

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:

CROFTING COMMISSION POLICY PLAN

The Responsible Authority is:

THE CROFTING COMMISSION

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

John Toal

Job Title

Head of Policy

Contact address

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Contact tel no

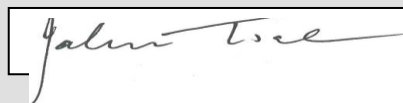
01463 663426

Contact email

John.toal@crofting.scotland.gov.uk

PART 7

Signature
(electronic
signature
is acceptable)



Date

26/03/2013

SEA SCREENING REPORT - KEY FACTS

Responsible Authority

CROFTING COMMISSION

Title of PPS

CROFTING COMMISSION PLAN

Purpose of PPS

To inform Scottish Ministers on how the Crofting Commission proposes to exercise its functions.

What prompted the PPS

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

Legislative duty required by the Crofting Reform (Scotland) Act 2010

Subject

(e.g. transport)

CROFTING

Period covered by PPS

From approval date in 2013 until 1 April 2017

Frequency of updates

Not determined. Will only be updated if specifically required

Area covered by PPS

(e.g. geographical area – it is good practice to attach a map)

The crofting counties and new crofts created in areas outwith the crofting counties under the provisions of the Crofting Reform (Scotland) Act 2010 (Map enclosed).

Summary of nature/ content of PPS

The Crofting Plan sets out the strategic objectives (Part 1) of this new Non-Departmental Public Body (NDPB), which came into being on 1 April 2012, and publicises and explains the key policies (Part 2) that the Crofting Commission will adopt when executing its principal role which is to regulate crofting.

Are there any proposed PPS objectives?

YES

NO

Copy of objectives attached

YES

NO

Date

26/03/2013

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Our determinations regarding the likely significance of effects on the environment of the Crofting Commission Plan is set out in Table 1.

TABLE 1 – LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

TITLE OF PPS		
CROFTING COMMISSION POLICY PLAN		
RESPONSIBLE AUTHORITY		
CROFTING COMMISSION		
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	<p>The Crofting Plan does not set a framework for specific projects or activities.</p> <p>Part 1 of the Plan sets out the Strategic Objectives of the Crofting Commission and explains the aspirations and ambitions of the organisation in relation to crofting. This in itself will have no direct environmental effect.</p> <p>Part 2 of the Plan publicises and explains the Specific Policies the Commission will apply in executing its regulatory functions, powers and duties as set down in the The Crofting Reform (Scotland) Act 2010. There are certain policies that may have positive environmental effects, for example the Decrofting policy aims to control non-essential decrofting, and the Misuse and Neglect provision,</p>

		which may stimulate active land use. Any effects however will be isolated and site specific and are not considered significant in terms of their environmental impact.
1(b) the degree to which the PPS influences other PPS including those in a hierarchy	NO	The Plan seeks to support and inform rather than influence other PPSs, which relate to crofting. For example aspects of the Plan should separately help inform planning authorities, HIE and Scottish Government when delivering their own responsibilities with regard to crofting matters but there will be minimal environmental effects.
1(c) the relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development	NO	The Plan has an overarching ambition to support the sustainable development of crofting communities, and will take account of the impact on the local crofting community, its sustainable development and the public interest when considering regulatory decisions.
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	The Plan does not directly address known environmental problems but expresses an ambition to have a positive effect on issues such as carbon reduction by way of promoting and encouraging beneficial actions and best practice.
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	The Plan is not directly linked to the implementation of Community legislation on the environment. Individual crofters and crofting communities may be affected when developing their crofts but this lies outwith the scope of the Crofting Commission Plan.
		The Plan contains strategies and

2 (a) the probability, duration, frequency and reversibility of the effects	NO	policies and will have no direct significant environmental effects.
2 (b) the cumulative nature of the effects (See Chapter 12 of Tool Kit)	NO	It is possible that over time the response of crofters and crofting communities to the encouragement and ambition to secure the future of crofting set out in the Plan could have some positive environmental effects. This could be reflected in active crofting communities undertaking diverse and sustainable land use and communal management of grazings with environmental benefits. In this regard however the Plan itself is largely visionary and the future impact will be dependent on the actions of individual crofters and crofting communities, and cannot be determined by the Plan per se.
2 (c) transboundary nature of the effects (i.e. environmental effects on other EU Member States)	NO	The scope and influence of the Plan is restricted to crofting within Scotland.
2 (d) the risks to human health or the environment (for example, due to accidents) (See Chapter 11 of Tool Kit)	NO	There are no implications in this regard.
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	While the area covered by the Plan is extensive and it has relevance to a significant number of people, the environmental effects are likely to be minimal and site specific.

<p>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)</p>	<p>Likely to have significant environmental effects? YES/NO</p>	<p>Summary of significant environmental effects (negative and positive)</p>
<p>2 (f) the value and vulnerability of the area likely to be affected due to-</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; <p>or</p> <ul style="list-style-type: none"> (iii) intensive land-use. 	<p>NO</p>	<p>The greater part of the area covered by the Plan is remote and fragile with sensitive landscapes and unique environments. The Plan is sensitive to this and its ambition is to protect and enhance this valuable natural environment for future generations. The Plan itself does not direct individual actions or projects that would affect natural characteristics or cultural heritage. It may be that through implementing policies the Plan influences decisions on matters such as land use. Such cases would be isolated and site specific however and environmental effects would be controlled by existing legislation such as the need to undertake an Environmental Impact Assessment (EIA) to intensify land use and the wider provisions of Good Agricultural and Environmental Condition (GAEC). GAEC is a cross-compliance obligation for all recipients of CAP support, and provides a baseline of environmental protection for soil and water, habitats and wildlife, and landscape features.</p>

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)
<p>2 (g) the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>NO</p>	<p>The area covered by the Crofting Commission Plan includes a significant number and area of designated sites. The Plan itself does not direct any specific activities in these areas and the responsibility lies with individual crofters and crofting communities to adhere to the conditions pertaining to the particular site.</p> <p>The Plan does however have an overall vision to promote and sustain active crofting communities and this should have a positive environmental effect on landscape and habitats in the longer term.</p>

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A summary of our considerations of the significant environmental effects of the Crofting Commission Plan is given below.

TABLE 2 – SUMMARY OF ENVIRONMENTAL EFFECTS

The Crofting Commission Plan is likely to have minimal foreseeable environmental effects. Part 1 of the Plan is a high level strategic document, which sets out the aspirations and ambitions of this new NDPB, while Part 2 goes on to explain and publicise the key policies that the Crofting Commission will adopt in delivering its regulatory functions, powers and duties.

The Crofting Commission is principally a regulatory body with no development role, and while its vision for the future of crofting expressed in the Plan includes elements that aim to promote good practice and enhance the environment, there are no significant environmental effects that will result from the Commission executing its regulatory functions.

In situations where the stated policies will have some environmental effects such as Decrofting or Misuse and Neglect, it is considered that these effects will be isolated and site specific. It is also the case that any resultant actions are subject to agri-environmental controls such as Good Agricultural and Environmental Conditions (GAEC) or Environmental Impact Assessments (EIA)

On the basis of this screening report it is considered that the Crofting Commission Policy Plan will not have significant environmental effects and therefore does not require the completion of a Strategic Environmental Assessment(SEA).

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**TABLE 3
SUMMARY RECORD OF COMMENTS FROM CONSULTATION AUTHORITIES**

SCREENING TEMPLATE - GUIDANCE NOTE 2

It is not a statutory requirement to include this section in the screening report. However, the Responsible Authority may find it useful for record purposes.

TITLE OF PLAN, PROGRAMME OR STRATEGY

CROFTING COMMISSION POLICY PLAN

RESPONSIBLE AUTHORITY

CROFTING COMMISSION

DATE COMMENTS RECEIVED FROM CONSULTATION AUTHORITIES

22 April 2013

Consultation Authority	Views (if known at this stage)
Scottish Environment Protection Agency	Significant environmental effects - NO
	If YES, note SEA topics/issues here (e.g. soil and water)
Scottish Natural Heritage	Significant environmental effects - NO
	If YES, note SEA topics/issues here (e.g. flora, fauna and biodiversity)
The Scottish Ministers (Historic Scotland)	Significant environmental effects - NO
	If YES, note SEA topics/issues here (e.g. landscape and cultural heritage)

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TABLE 4 – RECORD OF POST SCREENING ACTION

SCREENING TEMPLATE - GUIDANCE NOTE 3

It is not a requirement to include this section in the screening report. However, the Responsible Authority may find it useful for record purposes.

TITLE OF PLAN, PROGRAMME OR STRATEGY (PPS)

CROFTING COMMISSION POLICY PLAN

RESPONSIBLE AUTHORITY

CROFTING COMMISSION

1 Responsible Authority and Consultation Authorities in agreement – PPS <u>is</u> likely to have significant environmental effects	<input style="width: 100%; height: 20px;" type="text"/>
Date of determination	<input style="width: 100%; height: 20px;" type="text"/>
2 Responsible Authority and Consultation Authorities in agreement – PPS <u>is not</u> likely to have significant environmental effects	<input style="width: 100%; height: 20px; text-align: center;" type="text" value="AGREED"/>
Date of determination	<input style="width: 100%; height: 20px; text-align: center;" type="text" value="29 April 2013"/>
3 Responsible Authority and Consultation Authorities cannot reach agreement – referred to the Scottish Ministers for their determination	<input style="width: 100%; height: 20px;" type="text"/>
Date referred to the Scottish Ministers	<input style="width: 100%; height: 20px;" type="text"/>
4 Scottish Ministers' determination	<input style="width: 100%; height: 20px;" type="text"/>
Date of determination	<input style="width: 100%; height: 20px;" type="text"/>
5 Publicity requirements met	<input style="width: 45%; height: 20px; text-align: center;" type="text" value="YES"/> <input style="width: 55%; height: 20px;" type="text"/>
6 Signature	<input style="width: 100%; height: 20px;" type="text" value="John Tice"/>
Date	<input style="width: 100%; height: 20px; text-align: center;" type="text" value="29 April 2013"/>

