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

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
Scottish Charity No. SC045925  
VAT No. GB 221 8680 15

Lauren Hollas  
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27 June 2016

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

Dear Madam

**Environmental Assessment (Scotland) Act 2005  
Contaminated Land Inspection Strategy - Screening Report**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 6 June 2016.

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 Contaminated Land Inspection Strategy 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 as Responsible Authority to make a formal determination taking into account the consultation responses received.

Please note that although we do not consider that the Strategy will have significant strategic effects on the environment we do consider that it may have some effects. We would therefore welcome consultation on the draft proposals which should be directed to our Contaminated Land team at [contaminated.land@sepa.org.uk](mailto:contaminated.land@sepa.org.uk).

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

Ecopy: [sea.gateway@hes.scot](mailto:sea.gateway@hes.scot); [sea\\_gateway@snh.gov.uk](mailto:sea_gateway@snh.gov.uk)



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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

By e-mail only to: [sea.gateway@scotland.qsi.gov.uk](mailto:sea.gateway@scotland.qsi.gov.uk)

Lauren Hollas  
Strategic Environmental Assessment Technical Officer  
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East Dunbartonshire Council  
Southbank House  
Strathkelvin Place  
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G66 1XQ

Date: 21 June 2016  
Our ref: CNS/SEA/SSEA/01191

Dear Ms Hollas

**Environmental Assessment (Scotland) Act 2005: Contaminated Land Inspection  
Strategy  
Screening Determination**

Thank you for your screening report submitted on 6 June 2016 via the Scottish Government SEA Gateway in respect of the above plan.

SNH has considered your screening report using the criteria set out in Schedule 2 of the 2005 Act.

In terms of our interests, we agree that the above Plan is not likely to have significant environmental effects. We understand that the prime purpose of the plan is to set out a strategy for identifying contaminated land so that this can be used to inform future land use practices.

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 Graeme Heenan on 0141 951 4488 or via SNH's SEA Gateway at [sea.gateway@snh.gov.uk](mailto:sea.gateway@snh.gov.uk)

Scottish Natural Heritage, Caspian House, Mariner Court, Clydebank Business Park, G81 2NR  
Tel: 0141 9514488 Fax: 0141 9514510 [www.snh.gov.uk](http://www.snh.gov.uk)

Dualchas Nàdair na h-Alba, Taigh Caspian, 2 Cùirt a' Mharaiche, Pàirc Gnothachais Bhruach Chluaidh,  
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