East Ayrshire Council
State of the Environment
User Guide: Officers

1. What is the State of the Environment Report?

The State of the Environment (SoE) Report provides an account of the current state of the environment in East Ayrshire. The SoE report captures critical information about environmental issues within the local authority area.

The SoE reporting includes assessments across a wide range of biophysical and ecological elements of the environment, as well as social and cultural aspects of environmental issues.

The principal objectives of State of the Environment reporting are to:

- Disseminate information on the state of the East Ayrshire environment and how human activity has shaped the current status and trends and to make this information available to the Council
- To ensure environmental baseline data is readily available to support Development and Environmental Planning and assist in setting environmental policies and supporting management of environmental assets.
- Promote public access to robust, peer reviewed and up-to-date information on the local environment and minerals extraction issues.

The State of the Environment Report will facilitate and enable:

- increased awareness, among decision-makers and the public, of the status and implications of the condition of the environment in East Ayrshire and pressures on it from both past activity and potential future development
- informed actions to major development in East Ayrshire which steer environmental management decisions that lead to more sustainable use and effective conservation of environmental assets.

Electronic data including GIS and digital mapping sources used to produce the SoE is available from the planning team (see contacts). This includes East Ayrshire habitat data which has been digitised from SNH maps.
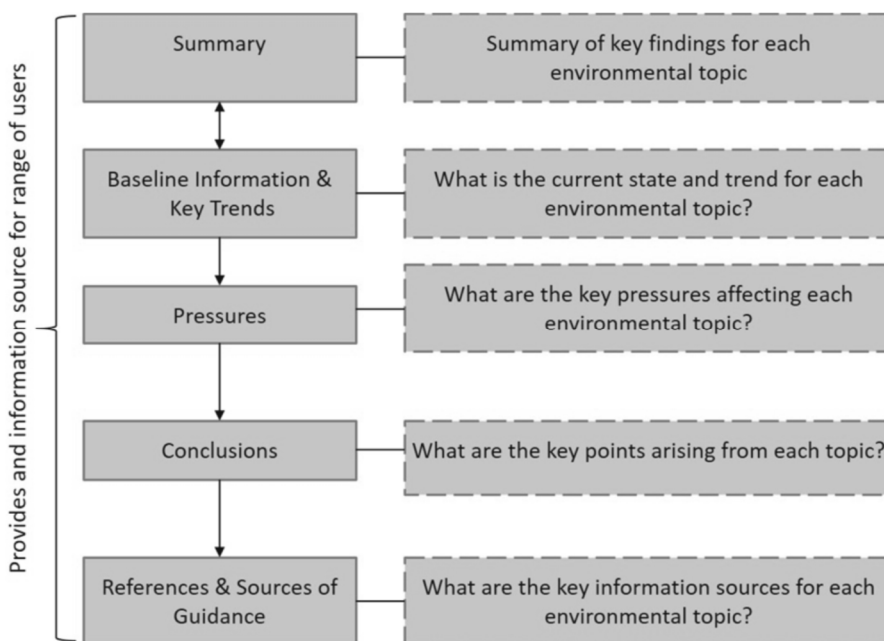
2. How to Navigate the Report

The State of the Environment Report is split into chapters according to subject area:

- Chapter 1 - Geology and Soil
- Chapter 2 - Landscape and Visual
- Chapter 3 – Ecology and Nature Conservation
- Chapter 4 - Air Quality
- Chapter 5 - Water Environment
- Chapter 6 - Climate
- Chapter 7 - Historic Environment
- Chapter 8 - Population and Human Health
- Chapter 9 - Noise and Vibration
- Chapter 10- Material Assets

Within each chapter you will find information on:

- State – what the environment is currently like in East Ayrshire
- Trend – how the environment is changing over time and whether this change is positive or negative
- Pressures – what factors are affecting the quality of the environment in East Ayrshire

3. Limitations of the Report

The State of the Environment Report for East Ayrshire is a 'snapshot in time' and is based on the most up to date information available at the time of writing. The report will be a working document and will be updated on a 3-year cycle with the exception of data noted in the update section of this guide.

4. How Can the State of the Environment Report Help Me?

The State of the Environment Report has multiple applications which will support those involved in development within East Ayrshire together with members of the public, statutory consultees and other interested parties. A number of worked examples have been provided in the following sections to demonstrate how the information can be used.

Worked Examples

5.0 Review of Planning Applications – Development Management

The State of the Environment Report provides another useful resource/tool to those looking at potential projects to determine potential issues / opportunities. The SoE is a synthesis of available data at the local level and can be used to sense check site specific information. The data can be used by developers to inform the EIA process including Screening and Scoping Reports but can also assist the Council in their duties under the Environmental Impact Assessment (Scotland) Regulations 2011.

5.1 Pre-Application Consultation

The State of the Environment Report:

- Provides a useful tool / resource to inform EIA as well as Council consideration of the credibility / content of Environmental Statements;
- Highlights local issues and sensitivities including current pressures – the baseline situation; and
- Promotes early consideration of environmental protection in design.

Worked Example – Development

The State of the Environment Report demonstrates East Ayrshire Council's commitment to environmental best practice. The Council expects those bringing forward proposals to ensure that environmental protection is a key driver and consideration at all stages of development. Through the SoE, the council are seeking to promote:

- Partnership working – officers should encourage early dialogue with developers to discuss proposals and information, including the State of the Environment Report, which the council may hold which would assist with shaping developments / avoid environmental risks;
- High quality, focused reporting which reflects guidance within the State of the Environment Report reflecting known environmental baseline conditions and sensitivities; and
- Active, transparent engagement with local communities, community councils and other stakeholders.

A link to the State of the Environment Report should be included in correspondence and particular topic areas should be raised with developers at an early stage where particular sensitivities are identified.

5.2 EIA Screening and Scoping

Developers looking at a potential development proposal may come to the Council to seek an EIA Screening Determination followed by a Scoping Opinion under the EIA (Scotland) Regulations 2011.

Worked Example – Request for EIA Screening and Scoping

Officers can use the SoE to establish if statutory EIA is required as part of a planning application - is the proposed development of a nature and scale with potential for likely significant effects that would constitute EIA development?

If EIA is required, the SOE can assist council officers in providing a scoping opinion under Regulation 14 as to the topic areas or scope that should be covered:

- Does the development constitute 'bad neighbour development' in environmental terms? Have similar projects yielded complaints – are there sensitive receptors?
- Ground conditions – are there likely to be issues with excess peat? Should surveys / ground condition investigation be undertaken?
- Ecology – are there designated sites which could be affected? What are the typical species found in Each Ayrshire and what surveys should be undertaken to inform the assessment?
- What are the local watercourses and are there existing water quality issues that would indicate development pressures? Are there Private Water Supplies / Reservoirs that need to be protected?
- Are there landscape sensitivities e.g. landscape designations / potential for cumulative impacts with other neighbouring sites? Is restoration a concern?
- Could the development contribute to noise or air pollution and if so, how should this be assessed and controlled?
- Are there possible flood risks - reference to Ayrshire Flood Risk Management Strategy.

N.B. Officers should continue to seek additional comments from statutory consultees for site specific advice where relevant. Officers should also seek advice from internal colleagues e.g. Environmental Health, Transport and Compliance Monitoring to ensure potential issues are identified early – further advice should be given to developers as the EIA progresses as required.

5.3   Review and Audit of Environmental Information

East Ayrshire Council operates a robust review and audit process for documents submitted as part of planning applications and purification of planning conditions. The SoE provides a useful baseline resource for planning officers reviewing Environmental Statements / other documentation to determine if potential environmental issues have been adequately covered and where there is a need to add an extra layer of protection through planning conditions.

Worked Example – Audit of Environmental Statement

A developer submitted a series of documents to East Ayrshire in relation to a windfarm including an Environmental Statement. The Council identified a number of sensitive waterbodies which needed to be protected during the construction and operational phases and for which limited baseline information had been provided, particularly in relation to Private Water Supplies. Statutory Consultees had not raised a concern, however the council, based on understanding of previous private water supply issues on another site were not satisfied and requested a Private Water Risk Assessment was completed including finding the source of each of the supplies. This resulted in additional monitoring being included by way of a planning condition to protect residents.

6. Compliance Monitoring

The State of the Environment Report highlights the importance of ensuring major sites are constructed and then restored in accordance with approved consents to avoid long term environmental damage.

The State of the Environment Report can inform planning conditions/monitoring requirements. Data submitted as part of EIA and subsequent reporting can be used to address some of the gaps in knowledge, particularly in relation to biodiversity or water quality.

Worked Example – Development

East Ayrshire are committed to Compliance Monitoring for its major development sites including renewables, utilities connections and mineral extraction. The State of the Environment Report can inform council officer responses to proposed deviations from consented schemes e.g. where developers are seeking a change from methods of working or restoration proposals or establishing an appropriate response to a complaint raised by a third party e.g. member of the public or statutory consultee. Examples include:

- Proposed micro-siting of development features – these can be considered relative to landscape and visual, ecological or archaeological sensitivities
- Retention of hill tracks which were originally consented as temporary features – these can be considered relative to landscape and visual sensitivity. Restoration bond calculations need to be considered
- Changed phasing or hours of working and potential impacts on sensitive receptors – noise impacts can be considered.
- Unforeseen environmental sensitivities leading to changes to scheme design e.g. excess peat and how this should be handled.
- Need for additional borrow pits / materials due to unsuitable fill and how this excess material should be dealt with on site.

Responses should be informed by environmental sensitivities / East Ayrshire specific understanding of issues and opportunities.

There is a large volume of environmental information produced by developers for projects throughout East Ayrshire and this an excellent resource which can inform future SoE updates. Of particular note will be ecological information (species and habitat surveys) and ground condition info (peat depths, borrow pit materials etc). Ecological data (Phase 1 / NVC / protected spp records) if requested from developers in GIS format / Excel format can be collated as part of local biodiversity recording to meet obligations under the Nature Conservation (Scotland) Act, 2004.

7. Policy Development

The review of existing and likely future environmental conditions helps to identify likely problem areas or environmental issues that could be aided or made worse by a proposed new Policy:

- Where there are habitats or species of particular value in East Ayrshire
- Where there are environmental standards that are not being met - for instance where air pollution is already above legal standards or where there has been a history of noise complaints
- Environmental trends that are going in the wrong direction - for instance soil contamination that is getting worse or an increase in Vacant and Derelict Land
- Existing and possible conflicts between stakeholders; and
- Issues that are of particular concern to the public – e.g. how major developments are handled and monitored to ensure compliance, restoration and aftercare.

The environmental information provided in the SoE Report can help to shape policy.

The SEA process, which will incorporate an environmental baseline informed by the SoE, will allow testing of plan components against environmental objectives. This means the Plan, Policy or Strategy can be modified to prevent or minimise environmental problems and also highlights preconditions for the strategic actions to be put in place e.g. a need for environmental assessment for sensitive sites affected by development pressures.

Worked Example - Policy Development

The preparation of a State of the Environment Report (SoE) has informed the Draft Main Issues Report of the East Ayrshire Minerals Local Development Plan and formed part of the SEA Scoping Baseline section.   It will continue to be used as a source of information in the formulation of the Minerals Local Development Plan and will also help to inform LDP 2. A well-researched and detailed environmental baseline ensures that key environmental issues and sensitivities are identified and inform the plan making process. The baseline therefore adds value through:

- Providing a current status of environmental assets / carrying capacity – to allow assessment of how the environment would evolve without the Local Development Plans
- Identifying sensitive areas that should be protected from development, or where damage has already occurred and remedial action may be required (e.g. impacts on European Designated Sites)
- Highlighting elements where environmental conditions may be close to environmental limits (e.g. air quality in areas with designated Air Quality Management Areas) and where further development pressures may have detrimental effects.
- Shaping plan components to address modifications to the plan that would mitigate adverse impacts or promote environmental enhancement
- Identifying baseline data gaps and how these may be addressed through mitigation and monitoring during implementation of the Plan.

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8. Strategic Environmental Assessment (SEA)

Knowledge about the environmental baseline is critical for SEA because it helps to:

- easily identify existing environmental problems that an action (project proposal, policy or plan) should avoid making worse or try to improve;
- identify key environmental trends which show aspects of the environment that are improving, stabilising or worsening;
- act as a 'business as usual' (no action) alternative to the proposed action and other alternatives;
- Sets a basis for impact predictions;
- Provides a starting point for impact monitoring and auditing.

The State of the Environment Report provides a collective source for this information and links to wider more detailed information resources that are available. The State of the Environment Report will be updated over time by East Ayrshire Council and so also allows changes in status and trend to be monitored.

Worked Example - SEA

The preparation of a State of the Environment Report (SoE) has informed the Draft Main Issues Report of the East Ayrshire Minerals Local Development Plan and formed part of the SEA Scoping Baseline section. It will continue to be used as a source of information in the formulation of the Minerals Local Development Plan and will also help to inform LDP 2. A well-researched and detailed environmental baseline ensures that key environmental issues and sensitivities are identified and inform the plan making process. The baseline therefore adds value through:

- Providing a current status of environmental assets / carrying capacity – to allow assessment of how the environment would evolve without the Local Development Plan
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- Highlighting elements where environmental conditions may be close to environmental limits (e.g. air quality in areas with designated Air Quality Management Areas) and where further development pressures may have detrimental effects.
- Shaping plan components to address modifications to the plan that would mitigate adverse impacts or promote environmental enhancement
- Identifying baseline data gaps and how these may be addressed through mitigation and monitoring during implementation of the Plan.

9. Habitat Regulation Assessment (HRA)

As a parallel process to the State of the Environment Report, East Ayrshire Council commissioned a more detailed review of the effect of surface mining has had on European Designated sites and how these impacts could be addressed through remedial work. The ecological assessment will inform the Habitats Regulation Appraisal (HRA) of the current Local Development Plan under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland).

The SoE and the Natura Assessment will assist with future HRA of Plans, Programmes and Strategies undertaken by officers in East Ayrshire Council in accordance with Best Practice Guidance - *Habitats Regulations Appraisal of Plans - Guidance For Plan-Making Bodies in Scotland' 2012.*

Worked Example - HRA

The SoE has informed the Habitats Regulation Appraisal of the current Local Development Plan process and will have similar benefits for future HRA requirements:

- The SoE provides a valuable baseline reference sorted by sites, habitats and species and will be used to provide the baseline section for HRA. The SoE also identifies information gaps and limitations;
- The SoE included a detailed assessment of the impact of surface mining on Natura Interests in East Ayrshire;
- The SoE provides a reference resource for habitats and species data in GIS form and can be used alongside other sources such as SNH Interactive Mapping; and
- The SoE will support the Screening process and discussions with SNH - to identify which of the plan components have potential for a 'significant likely effect' on a Natura interest.

10. Funding Bids

Funding success is typically heavily dependent upon in-depth understanding of projects and the quality coordination of a breadth of issues addressing partnership interests; design development; costs including Value for Money and clear presentation of the cost/benefits case. Increasingly, environmental awareness /management is a determinant within funding applications. The State of the Environment Report can:

- Provide clear summary environmental information at the East Ayrshire level readily understood by a range of user groups;
- Support / provide justifications for proposed interventions through a robust evidence base;
- Provide a baseline against which outcomes can be measured e.g. if interventions tackle a negative trend;
- Provide peer reviewed evidence / datasets; and
- Provide additional data sources for analysis.

Worked Example – Funding Bids

Securing external funding and supporting due diligence from potential funders is an increasingly important part of local authority activity in enabling investment. This frequently involves setting the planning and regulatory context and supporting hi-level delivery risk assessments. Environment is an important consideration for a range of funders including all public bodies and agencies. The SoE provides an accessible reference source for current environmental information.

East Ayrshire Council are currently working in partnership with North and South Ayrshire Councils and other key agencies reviewing options for projects under the Ayrshire Growth Deal. The SoE and key findings has been referenced to date when looking at how project could address some of the existing environmental problems e.g. surface mining legacy. Other external funds (EU Structural Funds / LEADER / Lottery Funds / RCGF / etc. typically seek environmental information (scoping/context/risks) outlined within initial submission.

The SoE offers a useful reference when preparing funding submissions; completing outline project documentation; and setting the regulatory context of submissions or funding applications and additionally offers:

- Evidence of stakeholder participation in identifying environmental problems – the SoE has included public as well as stakeholder consultation;
- Clarity around benefits / benefits realisation / monitoring outcomes – the SoE provides a status and trend for environmental performance against which successes / interventions can be reviewed; and
- Transparency - the SoE provides a clear mandate for action where a potential solution / benefit to a problem has been identified.

11. Links to East Ayrshire Council Resources

State of the Environment Report
https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/State-of-the-Environment-Report.aspx

East Ayrshire Planning and Environment Portal
https://www.eastayrshire.gov.uk/PlanningAndTheEnvironment/PlanningAndTheEnvironment.aspx

12. How it is Updated and How Often?

The State of the Environment Report is a working document and will be updated by the Council to keep it fresh and current. Updates will focus on key areas which typically see the most regular data updates from robust sources. There will be an overall update every three years to look at environmental changes / new development pressures and available published datasets which will inform Local Development Plan preparation. It is hoped that the SoE updates will promote regular environmental record keeping within different areas of the council so this information can be easily captured. This is likely to include:

• Natural Heritage – potential to set up a Local Biological Records Centre;
• Environmental Health – noise, air quality, amenity;
• Contaminated Land – Vacant and Derelict Land Register etc; and
• Planning – Major Applications, Renewables, Minerals and Local Development Plan / Policy Development.
• Historic Buildings – Buildings at Risk Register, Understanding Changes to Cultural Heritage environment

There is an obvious advantage to all parties in maintaining a robust record of data produced as part of the development management process in East Ayrshire. The Council will keep a record of information supplied as part of Environmental Statements and specific data such as that on habitats and species / ground conditions e.g. peat depths will be requested electronically from applicants to allow data collated to be used to inform SoE updates.

Chapter	Update	Frequency
Chapter 1 - Geology and Soil	Review of planning to determine any new minerals applications	Annual
Chapter 2 - Landscape and Visual	Review of planning to determine any new major applications (minerals / renewables)	Annual
Chapter 3 – Ecology and Nature Conservation	Update to capture information gathered from development projects.	Every 3 years with annual check of significant new datasets if made available
Chapter 4 - Air Quality	Update to reflect East Ayrshire Air Quality Data (Update and Screening Exercise) and LAQM information	Every 3 years
Chapter 5 - Water Environment	Update to reflect SEPA Water Classification data issue	Annual
Chapter 6 - Climate	Update to reflect Renewables	Every 3 years
Chapter 7 - Historic Environment	Update to review Buildings at Risk Register etc	Every 3 years
Chapter 8 - Population and Human Health	Annually to coincide with Scottish Household Survey Data Release	Every 3 years
Chapter 9 - Noise and Vibration	Update in line with EAC noise complaints register and to include reference to major new developments	Annual
Chapter 10- Material Assets	Update to include Scottish Household Survey Data Release and Vacant and Derelict Land Survey	Every 3 years

13. Interested in Finding Out More?

The State of the Environment Report was produced for the planning and development team - key contacts are as follows:

Karen Purves
Principal Planning Officer – Local Development Plans
Economy and Skills
Planning and Economic Development
Development Planning and Regeneration
Email: Karen.Purves@east-ayrshire.gov.uk
Tel: 01563 576758

Antony McGuinness
Senior Planning Officer – Local Development Plans
Planning and Economic Development
Development Planning and Regeneration
Email : antony.mcguinness@east-ayrshire.gov.uk
Tel: 01563 576757

Glossary

Aftercare - operations necessary to maintain restored land in a condition necessary for an agreed afteruse.

Air Quality – a measurement of the quality of the air determined by the content of pollutants.

AQMA - Air Quality Management Areas – Areas where air quality objectives are not (or are unlikely to be) being met .

Bad neighbour development - developments likely to raise amenity issues beyond immediate neighbours, or during the evening and weekend hours. Issues include, noise, large numbers of people gathering in or moving through an area, significant increases in traffic movements, parking issues and so on.

Baseline - starting point used for comparison.

Biophysical - Biophysics is an interdisciplinary science that applies the approaches and methods of physics to study biological systems.

Bond – a financial instrument, money held in security.

Buildings at Risk - a Building at Risk is usually a listed building, or an unlisted building within a conservation area, that meets one or several of the following criteria:

- vacant with no identified new use

- suffering from neglect and/or poor maintenance

- suffering from structural problems

- fire damaged

- unsecured and open to the elements

- threatened with demolition

This list is not exhaustive and other criteria may sometimes be considered when assessing a building for inclusion in the Register.

Buildings at Risk Register - The Buildings at Risk Register for Scotland highlights properties of architectural or historic merit throughout the country that are considered to be at risk or under threat. It was established in 1990 and is maintained by Historic Environment Scotland.

Compliance monitoring - the quality assurance testing carried out over the activities of a development.

Construction Environmental Management Plans – a plan which outlines how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area.

Contaminated Land - land where substances could cause significant harm to people or protected species and / or significant pollution of surface waters or groundwater.

Cultural Heritage - an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values.

Dataset - a collection of related sets of information that is composed of separate elements.

Ecological - relating to or concerned with the relation of living organisms to one another and to their physical surroundings.

EIA - Environmental Impact Assessment - the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action.

Environmental Statements - an assessment of the likely significant environmental effects of a proposed development on the environment.

GIS - Geographical Information Systems- computer systems for capturing, storing, checking, and displaying data related to positions on Earth's surface.

Habitats - the type of environments in which plant and animals live.

HRA - Habitats Regulation Appraisal – an assessment of the compliance of a plan, programme or strategy with European legislation relating to habitats in European sites of nature importance.

Interactive Mapping – a map on a computer which responds to inputs from the user e.g. zooming in and out.

LEADER - Links Between Activities Developing the Rural Economy - A grassroots method of delivering support for rural development through implementing Local Development Strategies.

Local Development Plan – A plan prepared at local authority level which plans for the future development of the local area.

Main Issues Report – A document prepared in the local development planning process which considers the main areas of change required in policy terms.

Major Developments / Major Applications – describes a category of planning applications representing large scale developments.

Monitoring – systematically reviewing, in this case of a development or situation / environment.

Pastmap – an interactive map of the historic environment.

Peat Management Plans – Plans for how peat will be stored or moved.

Peer review – an assessment of work by others working in the same field which gives work an elevated status.

Phased Restoration Plans – demonstrate how an area will be restored over time, incrementally.

Pressures - what factors are affecting the quality of the environment in East Ayrshire.

RCGF – Regeneration Capital Grant Fund - a fund which supports locally developed regeneration projects that involve local communities, helping to support and create jobs and build sustainable communities.

Renewable - a natural resource or source of energy that is not depleted by use, such as water, wind, or solar power.

Restoration - a process in which a damaged natural resource / area is reinstated, partially reinstated or re-used after a period of alternative use.

Scoping - an investigation to determine the effect a proposed policy or project would have on a community or the local environment:

Screening - the evaluation or investigation of something as part of a methodical survey, to assess suitability for a particular role or purpose.

Sensitive receptors - aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape

SEPA - Scottish Environment Protection Agency - Scotland's principal environmental regulator, protecting and improving Scotland's environment.

SNH – Scottish Natural Heritage - Scottish public body responsible for the country's natural heritage, especially its natural, genetic and scenic diversity.

SPA – Special Protection Area - protected sites designated under the EC Habitats Directive for internationally important species.

Species Protection Plans - A plan which considers how to protect species from a plan, strategy or development

State - what the environment is currently like in East Ayrshire.

Statutory Consultees - A group of organisations / bodies who must be consulted according to legislation.

Surface Water - water that collects on the surface of the ground, normally rain water

Trend - how the environment is changing over time and whether this change is positive or negative

Vacant and Derelict Land:

Derelict Land - land which has been so damaged by development, that it is incapable of development for beneficial use without rehabilitation. In addition, the land must currently not be used for the purpose for which it is held or a use acceptable in the local plan

Vacant Land - land which is unused for the purposes for which it is held and is viewed as an appropriate site for development. This land must either have had prior development on it or preparatory work has taken place in anticipation of future development