

Interim Environmental Report

APPENDIX 1:

SEA Consultation Authority responses received from consultation on the Scoping Report (April 2019); East Ayrshire Council's Observations and Actions taken

Consultation Authority	Comments on Scoping Report by Section	How comments were taken into account.
Scope and Level of Detail		
Historic Environment Scotland (HES)	We note that the historic environment has been scoped into the assessment. We are content with this approach and are satisfied with the scope and level of detail proposed for the assessment, subject to the detailed comments provided in the attached Annex.	Noted and welcomed.
Scottish Natural Heritage (SNH)	We are content with the scope and level of detailed proposed for the Environmental Report which is clearly set out. We consider that using the outcomes of the SEA as proposed in this Scoping Report will inform the Main Issues Report (MIR) and subsequent Proposed Local Development Plan 2 (PLDP 2).	Noted and welcomed.
Assessment Methodology		
Historic Environment Scotland (HES)	<p>Within Table 3 (of Scoping Report), the environmental topic "Historic Environment" should include Battlefields; specifically the Battle of Loudoun Hill (Reference BTL36).</p> <p>This should also incorporate non-designated historic assets and areas of historical interest (e.g. those covered by paragraph 151 of Scottish Planning Policy). SPP (Para 151): <i>This includes historic landscapes, other gardens and designed landscapes, woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible. HES outline that EAC must ensure that the assessment methodology and site assessment matrices have the scope to consider effect on these types of historic assets.</i></p>	<p>Noted. Incorporated into Table 6: Environmental Topics and Associated Receptors, associated methodology and Stage 1 Assessment outcomes.</p> <p>Noted and incorporated into Table 6: Environmental Topics and Associated Receptors, associated methodology as well as Stage 1 and Stage 2 assessment tables and outcomes.</p>
Scottish Environmental Protection Agency (SEPA)	We understand that a two stage assessment methodology is proposed involving an assessment of significance using SEA objectives and GIS mapping (Stage 1) and more focused assessment of the identified significant impacts using Matrix 2 (Stage 2). We agree with the scope of the assessment; focussing on the visions, spatial strategy, policies, proposals and sites and, in the case of the MIR, their reasonable alternatives.	Acknowledged and welcomed. Our SEA objectives and sub-criteria allows for a methodical approach to appraise options and their impacts.
Scottish Natural Heritage (SNH)	We welcome the two-stage assessment proposed for the non-site specific aspects of the Plan. This is a tried and tested methodology and we are content with this approach.	Acknowledged and welcomed.
Assessment Methodology – Site Assessment		
Scottish Environmental Protection Agency (SEPA)	We note that the assessment of the sites is to focus on those submitted during the Call for Priorities, Issues and Proposals Consultation. If sites are being carried forward from LDP1 we would also highlight, in line with Planning Advice Note 1/2010, that it may be useful to reassess these as there may be new information available for assessment (e.g. updated SEPA flood maps etc.)	Noted and incorporated into the assessment methodology. Where appropriate and necessary the continued inclusion of sites has been further assessed under Planning Advice Note 1/2010 as more recent and relevant information has been obtained.

	<p>We also advocate a methodology which clearly assesses potential effects on all environmental topics. Our experience in relation to assessment of allocations is that it can be much easier and useful exercise if the assessment is made against a range of related questions, rather than directly against the environmental topics. This allows a very practical assessment to take place which clearly highlights the environmental benefits and costs of each individual allocation. As an example, assessing the allocation against the question “<i>Can the allocation connect to public sewage infrastructure?</i>” gives a clear and practice view on how this allocation is likely to affect the water environment.</p> <p>We recommend that you consider the joint SEA and Development Plan site assessment proforma which sets out the issues which we require to be addressed in more detail.</p>	<p>Noted. This detail-orientated and question-based method will be integrated into the assessment at the Proposed Plan stage.</p> <p>Noted and considered. The Joint SEA Template layout has been incorporated into PIP assessment methodology in a simplified form for the Interim Environmental Report. The Proforma can be viewed in Appendix 9 with PIP assessments summarised in Appendix 8.</p>
Scottish Natural Heritage (SNH)	<p>For the site assessment, we note that the Council proposed to use the spreadsheet in Appendix 4 to “<i>initially assess the sites</i>” before presenting the findings “<i>in a simplified form (instead of using the spreadsheet) with maps and photographs</i>”. Clarification of the intended methodology would be welcomed.</p> <p>The use of innovative approaches to the site assessments is welcomed, however, we consider that this is critical that the assessment details the significant impacts, cumulative/synergistic impacts and mitigation. Therefore, detailed commentary should support the maps and photographs to ensure that the assessment is robust.</p> <p>We note that the Council proposes to carry out an initial site assessment using the spreadsheet in Appendix 4 before presenting the information “<i>in a simplified form (instead of using the spreadsheet) with maps and photographs</i>”. Our understanding is that the sites will not be assessed through the two-stage assessment proposed for the non-site-specific elements of the plan. The use of innovative approaches to assessments is welcomed, however, we consider it critical that the assessment is robust. Providing detailed commentary alongside the graphics outlining the significant impacts, cumulative/synergistic impacts and mitigation would help to achieve this.</p>	<p>Noted and incorporated into assessment methodology. Maps are provided throughout report to support environmental information.</p> <p>Noted. Cumulative and synergistic impacts are considered throughout the assessment process. Maps are included to supplement and support assessment outcomes. However, other supporting information such as photographs will be included at the Environmental Report stage and Proposed Plan Stage.</p> <p>Noted. Accompanying the maps and photographs included within the report is a relatively detailed commentary box which explains the data and its relevance to the Strategic Environmental Assessment as requested by SNH.</p>
Assessment Methodology – Stage 1 Assessment		
Scottish Environmental Protection Agency (SEPA)	<p>We support the use of SEA objectives as assessment tools, as proposed in the Stage 1 assessment, as they allow a systematic, rigorous and consistent framework with which to assess environmental effects.</p> <p>We expect that the matrix include sufficient information to justify the reason for each assessment presented.</p> <p>It would be helpful to set out assumptions that are made during the assessment and difficulties and limitations encountered.</p> <p>We agree with SNH that the nature of the impact should also be taken into consideration within the</p>	<p>Acknowledged and welcomed. Our SEA objectives and sub-criteria allows for a methodical approach to appraise options and their impacts.</p> <p>Noted and incorporated into PIP assessment methodology.</p> <p>Where applicable, limitations and presumptions have been included in the Stage 1 assessment tables. This information will be provided in more detail at the Proposed Plan stage.</p>

	<p>Stage 1 assessment. It is also unclear what is proposed where it is found that there is an “unsure” assessment of significance; as a precaution are these to be taken forward to the Stage 2 assessment?</p>	<p>Noted and incorporated into assessment. Where impacts are “unsure/uncertain”, as a precaution they have been Screened into Stage 2 for further consideration.</p>
Scottish Natural Heritage (SNH)	<p>Under paragraph 7.7 of ‘Stage 1 – Assessment of Significance’, we recommend that the nature of the impact is also taken into consideration.</p> <p>Appendix 4 ‘<i>Site Assessment template</i>’ could be updated to include the following points:</p> <ul style="list-style-type: none"> ❖ Soil – In relation to peat and carbon-rich soils, Class 5 should be taken into consideration in addition to Classes 1 and 2 as this is also nationally important. ❖ Landscape – landscape character and setting should be taken into consideration. Clarification could be provided on nature and source of the ‘Landscape Capacity Indicative Areas’. ❖ Biodiversity – ‘<i>European Habitat Areas</i>’ could be amended and clarified to include international and European designations. 	<p>Noted and incorporated into assessment.</p> <p>Noted. Class 5 peatland and carbon-rich soils has been utilised in the site assessment process as a constraint.</p> <p>Noted. Landscape character and the landscape setting has been taken into consideration.</p> <p>Noted and incorporated into the assessment. When assessing impacts on biodiversity, both European and international designations are considered.</p>
Assessment Methodology – Stage 2 Assessment		
Scottish Environmental Protection Agency (SEPA)	<p>As with the Stage 1 assessment, it is important to include a commentary, as proposed, to state the reasons for the effects cited to fully explain the rationale behind the assessment results. This allows the Responsible Authority to be transparent and also allows the reader to understand the rationale behind the analysis given.</p> <p>We welcome the links between effects and mitigation/enhancement measures in the proposed assessment framework (Within the Scoping Report; Matrix 2)</p>	<p>Noted and incorporated into assessment.</p> <p>Acknowledged and welcomed. Matrix 2 of the Scoping Report appropriately outlines the links between effects and mitigation/enhancement measures.</p>
Scottish Natural Heritage (SNH)	<p>Stage 2 – Detailed Assessment of Identified Significant Impacts’ proposes to “<i>indicate whether the impact is significant positive, significant positive/negative, or significant negative</i>”. Perhaps this could be expanded to take into consideration neutral and unknown effects to provide more detail.</p>	<p>Noted and incorporated into assessment. Neutral and uncertain impacts are stated, where applicable.</p>
SEA Objectives and sub-criteria/questions		
Historic Environment Scotland (HES)	<p>The objectives and sub-criteria focus on preventing negative effects, and do not look to identify or promote positive effects. It is recommended that objectives which promote the following are considered as a basis to develop additional positive objectives and sub-criteria:</p> <ul style="list-style-type: none"> ❖ Aim to promote positive reuse of historic buildings; ❖ Which touch on the role that the historic environment has to play in contributing to good placemaking; and ❖ Which touch on the role that the historic environment has to play in contributing to the sustainable development of communities and places <p>The objectives and sub-criteria should reference the six policies of the Historic Environment Policy for</p>	<p>Acknowledged and welcomed. Our SEA objectives and sub-criteria allows for a methodical approach to appraise options and their impacts.</p> <p>Acknowledged and incorporated. The Policy Statement for Scotland</p>

	<p>Scotland. This will be useful in developing objectives and criteria that can promote positive outcomes for the historic environment.</p> <p>The sub-criteria should mostly focus on designated assets. We recommend that you consider how the sub-objectives could be amended to better address significant effects on non-designated historic environmental assets and places.</p> <p>We welcome the inclusion of an objective for historic environment assets relating to historic mineral extraction activity, reflecting the local characteristics of the historic environment of your area.</p>	<p>was updated in April 2019 and the six policies (HEP1-6) are reflected within the objectives and sub-objectives of this assessment.</p> <p>Acknowledged and incorporated. The objectives and sub-objectives have been amended to consider the impacts on the non-designated historic environment.</p> <p>Acknowledged. Historic mineral extraction has a significant impact on the landscape and rural communities of East Ayrshire. Their continued impact needs to be considered.</p>
Scottish Environmental Protection Agency (SEPA)	<p>We understand that the proposed assessment methodology has an overall objective to <i>“protect and, where appropriate, enhance the environment”</i>. Many of the proposed SEA objectives seek to protect environmental receptors. We recommend, where appropriate, that the objectives are updated to reflect the overall objective, e.g. <i>to protect and improve air quality, protect and improve carbon rich soils etc.</i></p> <p>It would also be our preference that the objective under water is updated to <i>“protect and enhance the state of the water environment”</i> supported by sub-criteria objectives such as “reduce levels of water pollution” and <i>“improve the physical state of the water environment”</i> (see our SEA Topic Guidance on Water for further information).</p> <p>The second objective particularly relating to the restoration of minerals sites seems overly specific to test the effects of the Plan.</p> <p>Additionally, with regard to the flood risk objective on Page 16 (of the Scoping Report), rather than <i>“no potential flood risk from new development”</i> it may be clearer to <i>“to ensure that development is avoided in flood risk areas”</i>.</p>	<p>Noted and incorporated. We are in agreement, that this more accurately reflects the overall objectives of LDP2.</p> <p>Noted. SEPA's preference has been incorporated into the objectives and sub-criteria objectives.</p> <p>Noted.</p> <p>Noted. Objectives updated in accordance with this comment.</p>
Scottish Natural Heritage (SNH)	<p>We have suggested some additional/amended SEA objectives, appropriate sub-criteria/questions should be included to reflect these:</p> <p><u>Geology and Soils</u></p> <p>We suggest including a SEA Objective to protect soil quality more generally. For example, “The MIR/PLDP2 should protect soil quality”.</p> <p>In relation to vacant and derelict land, we suggest expanding the SEA Objective to include “...<i>It should promote the remediation of contaminated land.</i>” or similar.</p> <p>We consider that the peat and carbon-rich soils SEA Objective should be amended to <i>“The MIR/PLDP2 should seek to protect and, where possible, enhance peat and carbon rich soils from development.”</i></p> <p><u>Landscape</u></p>	<p>The suggested improvements/additions to SEA objectives have been made as requested by SNH.</p> <p>Noted. Objectives updated in accordance with this comment.</p> <p>Noted. Objectives updated in accordance with this comment.</p> <p>Noted. Objectives updated in accordance with this comment.</p>

	<p>The SEA Objective regarding landscape character should be generalised to consider more than simply the rural areas. For example, “<i>The MIR/PLDP2 should protect, and where appropriate, enhance the landscape character, the setting of settlements and landscape features.</i>”</p> <p><u>Biodiversity, Flora and Fauna</u></p> <p>We consider that the SEA Objectives relating to designated sites could be simplified to ensure they are clear. For example, “<i>The MIR/PLDP2 should protect and, where possible, enhance all internationally, European, nationally and locally designated sites, habitats and priority specific from adverse impacts, loss and fragmentation.</i>”</p> <p>An additional SEA Objective could be inserted in relation to woodland such as, “<i>The MIR/PLDP2 should safeguard and, where possible, enhance trees, woodland and hedges including ancient and semi-natural woodland, and trees with Tree Preservation Orders (TPOs).</i>”</p> <p><u>Water</u></p> <p>We suggest adding an additional SEA Objective such as, “<i>The MIR/PLDP2 should maintain or enhance the ecological status of the water environment.</i>”</p> <p><u>Climatic Factors</u></p> <p>We recommend that consideration is given to green infrastructure in relation to climatic factors. For example, “<i>The MIR/PLDP2 should promote the provision green infrastructure. It should ensure that all new development provides Sustainable Urban Drainage Systems (SUDS) to help reduce flood risk within the area and protect water quality.</i>”</p> <p><u>Population and Human Health</u></p> <p>The SEA Objective concerning open space could be amended as follows, “<i>The MIR/PLDP2 should safeguard and enhance access to good quality open space ensuring a good quality of life for residents.</i>”</p>	<p>Noted. Objectives updated in accordance with this comment.</p> <p>Noted. Objectives updated in accordance with this comment.</p> <p>Noted. Objective added in accordance with this comment.</p> <p>Noted. Objective added in accordance with this comment.</p> <p>Noted. Objective added in accordance with this comment.</p> <p>Noted. Objective amended in accordance with this comment.</p>
Baseline Environmental Data		
Scottish Environmental Protection Agency (SEPA)	<p>We welcome the intention to support the environmental baseline with GIS mapping. For information, we hold significant amounts of data that may be of interest to you in preparing the ER. Many of these data are now readily available on our website, referenced in our guidance or available from our Access to Information unit.</p> <p>Within “Natural Resources” and under “soils” it might be useful to include data on peat and carbon-rich soils.</p> <p>The SEPA Flood Map and Ayrshire Flood Risk Management Strategy may support consideration of flood risk issues under the climate topic.</p>	<p>Noted.</p> <p>Noted. Peat and carbon rich soils have been utilised as baseline environmental data throughout this assessment.</p> <p>Noted.</p>

Scottish Natural Heritage (SNH)	<p>The intention to utilise GIS mapping to show the key environmental issues and trends to support the information in the tables is welcomed.</p> <p>We have made comments based on the assumption that 'Appendix 2: Suggested overall SEA Objectives' (page 28 – 32) is Table 1, however, reference to the appendices could be made clearer. [Of the Scoping Report]</p> <p>The final column outlines the SEA objective to “<i>Protect and preserve carbon rich soils and where possible seek to restore or enhance these</i>”. To align with this, we suggest that the environmental baseline is updated to include data on peat and carbon-rich soils.</p>	<p>Noted and welcomed.</p> <p>Noted.</p> <p>Noted and updated in accordance with both SNH's and SEPA's response.</p>
Alternatives		
Scottish Environmental Protection Agency (SEPA)	Any reasonable alternatives identified during the preparation of the plan should be assessed as part of the SEA process and the findings of the assessment should inform the choice of the preferred option. This should be documented in the Environmental Report.	Noted and incorporated in the Interim SEA Report for MIR. Alternative options are environmentally assessed.
Scottish Natural Heritage (SNH)	We note that the Council consider the MIR to be the “ <i>key generator of alternatives, not the SEA</i> ”. However, we highlight that the SEA process can be a useful tool for exploring reasonable alternatives by creating a better understanding of the likely environmental effects and informing discussion on what opportunities are available to reduce significant adverse environmental effects.	Comments and values of the SEA process raised acknowledged.
Scoping in / out Environmental Topics		
SEPA	We agree that all environmental topics should be scoped into the assessment.	Acknowledged and welcomed.
SNH	We agree that all receptors are to be scoped into the assessment.	Acknowledged and welcomed.
Mitigation and Monitoring		
Historic Environment Scotland (HES)	<p>We welcome your proposed approach to mitigation. When monitoring the effects of the plan, indicators chosen for the historic environment should reflect both the actions to be taken within the framework and the potential impacts identified in the course of the SEA.</p> <p>In order to achieve effective monitoring, we recommend the use of indicators, linked to the SEA objectives and sub-criteria to measure change. The example provided is illustrated below:</p> <ul style="list-style-type: none"> ❖ SEA objective: The MIR/PLDP2 should seek to protect any historically significant minerals deep mines, pits and bings from previous mineral extraction. ❖ Indicator: to monitor the number and outcome of planning applications where historically significant deep mines, bings or pits are affected. ❖ Target: 0 planning applications consented where adverse impacts on historically significant deep mines, bings or pits are predicted. 	<p>Noted. When assessing the impacts that options will have on the historic environment, these reflect the actions that will be taken within the framework as outlined and the potential impacts which have been identified throughout the course of the SEA as suggested.</p> <p>Noted. This will require ongoing action through the SEA process and Proposed Plan process. More detailed and effective indicators will be gathered through the preparation of the Proposed Plan.</p>

<p>Scottish Environmental Protection Agency (SEPA)</p>	<p>As acknowledged in Section 7.15 (of the Scoping Report), one of the most important ways to mitigate significant environmental effects identified through the assessment is to make changes to the Plan itself so that significant effects are avoided. The ER should identify any changes made to the Plan as a result of the SEA.</p> <p>Where it is considered that measures are required to mitigate environmental impacts the ER should be clear about what is proposed as a result of the assessment. We welcome the proposed approach to this set out in Section 7.17 and 7.18 of the report.</p> <p>We also encourage you to use the assessment as a way to improve the environmental performance of individual aspects of the final option; hence we support proposals for enhancement with positive effects.</p> <p>We welcome the early consideration given to the monitoring approach. Our SEA Topic Guidance includes a number of examples of SEA monitoring indicators which may assist you in refining this. It would be helpful if the ER included a description of the measures envisaged to monitor the significant environmental effects of the Plan.</p>	<p>Noted. The Environmental Report shall identify any changes made to the Plan which have been carried out in order to mitigate against significant environmental impacts identified by the SEA process as suggested by SEPA.</p> <p>Noted. Acknowledged and welcomed.</p> <p>Noted. Acknowledged and welcomed.</p> <p>Noted. More detailed and effective indicators will be gathered through the preparation of the Proposed Plan.</p>
<p>Scottish Natural Heritage (SNH)</p>	<p>We note your intention to create a set of indicators during the plan preparation process. The template provided under paragraph 7.18 is welcomed, however, perhaps this could be expanded to include a column providing detail of the indicators. When identifying indicators, we suggest that these reflect the SEA Objectives and sub-criteria to allow change to be measured. For example:</p> <ul style="list-style-type: none"> ❖ SEA Objective: The MIR/PLDP2 should protect and preserve the integrity and character of all internationally, nationally and locally designated sites within or adjacent to the EAC boundary. ❖ Monitoring Indicator: The number of planning applications where internationally, nationally and local designated sites are affected 	<p>Noted. More detailed and effective indicators will be gathered through the preparation of the Proposed Plan.</p> <p>Example provided noted and useful for understanding.</p>
<p>Relationship with other Plans, Programmes and Strategies (PPS)</p>		
<p>Scottish Environmental Protection Agency (SEPA)</p>	<p>We recommend that you refer to our SEA Topic Guidance, which includes reference to other PPS that may be relevant to the Plan:</p> <ul style="list-style-type: none"> ❖ The River Basin Management Plan for Scotland (2015 – 2027) ❖ Ayrshire Flood Risk Management Strategy ❖ Cleaner Air for Scotland – The Road to a Healthier Future (2015) ❖ Scotland's Zero Waste Plan <p>Some of the PPS included have themselves been subject to SEA (including the emerging East Ayrshire Minerals Plan). Where this is the case, a summary of the key SEA findings should be prepared that may be relevant to the Plan in order to assist with data sources and environmental baseline information. This will also ensure that the current SEA picks up environmental issues or mitigation actions which may have been identified elsewhere.</p>	<p>Noted. The PPS outlined by SEPA below have been incorporated.</p> <p>Noted. Contained in Appendix 2.</p> <p>Noted. Contained in Appendix 2. Noted. Contained in Appendix 2.</p> <p>Noted. Contained in Appendix 2.</p> <p>Noted. This will be considered and included at the Proposed Plan stage.</p>

Historic Environment Scotland (HES)	Within Appendix 2, we recommend that you also include: Our Place in Time; The Historic Environment Strategy for Scotland.	Noted. Appendix 2 updated accordingly.
Scottish Natural Heritage (SNH)	<p>In relation to the Habitats Directive outlined in Appendix 1 (page 21), we recommend amending the text as shown in bold, "<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 (SACs).</i>", or similar.</p> <p>For soils, we consider that the SNH Carbon and Peatland Map 2016 (http://soils.environment.gov.scot/maps/carbon-and-peatland-2016-map/) should be included. This map shows the distribution of carbon and peatland classes across the whole of Scotland. It is a predictive tool which provides an indication of the likely presence of carbon-rich soils, deep peat and priority peatland habitat for each individually-mapped area, at a coarse scale.</p> <p>On the map, the top two classes (1 and 2) taken together identify the nationally-important resource. However, class 5 also identifies carbon rich soil and deep peat despite no peatland habitat being recorded. Class 5 is considered as a significant carbon store. We would therefore recommend that class 5 is also included with class 1 and 2 to ensure that the likelihood of carbon-rich soils, deep peat and priority peatland habitat is highlighted at an early stage. This does not mean that development is not possible but it will be helpful in the initial site selection process. The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment will be required to identify the actual effects of any proposal.</p>	<p>Noted and updated as requested.</p> <p>Noted. Carbon and Peatland data has been incorporated into the assessment and can be viewed in Appendix 5.</p> <p>Noted. Carbon and Peatland data has been incorporated into the assessment and can be viewed in Appendix 5, including Class 1, Class 2 and Class 5 locations.</p>
Consultation Period		
Scottish Environmental Protection Agency (SEPA)	We are satisfied with the proposal for 6-8 week consultation period for the ER.	Acknowledged and welcomed. Our consultation period will run between the 1 st June 2020 – 31 st July 2020.
Historic Environment Scotland (HES)	<p>We are content with the 8-10 week period for public consultation on the MIR and accompanying draft environmental report.</p> <p>Please note that, for administrative purposes, we consider the consultation period commences on receipt of the relevant documents by the SEA Gateway.</p>	<p>Acknowledged and welcomed. Our consultation period for the IER and MIR will run 1st June 2020 – 31st July 2020.</p> <p>Process noted.</p>
Scottish Natural Heritage (SNH)	We note that the proposed consultation period for the MIR and accompanying draft Environmental Report is 8-10 week which we are content with.	Acknowledged and welcomed. Our consultation period for the IER and MIR will run between the 1 st June 2020 – 31 st July 2020.