

## **ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005**

Screening Determination of South Ayrshire Council  
under section 8(1) of the Act re:

### **Supplementary Guidance: Maintaining an Effective Housing Land Supply**

(Prepared for Proposed South Ayrshire Local Development Plan 2)

In accordance with the above-quoted legislation and having had cognisance of the Consultation Authorities' concurring views, this statement forms the screening determination of South Ayrshire Council; finding that the qualifying 'plan or programme' as named above is not likely to have significant environmental effects and as such that no environmental assessment is required.

The form overleaf comprises the statement of reasons for this determination, as required by section 8(2)(b) of the Act and as having applied the criteria specified in schedule 2 of the Act, such as they relate to the subject document.

## STEP 1 – DETAILS OF THE PLAN

**Responsible Authority:**

South Ayrshire Council

**Title of the plan:**

Supplementary Guidance: Maintaining an Effective Housing Land Supply

**What prompted the plan:**

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

Statutory review of the adopted South Ayrshire Local Development Plan

**Plan subject:**

(e.g. transport)

Town and country planning (statutory)

**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:**

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**Date:**

05.08.2019

## STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

### Context of the Plan:

As formal statutory Supplementary Guidance (SG), this PPS will supplement parent *LDP policy: maintaining and protecting land for housing*, as contained in South Ayrshire Proposed Local Development Plan 2 (PLDP2). Its preparation is precipitated by a commitment in that policy to provide the guidance. Once adopted, the SG becomes part of the development plan and so in the plan hierarchy will thus enjoy PLDP2's weight as the prime material consideration in decision-making. The SG supports the development of PLDP2-allocated housing sites as successful places by establishing design priorities for each site.

### Description of the Plan:

Focus and direction: this PPS neither quantifies nor spatially allocates for LDP2's Housing Land Requirement; that matter is predetermined by PLDP2 and its full SEA. The SG's particular focus is where an identified shortfall in five-years' effective supply arises, its 'powers' are thus confined to forming a material consideration as the mechanism against which Development Management may assess windfall application-stage proposals, and only then whilst a shortfall scenario is current. Its spatial scope is by definition undefined, as the SG sets out a passive mechanism for assessing proposals prompted by industry; ie. it does not trigger or set terms for an authority-led land call. Temporally it pertains for the duration of the plan period 2019-29, but only actively during a shortfall scenario arising within that time. Its focus and remit is in facilitating an industry-led recovery of a five-year effective land supply, in early course.

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

The SG singular subject matter lends a basic structure. Its introduction quotes the parent policy and states the SG's purpose. It proceeds directly to a single SG Policy, consisting of a 3-stage mechanism for establishing and facilitating via industry-led windfall a proportionate recovery of a housing land shortfall, if and as so established. Each stage is sequential and sets criteria to be met in order to establish compliance with the SG mechanism.

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

The core PPS 'component' dealt with is the housing land supply provided via PLDP2 itself, whose outcomes (ie quantity of Housing Land Requirement, and allocations made to ensure the supply meets it) have had full SEA via Final ER: the housing strategy via a series of policy assessment matrices, and individual allocations via a Land Assessment Framework methodology respectively. Further, the provisions of PLDP2 and the SEA conclusions thereupon are highly current, dated June 2019. It is argued it is the land use allocated on a given site that bears fundamental prospects of significant environmental effects; that matter is pre-determined by PLDP2. By contrast, this SG remit is purely on a mechanism to facilitate small-scale sites coming forward under a hypothetical and likely time-limited circumstance, and strictly proportionate to the shortfall.

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

As above, singular structure means that excepting introductory text, the SG's sole component is the 3-stage policy. Accordingly and to provide appropriate interrogation of the potential effects of the provisions articulated within those stages, the screening assessment is divided to sub-components comprising each policy stage, as tabulated in the briefs, viz. establishing the shortfall, principle of site acceptability, 5-year effective supply formula, and temporary permission.

**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 (Stages as itemised within the SG Policy)	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Stage 1: Establishing a shortfall in 5-year effective housing land supply	x	x	x	x	x	x	x	x	x	x	This is a technical matter which introduces the basis for the Council to determine whether or not it agrees / acknowledges that a supply shortfall exists to indeed trigger the SG, and confirm agreed shortfall is prerequisite for any further consideration.	The direct environmental effect of this stage is minimal in the context of the unknowable spatial dimension. It does invite a locational analysis of any deficit, but again this future detail is unknown.
Stage 2: Principle of edge-of-settlement / greenfield (not green belt) acceptability	✓	x	x	x	x	x	x	x	✓	x	This stage sets criteria to be met to secure a site's principle acceptability; focused on securing 'Local' scale development, immediate delivery, and infrastructural feasibility. Confined scale makes significant effects unlikely.	The direct environmental effect of these criteria is minimal; in the context of the unknowable spatial dimension, coupled with the confinement of acceptable sites to Local development (<= 49 units), and required coherence to strategic policy.
Formula for calculation of 5-year effective housing land supply	x	x	x	x	x	x	x	x	x	x	This is a non-applicable matter as a basic mathematical expression providing clarity over how the council will calculate the 5-year effective housing land supply, and so identify any shortfall thereto.	If anything, the fact the SG definitively sets the LDP's method of determining 5-year effective supply the likelihood of significant effects should be reduced consequent to clarity secured on when the SG might come to be invoked.
Stage 3: Conditionality of resultant planning permission (temporary)	x	✓	x	x	x	x	✓	x	x	x	Again this is a technical provision of which the most noteworthy components are that a consequential consent would be temporary and non-renewable to prevent land-banking.	The direct environmental effect of this stage is minimal in the context of the unknowable spatial dimension. The safeguards should prevent population and infrastructural disbenefits which may be engendered by a land-banking misuse of the SG's provisions.

## 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.)

The screening process provides the following key findings on the interactions of the subject PPS with the environment:

Specifically, that the starting point for the SG is a Housing Land Supply (as contributed to by LDP2-borne release sites) sufficient to fulfil the Housing Land Requirement that PLDP2 itself provides and quantifies respectively; and further noting PLDP2 precipitates the SG which will become a part of PLDP2 upon adoption. The SG itself is not prescriptive or proactive but sets a staged policy process material to the passive consideration of proposals submitted, in the potential. The PLDP2, including its housing land supply as sole focus of the SG, was fully and recently SEA'd to include strategic, policy and site-specific provisions.

It is argued that it is the housing land supply itself; allocation of sites to it; and setting the HLR the supply must provide for, that bear fundamental prospects of significant environmental effects, and note these matters are the ones pre-determined by PLDP2 and SEA'd as such. By contrast the SG's subsidiary and non-prescriptive focus on managing and establishing acceptability of proposals to meet an effective housing land supply shortfall – and only if/when agreed by the planning authority to exist – is likely to bear minimal environmental effects.

This hypothesis is consolidated and reinforced by the findings of the subsequent screening exercise of the various design principle topics (which underpin the briefs) which finds,

- (a) The principles consistently and cumulatively affect few SEA environmental topics
- (b) The environmental topics affected are noted to exhibit consistently minor and beneficial effects
- (c) Passive provision awaits industry-led submissions which present a context of unknowable spatial dimension to effects. This, coupled with the confinement of acceptable sites to Local development (<= 49 units), and a mitigating requirement to be otherwise consistent with strategic policy, suggests directly-attributable effects arising from specific proposals acceptable via the SG will be minimal

The resulting conclusion is that the provisions and implementation of this SG is not likely to have significant effects on the environment and that on this basis an SEA is not 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.