



East Ayrshire Council Local Development Plan 2017

Strategic Environmental Assessment

SEA Post-adoption Statement

February 2018

1. Introduction

1.1 The East Ayrshire Local Development Plan was adopted by East Ayrshire Council on 3 April 2017. The Plan sets out how East Ayrshire should develop in the next 10 – 20 years, putting in place a framework for sustainable economic growth, good placemaking and appropriate conservation and enhancement of the environment. The Plan is available to the public and is accompanied by an Environmental Report, Action Programme, Habitats Regulations Appraisal Report and Equalities Impact Assessment Report. This SEA post adoption statement will also be readily available.

1.2 The SEA post adoption statement has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005. The key function of this statement is to demonstrate how the findings of the SEA process have been incorporated into the LDP and how the input from consultees has been addressed. As per the requirements of the Act, specifically, the post-adoption statement is required to outline:

- I. How environmental considerations have been integrated into the plan or programme;
- II. How the environmental report has been taken into account;
- III. How the opinions expressed in response to consultation procedures have been taken into account;
- IV. How the results of any consultation with neighbouring member states have been taken into account;
- V. The reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives considered; and
- VI. The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

This post adoption statement addresses the above requirements in turn. It should be noted that the LDP and Environmental Report have not been subject to consultation with any neighbouring member states, therefore this statement is not required to address point iv above.

2. Background

2.1 The Local Development Plan has been prepared in accord with the provision of the Town and Country Planning (Scotland) Act 1997 (as amended) and the Development Planning (Scotland) Regulations 2008. It takes full account of National Planning Framework 3, Scottish Planning Policy and the East Ayrshire Community Plan. The Plan was subject to an SEA as it was considered to have significant effects on the environment. The LDP and SEA process are summarised in table 1 below:

Table 1: Key stages of the LDP and SEA process

Timeframe	LDP process	SEA process
August 2010		Scoping report issued to consultation authorities
November 2012	Main Issues report published and consulted on	Environmental Report of the MIR issued to consultation authorities and consulted on alongside MIR.
March 2015	Proposed Plan published for consultation	Updated Environmental Report published for consultation
November 2015 – November 2016	Examination of the Proposed Plan	
January - March 2017	Plan modified to take account of Examination Report. Modified Plan approved by Council, advertised and submitted to Scottish Ministers.	Environmental Report amended to take account of Examination Report. Environmental Report advertised and submitted to Scottish Ministers alongside the Plan.
April 2017	Plan adopted	

3. Environmental Considerations – how have these been integrated into the LDP?

The regulations require the post-adoption statement to clarify how environmental considerations have been integrated into the Plan. The environment is a fundamental aspect of the East Ayrshire Local Development Plan; a key function of development plans is to ensure that the type and location of development takes account of the environment. At the outset the LDP vision sets the tone for the Plan emphasising that the transformation of East Ayrshire will take place *'in a sustainable manner, ensuring that a careful balance is struck between economic growth and protecting the environment.'*

Table 2 below summarises some of the problems that were identified in the Environmental Report during the baseline review and then indicates how the LDP attempts to address these.

Table 2: LDP response to environmental considerations

Environmental receptor	Examples of environmental issues within the East Ayrshire.	LDP response
Soil	<p>Large amounts of vacant and derelict land impact on the quality of the environment</p> <p>Development on greenfield sites results in the loss of important soil resources, especially peat</p>	<p>Overarching policy OP1, relevant to all proposals, requires that where possible vacant previously used land should be reused in preference to greenfield land.</p> <p>Peatland is protected through several LDP policies, including RE3 and in particular ENV10</p>
Landscape and geology	<p>East Ayrshire's rural landscape has and continues to feel pressure from development, particularly the energy sector and commercial forestry.</p> <p>Development can result in the loss of ancient and semi-natural woodlands as these designations are not statutorily protected.</p> <p>Renewable energy developments have the potential to impact considerably on the landscape.</p>	<p>Policy ENV8 gives specific protection to the landscape and confirms that the protection and enhancement of the landscape will be a key consideration in assessing the appropriateness of proposals in the rural area.</p> <p>Policy ENV9 places a presumption against the removal of ancient and semi-natural woodlands.</p> <p>Through Schedule 1, renewable energy developments are required to take account of landscape and visual impacts</p>
Biodiversity, flora and fauna	<p>Development can lead to the loss or fragmentation of protected habitats and can have implications on protected sites.</p>	<p>Policy ENV6 gives recognition to the importance of biodiversity and nature conservation.</p>

	There is a requirement for East Ayrshire to contribute to the Central Scotland Green Network.	Policy ENV6 requires developments to incorporate or extend habitat networks, helping to develop the CSGN.
Air	Car use is a major cause of air pollution	The allocation of development sites within the plan takes firm cognisance of public transport routes and access points, helping to promote non-car travel. Policy T2 gives clear support for new traffic generating uses to be located with good access to public transport and walking and cycling networks.
Water	There are rivers with poor ecological status within East Ayrshire. Contaminated and vacant and derelict land can impact on water, river and groundwater quality.	Policy ENV12 places a presumption against any development that will have a negative impact on water quality and requires that, where possible, design solutions should look to improve water bodies. Emphasis in OP1 on previously used land, is intended to help address the supply of vacant and derelict land.
Climate	There are many areas of East Ayrshire that are susceptible to flooding. New development leads to increased use of energy which has corresponding climate change implications.	Policy ENV11 provides a robust framework for flood prevention. Policy ENV14 requires development proposals to incorporate low and zero carbon generating technologies to reduce greenhouse gas emissions.
Historic Environment	There are listed buildings that are vacant or derelict within East Ayrshire that impact on the amenity and character of the area.	The placemaking maps contained in the Plan for Kilmarnock, Cumnock, Stewarton, Galston and Dalmellington contain proposals and priorities for improving the historic centres of these settlements. A series of built environment policies are included in the Plan to ensure that the priority is given to reusing, protection and enhancing the built environment.
Health	East Ayrshire residents have a lower health assessment than the Scottish average. East Ayrshire residents are less likely to participate in sport than the Scottish average	Overarching Policy OP1 sets the context for a sustainable and design-led approach to development, helping establish environments that are people-friendly and support healthy lifestyles and active travel. Policy INF4 and the associated Schedule 8 set requirements for incorporating generous amounts of green infrastructure, including

		<p>recreational open space, within new developments.</p> <p>The placemaking maps identify specific opportunities to make green space and active travel improvements.</p>
Population	<p>East Ayrshire has suffered population out-migration to other areas.</p> <p>East Ayrshire has a number of areas within the top 30% of deprived areas in Scotland.</p>	<p>The LDP allocates a generous amount of housing land to meet a range of needs and to retain existing and attract new residents.</p> <p>The East Ayrshire Community Plan places key emphasis on 'economy and skills'. This is reflected spatially in the LDP with the identification of strategic business locations and safeguarded industrial sites.</p>
Material assets	<p>New developments increase the amount of waste being processed in East Ayrshire.</p> <p>Green spaces within settlements are an important material asset for communities, which come under frequent pressure for new development.</p>	<p>A suite of waste policies has been included in the plan to increase recycling rates and to put in place a sustainable approach to waste.</p> <p>The plan safeguards area of open space throughout communities and places a presumption against development of these sites.</p>

4. How has the environmental report been incorporated into the LDP?

The SEA followed a systematic and thorough process, which allows environmental consideration to be integrated into the Local Development Plan. SEA assesses and evaluates the likely significant impacts that the LDP will have on the environment. Dependent on the outcome of the assessment process, the SEA recommends mitigation and/or enhancement measures. This is to ensure the Plan is environmentally responsible and sustainable.

The 2 stage process

The SEA process involved a 2 stage assessment; stage 1 identified whether the vision, spatial strategy, policies, proposals and development sites would have significant environmental impacts. Where significant environmental impacts were identified, a stage 2 assessment was undertaken, which analysed the impacts in more detail. Where the stage 2 assessment indicated that there were likely to be adverse impacts, mitigation measures were outlined to reduce the overall environmental impact to an acceptable or negligible level for each of the environmental receptors affected.

The mitigation stage of SEA is fundamental to its purpose; it is a critical way in which the whole process can influence plan making and ultimately development on the ground. As well as mitigation measures, the stage 2 assessment identified enhancement measures.

Summary of SEA outcome

Generally, the policies of the LDP are likely to have significant positive impacts on the environment. Certain policies have significant negative impacts on some receptors, but after mitigation these either became significant positive or significant positive/negative or there were no apparent mitigation or enhancement measures that could be utilised. Only Prop 26 is likely to have significant negative impacts. After mitigation these impacts were likely to be significant positive. Appendix G of the Environmental Report contains the full assessment of the policies and proposals taken to stage 2 of the assessment process.

In terms of the development sites, the majority of the sites are likely to have significant positive or significant positive/negative impacts on the environment. 39 sites had significant negative impacts on certain environmental receptors. After mitigation most of the original significant positive/negative impacts were mitigated and became significant positive, however, even after mitigation, there were instances where the impacts remained significant negative. These generally relate to instances where agricultural land will be lost due to developments; there are no mitigation measures that can alleviate this impact. For this reason, there are a number of sites which will have a significant negative impact on soils. On balance, these sites still considered appropriate for inclusion within the LDP. Appendix H of the Environmental Report contains the full assessment of the development sites taken to stage 2 of the assessment process.

The SEA assesses cumulative and synergistic impacts. Cumulative impacts comprise the impact of policy, proposal or site in combination with another one. Synergistic impacts occur when the combination of individual and unrelated impacts combine to produce a different impact to the sum of the individual impact concerned.

- **Cumulative Impact Assessment**

The SEA process assesses the cumulative impact of policies, proposals and site allocations. In general, for each individual spatial strategy the significant cumulative impacts in terms of the original assessment results were either significant positive or significant positive/negative. Only five policies: RES 4, RES 5, RES 10, IND 3, T4 and one proposal: PROP 26 were identified that were likely to have significant negative cumulative environmental impacts. After mitigation, RES 4, RES 5, T4 and PROP 26 were likely to have significant positive cumulative impacts and RES 10 and IND 3 were likely to have significant positive/negative cumulative impacts. This of course depends on the mitigation measures being implemented.

The implementation of the spatial strategy and the policies, in terms of their impacts on the individual environmental receptors were likely to have significant positive cumulative environmental impacts. Only biodiversity, flora and fauna were predicted to have significant positive/negative cumulative impacts. After the mitigation measures were applied, the likely cumulative impacts of the implementation of the spatial strategy and policies were likely to be significant positive.

In general, the development sites are considered likely to have individual significant positive or significant positive/negative cumulative environmental impacts on the environment in terms of the original assessments. Sites 276H, 405H, 279H, 317H, 425H and 366M are the only sites considered likely to have significant negative cumulative environmental impacts. After mitigation, 276H, 317H, 366M and 405H are likely to have significant positive/negative environmental impacts. Site 279H is likely to have unknown cumulative impacts and Site 425H was likely to have significant positive/unknown cumulative impacts should the mitigation/enhancement measures be implemented.

In terms of the development sites' cumulative impacts on the individual environmental receptors, the majority of the cumulative impacts were significant positive or significant positive/negative. Only landscape/geology, biodiversity, flora and fauna and archaeological resources/sites are predicted to have significant negative cumulative impacts from the original assessments. When mitigation measures were applied, the majority of the cumulative impacts were significant positive or significant positive/negative. The cumulative impacts on landscape/geology and biodiversity, flora and fauna were predicted to be significant positive/negative after mitigation, whilst the impact on archaeological resources/sites was unknown as this was dependent on the mitigation measures suggested by WoSAS.

Although the individual assessments of the sites indicated that it was unlikely that the sites themselves would have a significant increase in the amount of waste produced in the settlement, cumulatively there were likely to be significant negative environmental impacts in terms of waste production by settlement and in terms of East Ayrshire as a whole. Therefore, to mitigate the impact, developers of the sites, in terms of construction waste, will require to recycle material, either through re-use on site, or through re-use in other projects, in line with the provisions of the Zero Waste Plan. In terms of domestic waste, the developer will require to ensure that the provisions of Policies WM1 and WM8 are met. Should this be the case then there are likely to be significant positive/negative environmental cumulative impacts on waste. This requirement shall be enforced through Policy OP2.

Overall, the implementation of the sites are likely to have significant positive/negative cumulative environmental impacts in terms of the original assessment but this changes to a predicted significant positive effect when the mitigation/enhancement measures are applied.

- **Synergistic Impact Assessment**

Synergistic impacts are anticipated through the interrelationship of different plans, programmes and strategies as promoted by Council services e.g. a reduction in greenhouse gas emissions will positively impact on biodiversity conservation and protection and can also impact on air quality, by reducing pollution levels, which can lead to a reduction in asthma.

From the results of the assessments of planning policy, there are likely to be significant positive synergistic impacts, mostly after mitigation, on biodiversity, flora and fauna, climate, air, health and material assets. Protecting landscape also has significant synergistic positive impacts on biodiversity, flora and fauna, soils and health and the redevelopment of brownfield land will similarly have positive impacts on landscape, soil, water, health and lead to new areas of open space thus positively impacting on material assets.

The site assessments, after mitigation measures, indicated that there would be significant positive/negative environmental synergistic impacts on climate, air, health and material assets. This was a result of the majority of the sites being within walking distance of a public transport stop at the very least which would help reduce the impacts of the increased level of car usage and the resultant pollutants would have on these environmental receptors, should the mitigation measures be implemented.

Removal of contaminated soil and water and redevelopment of brownfield land is likely to have significant positive synergistic impacts on landscape, biodiversity, flora and fauna and health.

The influence of the SEA on the finalised plan

The SEA has had a clear influence on the final Local Development Plan. In particular, the use of mitigation to reduce or remove negative impacts of policies and site allocations is a key outcome of the SEA process. Two specific measures have been undertaken to ensure that the outcome of the SEA is fully integrated into the Plan:

- I. Policy '*OP2: Implementation of the SEA Environmental Report*' has been included in the Plan. This makes clear that developers require to implement the relevant mitigation and enhancement measures contained within the Environmental Report. Failure to do so, means the Council will not support the proposal.
- II. Volume 2 of the Plan identifies the development opportunity sites. Where the SEA has identified site specific requirements for the allocated sites, these have been added as a note to the site allocation. This ensures that the measures identified in the Environmental Report are firmly carried forward into the LDP itself.

Appendices G and H of the Environmental Report (<https://www.east-ayrshire.gov.uk/Resources/PDF/L/LDP-Environmental-Report.pdf>) demonstrate the stage 2 process that has been undertaken and outline the mitigation and enhancement measures to be carried forward into the plan.

5. How has consultation on the SEA process shaped the final Environmental Report?

As demonstrated in table 1 above, appropriate consultation has taken place throughout the preparation of the Environmental Report. This has involved:

- Consultation on the Scoping report (July 2010) – responses were received from Scottish Environmental Protection Agency (SEPA), Historic Environment Scotland (HES) and Scottish Natural Heritage (SNH)
- Consultation on the Interim Environmental Report that accompanied the Main Issues Report (October 2012)– responses were received from SEPA, SNH, HES and Royal Society for the Protection of Birds (RSPB)
- Consultation on the Finalised Environmental Report that accompanied the Proposed Local Development Plan (March 2015) – responses were received from SEPA, SNH, HES and Gladman Developments

The consultation, at all stages, has been of considerable benefit and has added real value to the SEA process as a whole.

Appendix 1 to this report details the consultation responses and outlines how the comments have been taken on board by the Council. Examples of some of the key changes that have been made as a result of the consultation are noted below.

- Amendments to the mitigation and monitoring measures proposed by the SEA
- Refinement of wording in regards to SEA objectives
- Amendments made to the explanation of the SEA methodology
- Inclusion of consideration of the disposal and reuse of peat in regards to large scale renewable energy development.
- Inclusion of the consideration of wild land areas.
- An additional note 'A Flood Risk Assessment may be required' added to specific sites where there is a flood risk from minor watercourses.

6. Why was the Plan chosen, in preference to other reasonable alternatives?

SEA requires an assessment of the significant impacts of the Local Development and its reasonable alternatives. Section 14(2) of the Act requires that likely significant environmental effects and the reasonable alternatives be identified, described and evaluated within the Environmental Report. Section 18(3)(e) requires the SEA Statement to provide the reasons for choosing the plan, programme or strategy as adopted, in light of other reasonable alternatives that were considered.

At Main Issues Report stage, the Council put forward its preferred option for addressing the major planning issues facing East Ayrshire. It also set out alternative ways to approach these main issues. The Interim Environmental Report, that assessed the Main Issues Report, undertook a robust stage 1 and stage 2 assessment of both preferred options and the alternative options outlined in the MIR. At stage 1, if no significant impacts were identified the option was scoped out and no further assessment required. A detailed 2 stage assessment would be carried out where significant impacts were identified.

The journey from Main Issues Report to Proposed Plan, involved consideration of many factors; the outcome of the MIR environmental report was one key consideration. However, the SEA is not the only consideration. The preparation of the Proposed Plan also took into account national policy and strategies, the outcome of consultation on the MIR, social and economic priorities. The resultant Plan, therefore balances all these considerations to come out with the most appropriate set of policies and development opportunities for East Ayrshire. In most cases, it is the options assessed most favourably through the SEA process that have been taken forward into the Plan. In particular, and central to the plan:

- The preferred overarching vision and objectives of the plan were assessed as having no significant impacts.
- The preferred option to incorporate an upfront, all encompassing sustainability policy that can be applied to all development proposals had positive impacts.
- The preferred option to take a green infrastructure approach to development, through the inclusion of a specific policy, was assessed positively in the SEA process.

However, in a limited number of instances, alternative options that were not taken were assessed more positively in the Environmental Report. In these instances other matters were given greater weight. Critically, however, where the preferred option has anticipated significant impacts, these have been addressed with identified mitigation measures that have been taken forward into the Plan. Such instances include:

- **The business and industrial land supply.** The preferred option in the MIR proposed revising this, impacting on a number of sites. The Stage 1 assessment indicated that this option should progress to a stage 2 assessment. The alternative, however, indicated that the existing land supply should be rolled forward, which would not involve significant impacts. However, in this instance it was maintained that the preferred option should be taken

forward, in order to best support business and industry development and provide up-to-date direction for where it should best be located. In relation to the new sites, the SEA process ensured that appropriate mitigation measures be put in place to address any anticipated negative impacts.

- **Caponacre Industrial Estate, Cumnock.** The preferred option in the MIR proposed to reallocate Caponacre from an Industrial Estate to a Mixed Use Development Site with potential for community and residential uses as well as business and industry. The alternative was to retain the status quo. Whilst retaining the status quo would not result in environmental impacts, it was decided that changing the allocation would provide the best outcome for Cumnock as whole and would see the site re-invigorated. The SEA process ensured appropriate mitigation measures be put in place to overcome the negative impacts.

7. How should the environmental effects of the Plan be monitored?

The Environmental Report sets out Monitoring measures that should be followed to ensure that adverse and unforeseen impacts do not arise or if they do, can be identified and remedied. Table 3 below outlines the monitoring objectives and targets as set out in the Environmental Report.

Table 3: Monitoring measures

Environmental Issues to be Monitored	Objective of Monitoring	Target
Landscape and Geology	To monitor the impact of the LDP on landscape and geology within East Ayrshire.	The landscape and geological resources of East Ayrshire are protected and their setting preserved.
Biodiversity, Flora and Fauna	To monitor the impact of the LDP on the natural heritage designations within East Ayrshire.	Enhancement of biodiversity across East Ayrshire. No irreversible losses of valuable sites, areas of important green space, riverbanks etc. or protected species/habitats within East Ayrshire.
Population	To monitor the impacts of permanent population increases and increases of day visitors to East Ayrshire.	Settlements in East Ayrshire are able to accommodate increases in population in terms of the resources and impacts on the natural environment. New developments are located within walkable distance of basic amenities and public transportation routes.
Human Health	To monitor the impact of the LDP on SIMD figures and Hospital Admission Figures and to note any increases/decreases in the baseline data.	Reduction in the hospital admission rates in East Ayrshire as a result of environmental factors. New developments provide new walking and cycling networks and that these are interlinked with existing networks. No excessive air, water, noise or light pollution for new developments.
Soil	To monitor the impact of the LDP on soil resources within	No loss of prime quality agricultural land or other soil resources in East

	East Ayrshire.	Ayrshire. No significant change or loss to the percentage of rural land.
Water	To monitor the impact of the LDP on the water environment within East Ayrshire.	No degradation of ecological status and/or water quality. No increase in the risk of flooding within East Ayrshire settlements.
Air	To monitor the impact of the LDP on air quality within East Ayrshire.	No increase in pollutants into the atmosphere.
Climate	To monitor the impact of the LDP on climate change within East Ayrshire.	Climate change reduction in line with Scottish Government Policy. No increase in the risk of flooding within East Ayrshire settlements Reduction in the carbon emissions into the atmosphere. Areas of raised bog, blanket bog, other organic soils or woodland/groups of trees are protected.
Material Assets	To monitor the impact on areas of protected open space. To monitor the impact on paths and cycle routes throughout East Ayrshire. To monitor the impact of the LDP on waste and energy consumption within East Ayrshire.	All new developments are located close to existing public transport hubs, path and cycle networks and areas of open space. No loss of protected open space, playing fields and other important recreational open space within East Ayrshire. Targets for landfill diversion and recycling met and improved upon. The use of measures to reduce carbon emissions and promote the use of renewable energy promoted.
Cultural Heritage	To monitor the impact of the LDP on cultural heritage within East Ayrshire.	All cultural heritage resources are protected within East Ayrshire.

The monitoring measures outlined are aimed at monitoring relatively long term impacts and trends. There would be no value in undertaking monitoring on an annual basis, as this would not allow

adequate time to measure whether the LDP and Environmental Report are having any impact. It is intended an interim monitoring period be prepared three years into the lifetime of the Plan and thereafter a full monitoring exercise be carried out five years after adoption of the Plan (2022).

Appendix 1: Consultation Representations and the Council's Responses

1. Scoping Report

Consultation Authority Responses Received in Response to Consultation on the Scoping Report and the Council's Observations and Recommended Course of Action

List of Respondents

Name and Address of Respondent	Representation
Scottish Environment Protection Agency, per June Dawson, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP	SEA 001
Scottish Natural Heritage, per Dorothy Simpson, Operations Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ	SEA 002
Historic Scotland, per Andrew Stevenson, Senior Heritage Management Officer (SEA), Longmore House, Salisbury Place, Edinburgh, EH9 1SH	SEA 003

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	<p>Scottish Environment Protection Agency, per June Dawson, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP</p> <p>I refer to your Scoping consultation submitted under the above Act in respect of the East Ayrshire Council Local Development Plan. This was received by SEPA via the Scottish Government SEA Gateway on 12 August 2010. As required under Section 15(2) of the Act, SEPA has considered the document submitted and comments as follows in respect of the scope and level of detail to be included in the Environmental Report (ER).</p> <p>The scoping report was considered to be concise and easy to follow and set the context for the proposed Local Development Plan</p> <p>The Scottish SEA Toolkit (available for download at: www.scotland.gov.uk/Publications/2006/09/13104943/0) provides guidance to Responsible Authorities about the type of information that is expected to be provided at each SEA stage. SEPA has used the toolkit to inform this scoping response which is attached as Annex 1.</p> <p>On completion, the Environmental Report and the East Ayrshire Council Local Development Plan to which it relates should be submitted to the Scottish Government SEA Gateway (sea.gateway@scotland.gsi.gov.uk) which will forward it to the Consultation Authorities.</p> <p>If you wish to discuss any of the content of this response, please do not hesitate to contact me on 01355 574200 or via SEPA's SEA Gateway at</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are appreciated and welcomed.</p> <p>Noted.</p> <p>Noted.</p> <p>The offer of further discussion by the respondent is welcomed.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>sea.gateway@sepa.org.uk .</p> <p>General Comments</p> <p>As we discussed at our meeting on 19 May 2010 and response of 9 June 2010 regarding the draft scoping report, we consider the report to be thorough and contain most of the elements that SEPA would normally wish to see addressed at this stage. The subsequent changes that have been made are noted. We have however a few detailed comments that you may wish to consider and are set out below.</p> <p>Detailed Comments</p> <p>For ease of reference the following comments are provided in the same order as the scoping report.</p> <p>1. Table 1</p> <p>1.1 The changes made to the points regarding flood risk management under Climate (Pg 7) are welcomed.</p> <p>1.2 Under Health (Pg 9) the text for the last statement in the SEA Objectives column need to be amended for clarity.</p> <p>1.3 Under Pollution (Pg 10) the wording of the first statement under SEA Objectives needs amended as above. The additional statement regarding seeking improvements to air and water quality is also welcomed.</p>	<p>The comments of the respondent are welcomed and appreciated.</p> <p>Noted.</p> <p>The comments of the respondent are welcomed and appreciated.</p> <p>The comments of the respondent are duly noted. The Council has added 'help to' to the SEA objective to clarify the purpose of the MIR in this regard. The SEA objective now reads as follows:</p> <p>'The MIR should help to improve the environment and quality of life for residents.'</p> <p>The comments of the respondent are duly noted. The Council has amended the SEA objective by adding in 'detrimental increases, to clarify the purpose of the objective. The SEA objective now reads as follows:</p> <p>'New development should not lead to detrimental increases in air, water, noise pollution and ambient light illumination.'</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>2. Existing Environmental Issues and Problems</p> <p>2.1 It is considered that this section may benefit from the inclusion of positive environmental features of the area. This may result in the proposed plan identifying appropriate measures to protect them if necessary.</p> <p>3. Table 4</p> <p>3.1 Under Health (Pg 17) the final statement under SEA Objective again needs amended as above.</p> <p>4. Cumulative and Synergistic Assessments</p> <p>4.1 It is noted under para 7.11 that the potential for cumulative and synergistic impacts in relation to neighbouring authorities will also be assessed.</p> <p>5. Consultation</p> <p>5.1 The proposed period of 8 weeks for consultation on</p>	<p>Please note that the Council has deleted the Pollution section of Table 4 and subsumed the SEA objective into Human Health and also in to the sections on soil, air and water.</p> <p>The comments of the respondent are duly noted. However, the section is on existing environmental issues and problems, which does not lend itself to adding positive environmental features of East Ayrshire within the section as these are not seen to be environmental issues and problems. The Council believes that the baseline environmental data details the positive environmental features of the area and this is the best place to highlight the significant natural and built environmental features that positively promote East Ayrshire.</p> <p>The comments of the respondent are duly noted. The SEA objective in Table 4 will be amended as detailed above in relation to Table 1.</p> <p>The comments of the respondent are correct. As the Council's assessment process has progressed through other SEA's, the stage 2 assessment matrices detail if there are any cumulative and synergistic impacts and what these impacts are likely to be. The Environmental Report then will provide a summary of these impacts in the section on cumulative and synergistic impacts.</p> <p>The comments of the respondent are welcomed and</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>the ER is acceptable to SEPA.</p> <p>6. Mitigation and Monitoring</p> <p>6.1 It is noted that monitoring indicators will be developed and produced in draft form for the MIR environmental report and in a finalised state for the PLDP. Please note, we would be willing to provide assistance to your authority when developing these indicators.</p>	<p>appreciated. For clarity the 8 week consultation period relates to the MIR and it will be a 6 week consultation period for the Proposed Plan.</p> <p>The comments of the respondent are noted. The offer of assistance to develop the monitoring indicators is welcomed and appreciated by the Council.</p>
SEA 002	<p>Scottish Natural Heritage, per Dorothy Simpson, Operations Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ</p> <p>I refer to your Scoping Report received from the Scottish Government Gateway on 13 August 2010. In accordance with Section 15(2) of the Environmental Assessment (Scotland) Act 2005, I have reviewed the report on behalf of Scottish Natural Heritage in its role as Consultation Authority under the Act. Our comments on the scope and level of detail to be included in the Environmental Report and on the duration of the proposed consultation period are set out below.</p> <p>We are content with the scope and level of detail proposed for the SEA, which is set out in a way we found easy to follow. We believe using the outcomes of the assessment in this scoping report will inform the Main Issues Report (MIR) and the subsequent Proposed Local Development Plan (PLDP) process. We note the consultation period of 8 weeks is proposed for the Environmental Report (ER) and we are content with this.</p> <p>One key issue we would draw to the attention of the responsible authority is the requirements of Article 6(3)</p>	<p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are welcomed and appreciated. For clarification, the consultation period of 8 weeks relates to the MIR and there will be a consultation period of 6 weeks for the Proposed Plan.</p> <p>The comments of the respondent are duly noted. The Council will prepare a Habitats Regulation Assessment using the</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>of the Habitats Regulations Assessment (HRA). The requirements are for any plan or project, to be subject to an 'appropriate assessment'. The SEA and HRA are separate processes, although they can be undertaken in parallel. There could, however, be implications for the timescales for delivery of the Proposed Local Development Plan as a result of the need for this other process.</p> <p>More details on this and other aspects of Scoping Report are contained in the appendix attached to this letter. We understand that we will be separately consulted on our views regarding the environmental report, the Main Issues Report and Local Development Plan.</p> <p>1. General Comments</p> <p><u>Scope of the MIR</u></p> <p>Justification for the focus of the MIR is set out in para 2.6. We expect the monitoring statement to form part of the ER in order that all parties are clear on the reasons for selection of main issues.</p> <p><u>Habitat Regulations Assessment</u></p> <p>We note the reference to undertaking an Appropriate Assessment in Table 1 in relation to the environmental receptor, Biodiversity, Flora and Fauna. By use of this term we understand this is a reference to Article 6(3) of the Habitats Directive which requires that any plan or project, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implication for the European site in view of the</p>	<p>guidance provided by SNH. The Council will consult with SNH throughout the HRA process. At this present time, the Council does not anticipate any difficulties in completing both the SEA and HRA separately.</p> <p>The comments of the respondent are noted. SNH will be consulted on all documents relating to the MIR and Proposed Plan.</p> <p>The comments of the respondent are duly noted. The MIR environmental report will include, within its context section, the preferred option for the main issues that have been selected which will refer to the monitoring statement for completeness.</p> <p>The comments of the respondent are duly noted. The Council will undertake a Habitats Regulation Appraisal for both the MIR and Proposed Plan. The latter may be an addendum to the MIR HRA if acceptable instead of a new assessment. The terminology in table 1 has been altered from 'appropriate assessment' to 'Habitats Regulations Assessment'.</p>

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	<p>site's conservation objectives.</p> <p>The term 'Habitats Regulations Appraisal' is used here by SNH to encompass the decision on whether the plan should be subject to appraisal, the 'screening' process for determining whether an 'appropriate assessment' is required, as well as any 'appropriate assessment' that may be required. It is important to remember that an appropriate assessment is only required where the plan-making body determines that the plan is likely to have a significant effect on a European site in Great Britain, (or a European Offshore Marine Site), either alone or in combination with other plans or projects, and the plan is not directly connected with or necessary to the management of the site.</p> <p>With this background in mind we draw your attention to SNH's recently published guidance on our web site '<i>Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies in Scotland, Version 1.0, August 2010</i>' prepared by David Tyldesley and Associates. This makes clear that the SEA and HRA are separate processes, although they can be undertaken in parallel, but our advice for the avoidance of doubt about what level of assessment is being used, is that, although some early stages of SEA and Habitats Regulations Appraisal may usefully be combined, because of their differing procedures and tests, it is better to keep the two processes distinct and to produce separate reports or records.</p> <p><u>Central Scotland Green Network (CSGN)</u></p> <p>Table 1 in the section on Baseline Environmental Data places the issue of the Central Scotland Green Network (CSGN) in as an environmental receptor only in the section relating to Biodiversity, Flora and Fauna. As we</p>	<p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The Council will follow SNH's guidance when undertaking the HRA. For the avoidance of doubt, the SEA and the HRA will be undertaken separately and produced as separate documents.</p> <p>The comments of the respondent are duly noted. The CSGN SEA objectives will also be added to Human Health, Climate and Material Assets where appropriate.</p>

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	<p>noted in our response to the draft Scoping report we believe this project also has implications for Human Health, Climate and Material Assets. Consultation on CSGN is currently being completed, but these issues have already been identified by Scottish Government as part of the project in its description in the second National Planning Framework where it states that CSGN will be:</p> <p>“...a step change in environmental quality, woodland cover and recreational opportunities...[and] make Central Scotland a more attractive place to live in, do business and visit; help to absorb CO²; enhance biodiversity; and promote active travel and healthier life styles.”</p> <p>As a result we believe CSGN has a wider role in local planning and should be considered more in terms of a policy area. If it is viewed as such, then the range of environmental impacts that CSGN could have, can be fully assessed. However, we do acknowledge the scope of this NPF2 project is still being agreed and if the Council feels it is too early to embrace this as a policy area, there would be merit noting that CSGN will have Environmental Implications for the MIR/PLDP for other Environmental receptors such as Human Health, Climate and Material Assets.</p>	<p>For Human Health, the SEA objective will be as follows:</p> <p><i>‘The MIR should contribute to the Scottish Governments aspirations for the Central Scotland Green Network in relation to encouraging greater recreational activity within the network and the corresponding benefits that this can have on human health.’</i></p> <p>For climate, the SEA objective will be as follows:</p> <p><i>‘The MIR should contribute to the Scottish Governments aspirations for the Central Scotland Green Network in relation to combating the effects of climate change’.</i></p> <p>The SEA objective for Material Assets is as follows:</p> <p><i>‘The MIR should encourage the creation of the Central Scotland Green Network in relation to providing additional natural resources and open spaces within East Ayrshire.’</i></p> <p>Table 4 has been amended to reflect these changes and new sub-criteria/questions have been added to Human Health, Climate and Material Assets in relation to the CSGN</p> <p>The new sub-criteria/questions for Human Health are:</p> <p><i>‘Will the vision/issue/site provide additional recreational opportunities within the CSGN?’</i></p> <p>The new sub-criteria/questions for Climate are:</p> <p><i>Will the vision/issue/site contribute to the establishment of the Central Scotland Green Network and help to reduce the effects of climate change within East Ayrshire?</i></p> <p>The new sub-criteria/questions for Material Assets are:</p> <p><i>‘Does the vision/issue/site contribute to the aspirations of the</i></p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>2. Detailed comments (in the order used in the Scoping Report and under the same headings)</p> <p><u>Baseline Environmental Data</u></p> <p>Table 1 – Landscape and Geology</p> <p>The section in this Scoping report on 'Existing Environmental Issues and Problems acknowledges as of these issues/problems "... increasing pressure for new large scale wind farm developments with implications for landscape and historic environment, scenic quality, habitats and biodiversity." This issue is not reflected in the Environmental Implications on landscape as an Environmental Receptor. We note this as a matter that may require clarification.</p>	<p><i>CSGN?</i></p> <p><i>'Does the vision/issue/site contribute to the boundaries of the CSGN'</i></p> <p>Noted.</p> <p>The comments of the respondent are duly noted. SNH are correct in their response and the Council will add this to the environmental implications section in Table 1 to read:</p> <p><i>'Renewable energy developments, in particular, wind farm development can have a dramatic impact on the landscape.'</i></p> <p>A new SEA objective will be added to tables 1 and 4 and reads as follows:</p> <p><i>'The MIR should ensure that renewable energy developments, especially wind farm developments, do not detrimentally impact on the landscape of the area.'</i></p> <p>Table 4 will also include sub-criteria/questions to reflect the SEA objective, which is as follows:</p> <p><i>'Does the vision/issue/site, in relation to renewable energy developments, respect the landscape of the area?'</i></p> <p><i>'Will the vision/issue/site, in relation to renewable energy developments, detrimentally impact on the landscape of the area?'</i></p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>SEA objective states: "the MIR/PLDP should ensure that opencast coal sites are properly restored once mining has ceased". This should also include a requirement to provide adequate mitigation for habitat loss during the operational lifetime of the site as these sites have a long operational period.</p> <p><u>Table 1 – Biodiversity, Flora and Fauna</u></p> <p>Under Environmental Implications for the MIR/PLDP in this Table it states that development 'within or in close proximity' to Natura sites can affect a site. Under SEA objectives in this Table and Table 4 it also suggests that the plans should ensure that the integrity of all internationally designated sites 'within or adjacent' to the council boundary are protected. However, development does not necessarily need to be close to a Natura site in order for that site to be affected. A plan (for example a LDP) or project (for example a development proposal) can only be given effect/consented if it can be ascertained that it would not adversely affect the integrity of a Natura site. We suggest that this is reflected in the tables.</p> <p><u>Table 1 – Climate</u></p> <p>In the comments under SEA Objectives we have a slight concern that the Scoping Report could encourage re-forestation on peat soils and for clarity we suggest</p>	<p>The comments of the respondent are duly noted. A new SEA objective will be added to reflect the responses of SNH, within the biodiversity, flora and fauna objectives, as follows:</p> <p>'The MIR should ensure that all opencast coal sites provide adequate mitigation for any loss of habitat during the operation lifetime of the site.'</p> <p>A new sub-criteria/question has been added to table 4 to reflect the SEA Objective:</p> <p><i>'Will the vision/issue/site provide mitigation for any loss of habitats during its operational life?'</i></p> <p>The comments of the respondent are duly noted. The text within the environmental implications has been amended to reflect the comments of SNH as follows:</p> <p><i>'Some types of non-site specific development to can have implications on SPA's, SAC's and SSSI's and the interests protected within the site'.</i></p> <p>The SEA objective has been amended to remove 'within or adjacent' and is as follows:</p> <p><i>'The MIR should ensure that the integrity of all internationally designated sites to the EAC boundary are protected and preserved.'</i></p> <p>The comments of the respondent are duly noted. The SEA objective will be reworded as SNH suggest and reads as follows:</p>

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	<p>adding at the end of this paragraph the following text:</p> <p>"...also contribute to the Scottish Governments targets on re-afforestation without comprising other carbon sinks such as peat soils."</p> <p>We believe an important Environmental Implication for the MIR/PDLP relating to the Climate receptor is adaptation to climate change. Thus the following could be noted under this column:</p> <p>'Development can result in fragmentation of green corridors and routes for species dispersal.'</p> <p>This would be a key SEA objective expressed as:</p> <p>"the MIR/PLDP should identify and promote habitat networks which would facilitate species dispersal".</p> <p><u>Table 1 – Health</u></p> <p>As noted above, we believe CSGN aims to promote active travel and healthier life styles. Thus the delivery of the CSGN could be included as an SEA objective for assessing the impact on this receptor.</p> <p><u>Table 1 – Material Assets</u></p> <p>Delivery of CSGN could be included as an SEA objective for assessing the positive and negative impacts on material assets such as core paths, open space, etc.</p> <p>Assessment Methodology</p> <p><u>Table 4 – Biodiversity, Flora and Fauna</u></p>	<p><i>'The MIR should seek to protect trees, soil and peat soils and where possible seek to enhance these and also contribute to the Scottish Governments targets on re-afforestation without comprising other carbon sinks such as peat soils.'</i></p> <p>The comments of the respondent are duly noted. The environmental implication will be added to table 1 and SEA objective will be added to table 1 and 4 respectively.</p> <p>A new sub-criteria/question will be added to table 4 and reads as follows:</p> <p><i>'Does the vision/issue/site identity habitat networks and promote them in relation the dispersal of species?'</i></p> <p>The comments of the respondent are duly noted. Please see the response above in this regard.</p> <p>The comments of the respondent are duly noted. As discussed above, the CSGN has been added as an SEA objective within Material Assets.</p>

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	<p>In this table, one of the sub-criteria/questions is: "can it be determined that the vision/strategy/policy/proposal/site is not likely to have a significant effect on the SPA or SAC". As noted above the HRA process appraises the effects of the plan on the qualifying interests of Natura sites and this is a separate process with different tests to SEA.</p> <p><u>Table 4 –population</u></p> <p>We suggest a useful Sub-criteria/question that could help assess the impact of the MIR/PLDP on population may be expressed as the degree to which settlements are 'walkable'. We suggest it may also be useful to include this notion as a SEA objective in Table 1. If the Council believes there is merit in this we will be pleased to supply further guidance from our emerging work on 'Sustainable Settlements'.</p> <p><u>Matrix 1 and 2</u></p> <p>We were not entirely clear what is meant by the terms of these Matrices and clarification of the terms 'Component' would be useful as would a worked example of the matrices.</p> <p><u>Mitigation and Monitoring</u></p>	<p>The comments of the respondent are duly noted. For the avoidance of doubt, the sub-criteria/question highlighted by SNH solely relates to the SEA assessment process and not the HRA.</p> <p>The comments of the respondent are duly noted. The Council agree that an additional sub-criteria/question can be added to population as SNG suggest. The new sub-criteria/question reads as follows:</p> <p><i>'Are new developments within walkable distance of basic amenities and public transportation routes?'</i></p> <p>The comments of the respondent are duly noted. The term 'component' has been replaced by the term 'receptor' to aid comprehension. The assessment methodology was developed to provide a comprehensive assessment system throughout the Council's SEA's. At the time of the scoping report a worked example was not provided as the assessment methodology had not been tested. However, as SNH are aware both the Community Plan and the Kilmarnock Integrated Urban Development Plan used the assessment methodology and SNH were happy with the way it operated. Therefore, there is no need to provide a worked example.</p>

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	<p>We note you intend to create indicators which will be developed during the plan preparation process. We believe it would be useful, even at scoping stage to consider options available should indicators identify a negative impact. There may also be scope to consider the use of a framework to show how you will monitor. Within such a framework consideration of the use of headings such as; 'What needs to be monitored' (effects), 'What sort of information is required' (indicators), 'Where can the information be obtained', 'When could remedial action be considered', 'who is responsible for undertaking the monitoring', 'what remedial actions could be taken'.</p> <p><u>Appendix 1</u></p> <p>In the section on European: EU Habitats we note the following:-</p> <p>Main/key issues of EU Habitats Directive is described as:</p> <p><i>The Directive requires the protection of species and habitats listed in the Annex's to the Directive by the identification and classification of Special Areas of Conservation (SAC's).</i></p> <p>This should more accurately include Special Protection Areas (SPA) as well as Special Areas of Conservation (SAC). Likewise the implications for the LDP should include both types of designation SPA and SAC, but it should be noted that the implication for the LDP is that it can only be adopted if it can be ascertained that it will not adversely affect the integrity of a Natura site.</p>	<p>The comments of the respondent are duly noted. However, the Council does not agree that monitoring indicators should be provided in a scoping report as scoping occurs so early in the process that it would not be a worthwhile use of resources since the MIR has not even been developed or in development at the point when the scoping report was submitted.</p> <p>The Council will consider SNH's monitoring framework when developing the monitoring of the MIR and Proposed Plan.</p> <p>The comments of the respondent are duly noted. The Council will amend Appendix 1 as SNH suggest.</p>

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SEA 003	<p>Historic Scotland, per Alasdair McKenzie, Strategic Environmental Assessment Teal Leader, Longmore House, Salisbury Place, Edinburgh, EH9 1SH</p> <p>Thank you for consulting Historic Scotland on the scoping report for the environmental assessment of East Ayrshire Council's Local Development Plan which was received by the Scottish Government's SEA Gateway on 12 August 2010. I have reviewed the scoping report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act (section 15). This letter contains the views of Historic Scotland on the scope and level of detail of the information to be included in the Environmental Report (part 1), and the duration of the proposed consultation period (part 2).</p> <p>1. Scope of assessment and level of detail</p> <p>I am grateful to have had the opportunity to discuss the scope and level of detail for the assessment with you earlier this year and welcome that the minor comments I returned at that stage have been incorporated into this report. I agree with the scope and level of detail for the assessment and have no detailed comments to offer.</p> <p>Simply for information, I have included in the attached annex some information on our current designation programmes which you may find helpful in developing your monitoring report and spatial strategy.</p> <p>2. Consultation period for the Environmental Report</p> <p>I note that the Main Issues Report and Environmental Report will be subject to consultation over a period of 8 weeks and I am content with this.</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are welcomed and appreciated.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are duly noted. For clarification, the consultation period of 8 weeks relates to the MIR and there will be a consultation period of 6 weeks for the Proposed Plan.</p>

2. Interim Environmental Report (Main Issues Report Stage)

Responses Received in Response to Consultation on the Interim Environmental Report and the Council's Observations and Recommended Course of Action

List of Respondents

Name and Address of Respondent	Representation
Scottish Environment Protection Agency, per Julie Gerc, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP	SEA 001
Scottish Natural Heritage, per Dorothy Simpson, Operations Manager, Strathclyde and Ayrshire, Russell House, King Street, Ayr, KA8 0BF	SEA 002
Historic Scotland, per Alasdair McKenzie, Heritage Management Team Leader (SEA), Longmore House, Salisbury Place, Edinburgh, EH9 1SH	SEA 003
RSPB, per Zoe Clelland, Senior Conservation Officer, RSPB South and West Scotland Regional Office, 10 Park Quadrant, Glasgow, G3 6BS	SEA 004

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	<p data-bbox="443 331 1182 464">Scottish Environment Protection Agency, per Julie Gerc, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP</p> <p data-bbox="443 504 1182 703">Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the East Ayrshire Local Development Plan - Consultation on the Main Issues Report. This was received by SEPA via the Scottish Government SEA Gateway on 15 November 2012.</p> <p data-bbox="443 743 1182 1007">We have used our scoping consultation response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. For convenience, these comments have been structured to reflect that of the ER. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the plan itself will be provided separately.</p> <p data-bbox="443 1046 1182 1374">As the local development plan is finalised, East Ayrshire Council as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government SEA templates and toolkit which is</p>	<p data-bbox="1211 504 1778 536">The comments of the respondent are noted.</p> <p data-bbox="1211 743 1778 775">The comments of the respondent are noted.</p> <p data-bbox="1211 1046 1778 1078">The comments of the respondent are noted.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>available at www.scotland.gov.uk/Publications/2006/09/13104943/13 .</p> <p>A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.</p> <p>Appendix 1: Comments on the Environmental Report (ER)</p> <p>Non-Technical Summary (NTS)</p> <p>The environmental report has highlighted the likely significant environmental effects of the preferred options and their alternatives for the vision, objectives and main issues of the plan. For ease of reading and to avoid the need for cross referencing with the plan, it would be helpful if a full and comprehensive list including the vision, the objectives and the main issues and their descriptions were set out at the start of the report.</p> <p>While section 1.5 of the non-technical summary (NTS) states that one or more reasonable alternatives have been provided for the 34 issues, the first table of the NTS identifies issues and objectives which are considered as having no reasonable alternatives.</p> <p>The table in 1.9 of the NTS (mixed use development site assessments) states that no reasonable alternatives are identified because it relates to Main issue 14. It is our</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted. However, as the next stage in the LDP process is the publication of the proposed plan and environmental report, this request cannot be fulfilled. However, within the proposed plan Environmental Report, consideration will be given to putting a full list of policies etc. within the non-technical summary.</p> <p>The comments of the respondent are noted. The purpose of the NTS was not to over complicate matters and to keep it short and concise. Therefore, only the preferred option results were included in the NTS while bringing it to the intention of the reader that alternatives were considered and are included in the full report.</p> <p>The comments of the respondent are noted. This was a typing error and should have referred to Main Issue 17: Changes to Business and Industrial Locations. This will be rectified in the</p>

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	<p>understanding that Main issue 14 concerns aggregates and this comment therefore requires clarification.</p> <p>Section 2.1 of the NTS clearly sets out the cumulative impacts of the individual preferred options and identifies both positive and negative impacts. Synergistic impacts have been summarised as having both positive and negative impacts.</p> <p>We note that the draft monitoring measures are also detailed in the NTS. While we welcome the targets of no deterioration in air or water quality, having a target of improved quality would provide more opportunities for a better environment and for the water environment would accord with the aims of the Water Framework Directive and River Basin Management Planning.</p> <p>Similarly, aspiring to an overall decrease in flood risk would be more in line with the aims of the flood risk management act, than only seeking no increase in flooding, although it is noted that issue 3 is titled as "Reducing the risk of flooding".</p> <p>Main Report</p> <p>For those issues which affect our interests, we would not disagree with any of the SEA objectives listed in Table 1 and welcome their inclusion.</p> <p>The reference to the water environment SEA objectives (page 18), should not separate water quality into</p>	<p>Environmental Report.</p> <p>The respondent is correct in there in comments.</p> <p>The comments of the respondent are welcomed and appreciated. The Council will give more consideration to the addition of a monitoring measure as the respondent suggests.</p> <p>The comments of the respondent are welcomed and appreciated. The Council will give more consideration to the amendment of the monitoring measure as the respondent suggests.</p> <p>The comments of the respondent are welcomed and appreciated.</p> <p>The comments of the respondent are noted. The objective will be amended from: 'In line with the Water Framework Directive,</p>

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	<p>chemical and ecological categories, overall water quality should be considered with the aim of achieving "good status". The wording on climate baseline environmental (page 18) requires clarification and perhaps should read "Climate change can be affected by the two key sources of carbon....."</p> <p>We are pleased to see the inclusion of realistic mitigation/enhancement proposals set out in the table of stage 2 assessment of the MIR objectives, issues and reasonable alternatives.</p> <p>Main Issue 3. Reducing the risk of flooding</p> <p>The preferred option states that sites will not be identified in areas of high flood risk and we would consider this to be unacceptable. However, it is noted that the plan itself refers to areas of medium to high risk and we therefore assume a typing error.</p> <p>Main Issue 9. Spatial Strategy for Surface Coal Mining</p> <p>For the preferred option, we note two possibilities for the proposed mitigation for the potentially negative impact of surface coal mining on the water environment. These include defining the areas of search or through the use</p>	<p>the MIR should enhance, where appropriate, water quality (including groundwater) to good chemical and ecological status by 2015' to:</p> <p>'In line with the Water Framework Directive, the MIR should enhance, where appropriate, water quality (including groundwater) to good status by 2015.'</p> <p>The wording within the climate change table was suggested by SNH. However, after consideration, the wording has been amended as SEPA suggest.</p> <p>The comments of the respondent are welcomed and appreciated.</p> <p>The comments of the respondent are noted. This was a typing error and should have referred to areas of medium to high flood risk. This has been rectified.</p> <p>The comments of the respondent are noted.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>of associated policies. Mitigation for the alternative option 1 is limited to one form of mitigation only i.e. criteria.</p> <p>Main Issue 10 – How should the area of search be identified?</p> <p>We note the identification of mitigation proposals for the preferred and alternative options.</p> <p>Main Issues 19, 21 and 26 Economic Revitalisation</p> <p>Impacts and mitigation on receptors, which affect our interests, have been adequately addressed.</p> <p>Main Issue 32: A spatial framework for large scale wind farms</p> <p>While the impact on soil has been assessed, it would appear that the disposal of peat which cannot be re-used on site has not been considered. Large scale windfarms can generate huge volumes of waste peat and the disposal of this waste can have strategic environmental implications.</p> <p>Stage 2 assessments of mixed use development sites</p> <p>There would appear to be contradictory analyses of the potential remediation effects of contaminated soil on soil and water receptors. For site 003 MXD (Glaisnock</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted. Consideration of the disposal of peat and its environmental affects will be considered during the preparation of the Proposed Plan and its Environmental Report.</p> <p>The comments of the respondent are noted. The assessment of both sites should be coloured Green and this appears to be a minor typo. This will be rectified.</p>

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	<p>Glen), remediation is assessed as having a positive environmental effect - highlighted green, while for site 007 MXD (Furnace Rd Industrial Estate) a similar assessment has been identified using amber highlighting.</p>	
SEA 002	<p>Scottish Natural Heritage, per Dorothy Simpson, Operations Manager, Strathclyde and Ayrshire, Russell House, King Street, Ayr, KA8 0BF</p> <p>Thank you for consulting Scottish Natural Heritage (SNH) on the Strategic Environmental Assessment (SEA) Environmental Report for the above Main Issues Report (MIR). We have reviewed the ER in our role as a Consultation Authority in accordance with the Environmental Assessment (Scotland) Act 2005.</p> <p>This response is in regard only to the SEA. We have responded separately with comments on the content of the MIR itself and SNH is currently engaged with East Ayrshire Council (EAC) on the production of Habitats Regulations Appraisal (HRA) and so we will not comment on HRA in this response.</p> <p>We note that some of our suggestions offered at scoping stage have now been accommodated within the ER and we welcome this particularly in relation to Natura issues.</p> <p>There are issues which are emerging since our earlier scoping comments the main one of which we note as follows::</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>1. Wild Land Search Area (WLSA) at the Merrick – SNH has now issued maps showing the location Wild Land Search Areas and part of one of these locations is within East Ayrshire. Therefore this issue should be included in MIR and the implications for MIR and PLDP should be taken into account in the SEA process. SNH website has background to these WLSAs and other information which may help this process - see, http://www.snh.gov.uk/protecting-scotlands-nature/looking-afterlandscapes/landscape-policy-and-guidance/wild-land/</p> <p>2. New Area of Search for Surface Coal Mining – we believe the area mapped may be too limiting. Whilst agreeing broadly with the ER assessment of the options, we explain in summary below and in more detail in the attached Annex to this letter, further impacts arising from the preferred options. The MIR preferred option excludes a large area in the North of the council area which holds coal reserves, from the Area of Search (AoS) and limits the AoS to mainly upland areas. We believe by limiting the AoS mining activity to the area mapped there will be a significant impact on the habitat in this area which holds much peatland. Due to the nature of this habitat, mitigation is not possible and once destroyed by this activity it cannot be successfully restored, resulting in long term permanent impact. We comment on this topic in our response to the MIR and in more detail in the Annex attached to this letter.</p> <p>Detailed comments on the above key topics and other aspects of the ER are included in the attached Annex. I</p>	<p>The comments of the respondent are noted. The WLSA at Merrick will be included in the SEA process as we move towards the production of the Proposed Plan as it would not be appropriate at this stage to retrospectively assess environmental effects of the MIR on the WLSA.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are noted.</p>

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	<p>hope you find these comments useful, however please contact me at the address above if there is any aspect of our advice that you wish to discuss further.</p> <p>Detailed comments from SNH using the chapter headings in the Environmental Report (ER)</p> <p>5. BASELINE ENVIRONMENTAL DATA</p> <p>Table 1: Baseline Environmental Data and Environmental Implications for the MIR Under the topic 'Landscape' the MIR should include reference to Wild Land Search Area (WLSA) as the Merrick WLSA falls into EAC covering roughly the same part of East Ayrshire as the Merrick Kells Special Area of Conservation (SAC)</p> <p>The existence of the Wild Land Search Area (WLSA) should be acknowledged in 'Summary of Baseline Environment'. SNH suggests that under 'Environmental Implications for the MIR/PLDP' the following should be recorded: "...The MIR/LDP Development can result in the loss of attributes for which WLSA is recognised, (see SNH web site at; http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policyand-guidance/wild-land/)</p> <p>SNH suggests 'The SEA Objectives for WLSA' should record the following: 'The MIR should protect, and where appropriate, enhance a distinct and special character of this WLSA'.</p>	<p>The comments of the respondent are noted. The description under Landscape will be changed in the Proposed Plan Environmental Report to reflect the WLSA within East Ayrshire.</p> <p>The comments of the respondent are noted. The Proposed Plan Environmental Report will acknowledge the existence of the WLSA within the Summary of Baseline Information and include the SNH's suggested wording within the environmental implications section of the table.</p> <p>The comments of the respondent are noted. The Proposed Plan Environmental Report will include the suggested SEA objective in its assessment of the Proposed Plan on the WLSA.</p>

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	<p>The issue of WLSA should be followed through the whole MIR/LDP with reference to it in the SEA process. Therefore for example in Table 3: SEA Objectives and subcriteria/ questions the Environmental Receptor 'Landscape and Geology' should include reference to the Merrick Wild Land Search Area (WLSA) and Sub-criteria/questions include the following: 'Will the vision/objective/main issue/site or reasonable alternative have adverse impacts on the wild land qualities?'</p> <p>6. SCOPING OF ISSUES TO BE CONSIDERED IN THE ASSESSMENT</p> <p>SNH agrees that the MIR is likely to significantly impact on all of these environmental receptors mentioned in this section.</p> <p>8. ASSESSMENT METHODOLOGY</p> <p>Table 3: SEA Objectives and sub-criteria/questions</p> <p>We welcome the inclusion of peatland in the Soils and Climate receptors and agree the SEA objectives and 'sub criteria questions' on this as East Ayrshire are particularly important as an area of peatland in south west Scotland</p> <p>9. ASSESSMENT RESULTS</p> <p>Stage 1 Assessment results We note the Assessment results in paras 9.1 to 9.16. The methods used appear</p>	<p>The comments of the respondent are noted. The Proposed Plan Environmental Report will include the suggested SEA sub-criteria/question in its assessment of the Proposed Plan on the WLSA.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are welcomed and appreciated.</p> <p>The comments of the respondent are noted.</p>

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	<p>sound however without scrutinising the data used in the Council's GIS system we cannot comment fully on need for Stage 2 assessment for all issues, but we comment on one of the outcomes as identified for 'Issue 29 – Mauchline's Future Growth and Infrastructure' as assessed in 'Appendix D: Stage 1 Assessment of the Main Issues And Reasonable Alternatives'.</p> <p>Stage 2 Assessment Results</p> <p>Para 9.19 Surface Coal Mining and Minerals; We note the assessment concludes the preferred option will have positive effects on population. It is not clear from this table why this should be, but we note the reference in Appendix E: Stage 2 Assessment of the MIR Objectives to the benefits to population from employment.</p> <p>SNH has further concerns about this preferred option which excludes much of the coal resource at the northern part of the council area and could limit flexibility for developers and thus jeopardise the benefit of employment.</p> <p>Planning for renewable energy:</p> <p>The Summary here appears more negative that would be expected from the policy which should result in a better 'fit' for wind farms in the landscape, however in relation to the range of environmental impacts we agree</p>	<p>The comments of the respondent are noted. Para 9.19 provides an overall summary of the assessment process and does not go into every detail of the assessment results. That is the purpose of Appendix E and the Stage 2 detailed assessment. However, the respondent is correct in their understanding that the positive impacts on population are with regards to employment opportunities.</p> <p>The comments of the respondent are noted. This is an issue for the LDP to explore and will be considered during the preparation of the Proposed Plan.</p> <p>The comments of the respondent are noted.</p>

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	<p>this level of impact and support the results in the 'Analysis of the Significant Environmental Impact' on page 168 of the ER.</p> <p>APPENDIX B: MAIN PLAN'S, PROGRAMMES AND STRATEGIES TO BE USED TO INFORM THE DEVELOPMENT OF THE MIR</p> <p>The column in this table titled 'Plan, Programme or Strategy' includes EU Habitats Directive and EU Birds Directive, but the next 2 columns have recorded the Main/Key Issues of the Document and Implications for the LDP incorrectly. EU Habitats Directive the issues and implications are for Special Areas of Conservation (SACs). EU Birds Directive the implications are for Special Protection Areas (SPAs)</p> <p>APPENDIX D: STAGE 1 ASSESSMENT OF THE MAIN ISSUES AND REASONABLE ALTERNATIVES</p> <p>These useful tables help to demonstrate the justification for decisions on impacts, however a few of the questions posed in the final column of these tables is not answered.</p> <p>Final Column question:</p> <p>'Significant Impact (Yes/No/Don't Know) Why? If no, could the impact become a significant cumulative or synergistic impact (yes/no) why?'</p> <p>It would be most useful for this 'why? question to be</p>	<p>The comments of the respondent are noted. The descriptions will be amended as SNH point out.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted. The why? question</p>

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	<p>answered particularly in relation to 'Section 7: Planning for Renewable Energy Main Issue 32: A spatial framework for large scale wind farms' The comments in this column do not answer this 'Why?' question but say: "...Yes. The environmental impacts of the preferred option could be significant, individually and cumulatively.."</p> <p>Further explanation of why there is or there is not a significant impact would be useful.</p> <p>Section 6 – Infrastructure</p> <p>Issue 29 – Mauchline's Future Growth and Infrastructure</p> <p>The result here under the column headed ; ' Will there be an Environmental Impact?' is as follows:</p> <p>"...As there are no protected or important areas of biodiversity, flora and fauna within the proposed residential areas, the environmental receptor has been scoped out of the assessment process..."</p> <p>The criteria for judging significant effect includes scale and while we agree this is a small area of woodland, it is the case that some types of semi-natural and broadleaved woodland may have built up natural heritage interest that can only be replaced over the very long term if at all. Therefore we are not fully in agreement with this conclusion.</p>	<p>is there to answer where a significant yes or no is not clear cut and needs a bit more explanation. The MIR did not encounter any of these scenarios therefore there wasn't a requirement to explain why the particular assessment was being moved to a stage 2 assessment. In addition, the stage 2 assessments go into greater detail on why the impact is significant. This will be clarified further in the methodology for the proposed plan Environmental Report.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted. While it is noted that the loss of small scale semi-natural and broadleaved woodland can have significant negative impacts, the Council are content with the decision to scope out biodiversity, flora and fauna out of the assessment of Main Issue 29, as it is unlikely that the loss of this area will have any significant negative environmental impacts.</p>

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	<p>APPENDIX E: STAGE 2 ASSESSMENT OF THE MIR OBJECTIVES</p> <p>Main Issue 9: Spatial Strategy for Surface Coal Mining</p> <p>Preferred Option – A New Area of Search and Alternative Option (1): Allow new workings anywhere in East Ayrshire subject to proposals meeting with a detailed set of criteria relating to environmental, landscape and transportation impacts as well as impact on local communities and all other normal operational matters.</p> <p>In the table under the column on 'Analysis of the Significant Environmental Impact' we agree this assessment of negative impact on the topic of Climate, but suggest this is further explained with reference to the ability of habitats such as raised bog, blanket bog, other organic soils or woodland to capture and store carbon.</p> <p>In the table under the column on 'Mitigation; we suggest that the mitigation text would follow more closely the requirements of the legislation covering protection of Natura sites. We suggest the following since it is the case that depending on the Natura interest, impacts can occur at a distance from protected sites. So for mitigation in relation to Natura interests we suggest the following:</p> <p>"...The area of search or associated policies should not include or be likely to affect, habitats or species</p>	<p>The comments of the respondent are noted. The Council will expand the impact to take account of the issues that SNH raise.</p> <p>The comments of the respondent are noted. The mitigation text will be amended in line with SNH's suggestion to ensure compliance with legislation.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>protected by European or national legislation..”</p> <p>Alternative Option (2): Do not permit surface coal mining at new sites and allow extraction only at existing consented sites. Limited extensions could be considered</p> <p>We do not fully concur with the assessment of no negative impact on several of the topics particularly if this option allows extensions to existing consented sites. Because surface mining is so destructive, even low levels of development have significant adverse impacts and for topics such as biodiversity and landscape this should perhaps be reflected as a positive and negative result.</p> <p>Main Issue 10 – How should the area of search be identified?</p> <p>Preferred Option - The Council is of the view that an area of search for surface coal mining should be identified using the coal resource map for East Ayrshire with the certain areas/constraints excluded.</p> <p>We note the conclusion of the assessment of the Preferred Option for Biodiversity says:</p> <p>“..The preferred option excludes Natura 2000 sites and SSSI's, therefore having significant positive environmental impacts...”</p> <p>However it is the case that, depending on the SSSI,</p>	<p>The comments of the respondent are noted. Taking on board the points that SNH raise, it is agreed that, in terms of the precautionary principle, that the assessment should be changed to significant positive/negative impacts.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted and appreciated.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>surface mining may not always have a significant detrimental effect. Conversely, as you note in comments on the Climate topic, there could still be detrimental impacts on habitat networks and areas of raised bog, blanket bog and other habitats that are particularly sensitive to this type of development. In addition the outcome of using this method of identifying a new AoS as depicted on Map 11 indicates this AoS is focussed on a large upland area which holds a significant peatland resource. The value of peatland is demonstrated through its inclusion as an Annex 11 habitat in the Habitats Directive and further reinforced through SPP at para 230 which recommends that 'all areas of peatland that retain a high level of natural heritage conservation interest, archaeological interest or are of value as carbon stores should be protected through development plans '. In addition to the immediate negative impacts, from past experience SNH confirms that it is much more difficult to secure effective restoration in these upland areas with peatland habitats than in lowland, grassland areas. Therefore the negative impact is likely to be permanent.</p> <p>As a result of our comments about restoration above, SNH does not agree in the area selected through this Preferred Option for identifying an area of search method that restoration can result in long term positive impacts. We suggest that the 'Short, Medium or Long term impact outcomes for the preferred option is revised to reflect the more long term nature of adverse impacts arising from the Preferred Option when identified in this manner.</p>	<p>The Council are aware of the difficulties associated with securing effective restorations especially where peat is involved. The views of the respondent that it is more difficult to secure effective restoration in upland areas with peatland habitats than in lowland, grassland areas, resulting in permanent negative impacts, are duly noted.</p> <p>The comments of the respondent are noted. However, the respondent has not suggested how the conclusions for the short, medium and long term impacts should be revised and the reasons for this. The assessment notes that there is likely to be short, medium and long term significant negative impacts on soils and climate, which includes peat resources, therefore, it is not clear what SNH disagree with. Restoration, if undertaken properly, can result in positive environmental impacts in the long term.</p>

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	<p>We do not agree that the Cumulative impacts can result in significant positive impacts on biodiversity etc., due to the identification method resulting in concentration of development in one of the most extensive peatland areas outside legally protected sites such as SSSI, SPA and SAC in East Ayrshire.</p> <p>Alternative Option 1: Similar to OCCSP 2003 approach, identify an area of search with the same set of constraints 'sieved out' as was contained in the OCCSP 2003. Existing and restored sites would not automatically be excluded from the area of search;</p> <p>We agree the assessment for this Alternative</p> <p>Alternative Option 2: A wider area of search, with only international and nationally protected areas (SPA, SAC and SSSI) and a 500m buffer zones around towns being 'sieved out'.</p> <p>We agree the Analysis of Significant Environmental Impact for this alternative Main Issue 15: Sand and Gravel Again we suggest rewording for 'Mitigation' in relation to Natura interests we suggest the following:</p> <p>"...The area of search or associated policies should not include or be likely to affect, habitats or species protected by European or national legislation..."</p> <p>Main issues 19, 20 and 21</p>	<p>The comments of the respondent are noted. Again, the assessment has indicated that there are likely to be cumulative significant negative impacts on soil and climate, which includes peatland resources. Therefore, it is not entirely clear why SNH disagree with the assessment.</p> <p>The comments of the respondent are noted and appreciated.</p> <p>The comments of the respondent are noted and appreciated. The mitigation in relation to Natura interested will be reworded as SNH suggest.</p>

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	<p>Where the MIR proposes re-allocation or redesign of an identified development site as in these main issues, impacts and mitigation could encompass the aims of CSGN such as integrating habitats and access networks for the benefit of biodiversity, climate change (through flood attenuation) and human health through including active travel routes. This would help address some SEA objectives under Human Health and biodiversity.</p> <p>Main Issue 29 – Mauchline’s Future Growth and Infrastructure</p> <p>Preferred Option – The identification of housing land to accommodate a western relief road.</p> <p>See our comments on; Appendix D: Stage 1 Assessment of the Main Issues and Reasonable Alternatives above.</p> <p>Main Issue 32: A spatial framework for large scale wind farms</p> <p>Preferred option – Use the conclusions of the forthcoming Landscape Capacity Study to inform the LDP spatial strategy on wind energy developments</p> <p>Whist agreeing with the outcome of the ‘Analysis of Significant Environmental Impact’ for the various Receptors, we are unsure about the comment under the</p>	<p>The comments of the respondent are noted. Should the preferred option and re-allocation of sites be taken forward to the proposed plan, the Council will give consideration to encompassing the aims of the CSGN within mitigation for these sites.</p> <p>The comments of the respondent are noted. The Council’s response can be found beside SNH’s comments on Appendix D: Stage 1 Assessment of the Main Issues and Reasonable Alternatives above.</p> <p>The comments of the respondent are noted. This is a typo and should have stated windfarm development. The reason for the difference is that windfarm development can be more visually</p>

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	<p>Landscape Receptor which states:</p> <p>“..A new area of search or criteria based policy could include areas of sensitive landscapes thus having the potential for them to be subject to development for opencast coal in the future.</p> <p>If this is the case, significant negative environmental impacts are likely to be experienced...”</p> <p>Our question is why particularly should areas of sensitive landscape be more likely to be targeted for open cast mining. We raise this as a matter clarification as noted in our comments above relating to the tables in Appendix D.</p> <p>Stage 2 Assessments of Mixed Use Development Sites</p> <p>Site 004 MXD: East Main Street, Darvel</p> <p>As well as impact on flooding we suggest the Analysis of Significant Environmental Impact include at least some negative impact on biodiversity since the site abuts a water course</p> <p>Site 006 MXD: Ayr Road, Kilmarnock</p> <p>We note the potential impact on the SWT wildlife reserve and also note as with Site 004 MXD: East Main Street, Darvel the proximity to a water course will have on site impacts on biodiversity</p>	<p>intrusive in landscape terms and visually prominent for many miles than opencast development. This should hopefully clarify matters for SNH.</p> <p>For the information of the respondent, the SEA also notes that opencast coal development can have significant negative impacts on landscape as well.</p> <p>The comments of the respondent are noted. Further consideration of the impacts and mitigation for this site will be given should the site be taken forward to the proposed plan. Any changes to the original assessment will be noted in the Environmental Report of the proposed plan</p> <p>The comments of the respondent are noted. Further consideration of the impacts and mitigation for this site will be given should the site be taken forward to the proposed plan. Any changes to the original assessment will be noted in the</p>

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		Environmental Report of the proposed plan.
SEA 003	<p>Historic Scotland, per Alasdair McKenzie, Heritage Management Team Leader (SEA), Longmore House, Salisbury Place, Edinburgh, EH9 1SH</p> <p>East Ayrshire Council – Local Development Plan: Main Issues Report</p> <p>Environmental Report</p> <p>Thank you for consulting Historic Scotland on the Environmental Report for the East Ayrshire Local Development Plan Main Issues Report. I am responding on behalf of Historic Scotland in its role as an SEA Consultation Authority in relation to our main area of interest for the historic environment.</p> <p>General Comments</p> <p>The environmental report provides a clear assessment of the likely effects of the emerging plan on the historic environment and I am pleased that the comments we have returned in previous correspondence and at scoping stage, have been taken into account.</p> <p>The assessment tables showing the likely effects for the historic environment arising from each main issue are clear and I agree with the findings you have reached. The two-stage approach provides a useful mechanism for picking up more specific issues, particularly when</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are welcome and appreciated.</p> <p>The comments of the respondent are welcome and appreciated.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>viewed in conjunction with the detailed commentary outlining the reasoning behind the scoring for both preferred and alternative options within Annex E.</p> <p>I note that you have identified significant effects for the historic environment in relation to issues 9 and 15 – areas of search for surface coal extraction, sand and gravel (section 9.19 and Annex E). With regard to surface coal extraction, I understand that the preferred option is to simplify the ‘sieves’ contained in the 2003 OCCSP. This will result in the removal of historic environment considerations during the identification of areas of search and as a consequence, increase the likelihood for significant effects for scheduled monuments and other archaeological sites. However, one way to mitigate this would be to ensure that any ‘sieves’ that have been removed from the LDP are sufficiently captured within minerals guidance so that any implications for the historic environment can be identified early in the pre-application/ EIA processes, providing linkages where relevant to the historic environment LDP policies.</p> <p>I also note that significant effects have been identified in relation to Issues 32 and 33 (on wind energy developments). Given a spatial framework for smaller scale developments does not exist at present, the preferred option for issue 33 could provide an opportunity to provide not only clarity to communities and developers, but also help to steer proposals away from more environmentally sensitive locations. While I agree that on the whole, significant effects are likely to</p>	<p>The comments of the respondent are noted. The Council will take on board Historic Scotland’s comments on the need to ensure that adequate mitigation is afforded to the historic environment for Main Issues 9 and 15, within forthcoming development management policies that may be associated with the issues, and also to alert developers to any historic environment implications at an early stage.</p> <p>The comments of the respondent are noted. The Council will take on board Historic Scotland’s suggestion of integrating historic environment considerations during the preparation of the new guidance.</p>

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	<p>be mitigated through the application of LDP policies (as you have noted within Annex E) there is an opportunity to integrate historic environment considerations during the preparation of this new guidance – both within the criteria and spatial mapping (where possible). We would be happy to contribute to this exercise should the preferred option to create this guidance be taken forward.</p> <p>I hope this is useful. As you are aware, none of the comments in this letter should be taken as constituting legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity building in SEA.</p>	<p>The comments of the respondent are noted.</p>
SEA 004	<p>RSPB, per Zoe Clelland, Senior Conservation Officer, RSPB South and West Scotland Regional Office, 10 Park Quadrant, Glasgow, G3 6BS</p> <p>Appendix 2: RSPB Scotland Comments on MIR Environmental Report</p> <p>Strategic Environmental Assessment Process</p> <p>The Environmental Report fails to comply with Schedule 3 of the Environmental Assessment (Scotland) 2005 Act which requires authorities to provide information on appropriate mitigation measures to '<i>prevent, reduce or offset any negative effects from the plan</i>'. Planning Advice Note (PAN) 1, (section 4.23) states that the '<i>SEA should highlight the likely significant environmental</i></p>	<p>The comments of the respondent are noted. However, the respondent should be aware that the Environmental Report is only one part of the decision-making process that went into choosing the preferred and alternative options contained within the Main Issues Report. Social and Economic considerations also have a part to play in any plan and have also be given due consideration as much as the Environmental Report has. The</p>

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	<p><i>effects of the alternatives and this information should be taken into account in the selection of the preferred option'. We are very disappointed that East Ayrshire Council has disregarded the results of the SEA process and put forward preferred options which could result in significant environmental impacts.</i></p> <p>Our main concern with the MIR Environmental Report and the Strategic Environmental Assessment process in this regard is the fact that the results of the SEA process have not influenced the development of main issues 9 and 10 relating to surface mining or main issue 15 relating to sand and gravel extraction.</p> <p>In particular, although mitigation measures are listed in Appendix E of the Environmental Report, these have not been considered when developing the preferred options. For example:</p> <ul style="list-style-type: none"> the proposed mitigation for the preferred option for Issue 10 to exclude areas of blanket bog and feeding habitat for protected birds has not been reflected in the proposed search area for surface mining (Map 	<p>Council can confirm that the findings of the Environmental Report were used when deciding the preferred and alternative options and did lead to initially preferred options being removed and considered as alternative options due to significant negative impacts i.e. Main Issue 15, which originally had a site at Townhead of Grange, Muirkirk as the preferred option for a new site for sand and gravel extraction. This was removed from the MIR, at the time of producing it, due to the significant negative impacts this site would have had, based on the information available, on the environment.</p> <p>The comments of the respondent are noted. As stated above the findings of the Environmental Report were used by the Council when deciding the preferred and alternative options and did lead to initially preferred options being removed and considered as alternative options due to significant negative impacts i.e. Main Issue 15, which originally had a site at Townhead of Grange, Muirkirk as the preferred option for a new site for sand and gravel extraction. This was removed from the MIR, at the time of producing it, due to the significant negative impacts this site would have had, based on the information available, on the environment.</p> <p>The comments of the respondent are noted. Again, the Environmental Report is used to help with decision-making and although the Council are duty bound to consider it, they are not bound to take on board its recommendations, and in this case, mitigation measures should other reasons outweigh the Environmental Report.</p>

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	<p>11 in the MIR) which includes an important area of blanket bog habitat</p> <ul style="list-style-type: none"> despite proposing that impacts of main issue 15 could be mitigated by avoiding important habitat networks, the search area for sand and gravel (Map 12 in the MIR) has been proposed to coincide with important lowland wetland habitat networks <p>The process of understanding the receptors, analysing the impacts and proposing appropriate mitigation has not been comprehensive and has resulted in insufficient mitigation measures being proposed. Where appropriate mitigation measures have been proposed, these have not influenced the options proposed in the MIR.</p> <p>Whilst we recognise that the plan and SEA are still at the early stages, we strongly recommend that in preparing the draft plan, further consideration is given to mitigation to ensure compliance with the Environmental Assessment (Scotland) 2005 Act. In particular, the avoidance of impacts on important habitats (not just designated sites) is vital in determining search areas for sand and gravel and surface mining. RSPB Scotland would welcome involvement in any further discussion on these search areas.</p>	<p>The comments of the respondent are noted. The Council are content with the environmental assessment of the MIR and its conclusions, but are happy to revisit the mitigation measures if the RSPB Scotland can elaborate on where there are insufficient mitigation measures and what they would propose to amend them.</p> <p>As noted above, the Environmental Report is used to help with decision-making and although the Council are duty bound to consider it, they are not bound to take on board its recommendations, and in this case: mitigation measures, should other reasons outweigh the Environmental Report.</p> <p>The comments of the respondent are noted. The Council welcomes RSPB Scotland's assistance in this area.</p>

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
	<p>Assessment of main issue 10</p> <p>We do not agree with the assessment of main issue 10 that with the preferred option, biodiversity, flora and fauna and population are predicted to have significant positive impacts. This option is likely to result in significant negative impacts on several biodiversity receptors and will have overall negative impacts.</p> <p>Cumulative impacts</p> <p>The Environmental Report does not attempt to consider the relative scale of environmental impacts resulting from the main issues or any interaction effects so the cumulative impact is simply a statement that both negative and positive impacts would occur if the plan were to be implemented. The cumulative assessment does not seem to have been used to inform the MIR, for example when considering impacts in areas where development of coal, wind and mineral resources is likely to occur.</p> <p>Monitoring</p> <p>The draft monitoring measure for biodiversity, flora and fauna is not suitable to assess the effect of the LDP on the target as it only considers designated sites. The LDP will have an impact on a far wider suite of biodiversity receptors, as recognised by the target, so different measures are required to assess this.</p>	<p>The comments of the respondent are noted. However, the respondent has not elaborated on why in their opinion the environmental impacts are likely to be significant negative. That being said, the Council are content with their assessment of Main Issue 10.</p> <p>The comments of the respondent are noted. It would have been useful if the respondent could have provided specific examples to back up their assertion. The Council are content that it has identified, to the best of its knowledge, the cumulative impacts of the individual issues and the plan as a whole. Again, the Council are duty bound to consider the cumulative impact assessment but do not need to follow it if other considerations outweigh the assessment.</p> <p>The comments of the respondent are noted. While monitoring measures have to be suitable to allow the assessment of unforeseen impacts, as well as, monitoring the impacts of the actual plan in question, they also have to be realistic and able to be effectively implemented within the resources available to the Council. The Council are content that the draft monitoring measures in the Environmental Report will provide effective</p>

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		monitoring within the resources available. It would have been useful if the respondent could have provided some examples of the monitoring measures they would have liked to have seen so that the Council could have considered any amendments to the measures which could be accommodated within existing resources.

3. Environmental Report (Proposed Plan stage)

Responses received in response to consultation on the Proposed Plan and the Council's observations and recommended course of action.

List of Respondents

Name and Address of Respondent	Representation
Scottish Environment Protection Agency, per Lorna MacLean, Acting Planning Unit Manager (SW), 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire ML1 4WQ	SEA 001
Scottish Natural Heritage, per Kerry Wallace, Operations Manager, Strathclyde and Ayrshire, Russell House, King Street, Ayr, KA8 0BF	SEA 002
Historic Scotland, per Virginia Sharp, Senior Heritage Management Officer (SEA), Longmore House, Salisbury Place, Edinburgh, EH9 1SH	SEA 003
Gladman Developments, 2 Eliburn Office Park, Eliburn, Livingston, West Lothian, EH54 6GR	SEA 004

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	<p>Monitoring Measures section 1.23</p> <p>The target on the water environment should refer to no degradation of ecological status rather than just water quality. As well as water quality ecological status looks at a range of elements including changes to water levels and flow and changes to the morphology of waterbodies.</p> <p>Site Assessment</p> <p>Our flood risk assessment of sites recommended the removal of site reference 361H, Main Road (south), Crookedholm, as the Council had indicated on our spreadsheet that it was an undeveloped site. The ER however states that there was previously a garage on the site, it should be confirmed by the planning authority whether or not this site is considered to be developed or undeveloped.</p> <p>In our assessment of the sites we also identified sites where there was a potential flood risk from minor watercourses and we therefore requested that the submission of a FRA should be a development requirement. There are a few of these sites where the ER assessment has not identified a potential flood risk; these are 335H, 363H, and 007B. We recommend the reassessment of these sites and the addition of the submission of a FRA as a development requirement.</p>	<p>The respondent's comments are noted. The sentence relating to the water target in Table 9: Monitoring Measures has been amended to read as follows:</p> <p>'No degradation of ecological status and/or water quality.'</p> <p>The Stage 1 assessment matrix relating to site 361H has been amended to reflect that the site is greenfield land. However, the site has valid planning permission in principle. Sites with a valid planning consent for residential development, which have not been fully developed, are required to be identified for such purposes within the Local Development Plan. The removal of the site from the LDP would fail to reflect the current planning status of the site and would result in a reduction of 20 residential units within the Kilmarnock and Loudoun Housing Market Area. The developer of the site will be required to provide a flood risk assessment to address the risk of flooding on the site and will also be required to ensure, in accordance with LDP policy ENV11, that the development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse risk on the risk of flooding off-site.</p> <p>In terms of the stage 2 assessment of sites 335H, 363H and extension to site 007B, the outcomes of the assessment of each site has concluded that, in terms of climate, the mitigation/enhancement measures are unknown at this time. It is not possible to predict what the impact after mitigation will be as SEPA's advice and mitigation requirements are unknown. However, the developer will be required to investigate the flooding issues further and contact with SEPA at an early stage formulate any flood mitigation measures that may be required. To address SEPA's concerns the following new sentence has been added to the mitigation/enhancement paragraph for each</p>

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		<p>site :</p> <p>'A Flood Risk Assessment may be required.'</p>
SEA 002	<p>Thank you for consulting Scottish Natural Heritage (SNH) on the Strategic Environmental Assessment (SEA) Environmental Report for the above Proposed Plan. We have reviewed the Environmental Report in our role as a Consultation Authority in accordance with the Environmental Assessment (Scotland) Act 2005. This response is in regard only to the SEA. We have responded separately with comments on the content of the Proposed Plan and Supplementary Guidance and accompanying Habitats Regulations Appraisal (HRA). We note that some of our suggestions offered at scoping stage have now been accommodated within the ER and we welcome this. Overall, we found the Environmental Report to be very thorough and comprehensive and it appropriately identifies the likely significant effects of relevance to SNH.</p> <p>For the assessments of general policies we generally agree with the findings of the assessments and the broad types of mitigation measures that should be applied. We consider that to enhance the effectiveness of the suggested mitigation in the SEA it would be useful for further detail on how the different types of measures will be achieved to prevent, reduce and offset the significant adverse effects. This would help make the identified mitigation measures more specific. For example the SEA could identify the application of a relevant policy in plan/supplementary guidance or good practice methods that need to be adopted at project level.</p> <p>We note that mitigation has been applied at a number of the allocated development sites and we agree with the findings of the assessments. We welcome that there is a</p>	<p>The comments of the respondent are welcomed and noted.</p> <p>The comments of the respondent are noted.</p> <p>The comments of the respondent are noted.</p>

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	<p>hook to the SEA mitigation/enhancement in the proposed plan. However, to further improve on this approach there could be even greater detail in the SEA detailing specific site level requirements. We consider that some of the detail currently in the SEA is quite general to fully inform developers where and how mitigation measures should be applied. By providing more place specific requirements we consider this could act as a basic development brief to developers of the council's aspirations for a site. An example could be on a housing site that may have an opportunity to widen water course with habitat enhancements whilst also delivering access improvements all of which would deliver a multi-function green network.</p>	
SEA 003	<p>Thank you for consulting Historic Scotland on the revised Environmental Report (ER) prepared for the environmental assessment of East Ayrshire's Council's Local Development Plan (LDP). It was received in the Scottish Government's SEA Gateway on 13 March 2015. I have reviewed the Environmental Report on behalf of Historic Scotland and should make clear that this response is in the context of the SEA Act and our role as a Consultation Authority. It therefore focuses on the environmental assessment, rather than the contents of the plan.</p> <p>General comments</p> <p>In general, I found the revised ER to be well set out; I particularly found the format of the stage 1 and 2 assessment matrices to be clear and concise in conveying the findings of the assessments. I welcome that the comments which we provided on the interim ER have been taken into account and have influenced the revised ER. In relation to assessment work carried out since the interim ER, I am broadly content with the approach, and the findings in terms of effects on the</p>	<p>The comments of the respondent are noted.</p> <p>The comments of the respondent are welcomed and noted.</p>

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	historic environment, subject to the detailed comments provided in the attached annex.	
SEA 004	<p>By rolling forward existing Local Plan housing allocations with extant planning permission without assessing these sites in the Environmental Report, the Council has failed to take account of the up to date position with regard to these sites.</p> <p>Furthermore, it is apparent that the Environmental Assessment that was undertaken for these sites during the preparation of the adopted Local Plan did not employ the same methodology that was used in the LDP Proposed Plan Environmental Statement.</p> <p>Notably, the Environmental Report, para 8.8 states <i>"It became apparent that the initial SEA criteria and objectives were not applicable to the assessment of development sites. Therefore, based on the Consultation Authorities site assessment pro-forma, a new set of SEA objectives and Criteria were developed to better assess the sites taken forward to Stage 2 of the site assessment process."</i></p> <p>It should therefore be the case that all proposals, need to be considered under the Stage 1 assessment to determine whether they require to be assessed further at Stage 2.</p> <p>As an example, Draffen East (H355) is known to have significant issues with ground conditions rendering it undevelopable for residential use. As the site was not assessed in the LDP Proposed Plan Environmental Report, this has not been taken into account.</p>	<p>Development sites which were fully developed, being constructed or had a live planning consent on them were not subject to an SEA. These are detailed in Appendix D of the Environmental Report. This approach was part of the methodology proposed at the early stage in the Environmental Assessment Process. The methodology used to assess the East Ayrshire Local Development Plan was approved by all SEA Consultation Authorities. This methodology was not used to assess the East Ayrshire Local Plan 2010 and was formulated only in the early stages of the preparation and environmental assessment of the East Ayrshire Local Development Plan.</p> <p>In terms of paragraph 8.8 this refers to the environmental objectives and criteria used to assess the plan's policies, proposals and sites at stage 2. Stage 1 identifies whether there is likely to be any environmental impact and if this is likely to be significant. The objectives and criteria have been amended to better inform the stage 2 assessment of sites.</p>

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	Revise the Environmental Report to include an assessment of all proposals, regardless of their planning status.	

