



EAST AYRSHIRE COUNCIL

Local Development Plan 2

Environmental Report

2024

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

Consultation Authority	Comments on Interim Environmental Report by Section	How comments were taken into account.
Scope and Level of Detail		
Historic Environment Scotland (HES)	<p><u>Spatial Strategy- undefined sites / areas</u> The Main Issues Report contains several Issues which relate to spatial proposals but which have not yet been spatially defined. We would expect you to ensure that all such proposals, once defined, are reassessed at an appropriately detailed level prior to their inclusion in the Proposed Plan.</p>	Noted and acknowledged. All sites and proposals, including: residential, miscellaneous, business & industry, long-term house/future growth areas, cemetery extension sites, proposals, Ayrshire Growth Deal, which have been spatially defined have been undergone an appropriate assessment.
Assessment Methodology – Stage 1 Assessment		
SEPA	<p>We note that the Appendix 1 (Consultation Authority Responses regarding the Scoping Report) (p3) states that <i>“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”</i>. We would have wished to see a greater level of detail at this stage for the reasons set out below (see comments on Section 2.30)...</p> <p>Section 2.30 - Whilst we acknowledge the high-level nature of the IER and the associated issues set out in this section we believe it is very important that any assumptions are clearly set out from the offset so that the EIA process can be shown to objective, rigorous and consistent. We would have therefore wished to see more details in the IER regarding the assumptions that underpin the Stage 1 assessment.</p>	<p>Notes and acknowledged.</p> <p>Noted and acknowledged. Within the Main Issues Report Interim Environmental Report the Council attempted to outline assumptions from the offset within Stage 1 Tables. Within the Environmental Report for LDP2, presumed impacts on environmental receptors are outlined at Stage 1 consistently in order to show objectivity. We hope that this satisfies the points made here by SEPA.</p>
NatureScot	<p><u>Appendix 6: Stage 1 Assessment Tables:</u> It is unclear as to why the assessment of Aim 1 (to stabilise population and seek population growth) in relation to Natural Features states that it is aspirational and therefore has no significant environmental impacts. However, the other Aims have been identified as having significant environmental impacts.</p>	Noted and acknowledged. Our aims have been updated from the MIR and subsequently reassessed. Within the LDP2 Environmental Report, “Aim 1” as referenced here is now “Aim 3” and has been screened into Stage 2 for further consideration of potential impacts on all environmental receptors. It is recognised that the overarching aim of <i>stabilising East Ayrshire’s population and stimulating population growth</i> is likely to have significant environmental impacts on landscape, air quality, human health and material assets. See Appendix 7: Stage 1 Assessment Tables – LDP2 Policies .
Assessment Methodology – Stage 2 Assessment		
Historic Environment Scotland (HES)	<p><u>Cumulative Effects</u> The assessment has not considered the cumulative effects of potential spatial strategy combinations. As the Proposed Plan develops, it will be important to begin assessing the cumulative effects of different site combinations, in order to inform decision making on which sites should be brought forward to the Proposed Plan. This should also include sites being rolled forward from the adopted LDP. We will expect to see</p>	Noted. Within LDP2 Environment Report, we consider the cumulative impacts of the Plan in terms of site allocations and its policies. Throughout the site assessment process these have been used to determine what should be allocated within LDP2.

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

	<p>these cumulative assessments of site choice options (including both preferred options and reasonable alternative options) reported in the Environmental Report which is published for consultation with the Proposed Plan.</p> <p><u>Mitigation</u> We welcome the broad mitigation measures set out for the historic environment in Table 11. For information, Historic Environment Scotland would not normally expect to be involved in agreeing mitigation measures relating to non-designated archaeology, but should be consulted on mitigation relating to effects on the site or setting of Scheduled Monuments.</p> <p>The mitigation measures identified for the spatial strategy sites in particular tends to be generic and non-site specific in nature. This limits the potential of the assessment to inform the development requirements in relation to delivery of the sites through the development management process. We recommend that, as you work towards the Proposed Plan, you identify site-specific, detailed mitigation measures for preferred sites.</p>	<p>Noted. There are no reasonable alternative options at the Proposed Plan Stage. Reasonably alternative options are explored at the Main Issues Report Stage.</p> <p>Noted and acknowledged.</p> <p>Noted, acknowledged and reflected within the LDP2 Environmental Report. Where more detailed and specific mitigation can be outlined within the Stage 2 policy assessment tables then they have been.</p>
<p>NatureScot</p>	<p><u>Stage 2 – Detailed Assessment (Paragraph 3.11, page 31):</u> We strongly support the consideration of enhancement alongside mitigation measures in the last column of this table. We think this could be an excellent opportunity to be proactive and use the SEA process to usefully inform the Plan. For example, the new Planning Act seeks to secure positive effects for biodiversity. It would be really positive to see East Ayrshire utilise the SEA to deliver this, perhaps using the site assessment proformas.</p> <p>We also recommend explicitly setting out developer requirements based on the mitigation measures / enhancements identified which could then be summarised in the SEA. These should then be directly pulled through to the Plan.</p>	<p>Noted, acknowledged and welcomed. The importance of tackling biodiversity loss has become embedded within the content and direction of LDP2 as well as the Environmental Report assessment of site impacts.</p> <p>Noted. The SEA site proforma mitigation/enhancement measures have been utilised to produce site specific requirements for specific sites which are outlined within Volume 2. As such, they are reflected within the LDP2 document, not simply the associated Environmental Report.</p>
<p>SEA Site Assessment Outcomes</p>		
<p>SEPA</p>	<p>Section 2.14 - Table 4 scores the topic of air as 'positive' when the summary of potential significant impacts states that "protect and/or enhance the existing air quality of East Ayrshire". If air quality is only protected the outcome will be neutral. More ambitious language, and a more ambitious approach is needed to warrant a positive score. Likewise, the summary of potential impacts for Material Assets (infrastructure, amenity and recreational open spaces) references 'safeguarding'. Again, this sounds neutral, the wording in this section needs to reference the provision of new green infrastructure / recreational open space to justify the score of 'positive'. We consider it likely that other topics have been 'rounded up' in this way when the summary of impacts is more neutral or in some cases mixed (positive and negative).</p>	<p>Noted and acknowledged. Table 4 has been amended to reflect this. This is indeed an over view "summary" of outcomes, as such, it does round up or down. Detailed impacts can be viewed within the appropriate summary tables.</p>
<p>SEA Objectives and sub-criteria/questions</p>		

LDP2 Environment Report

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

NatureScot	<p><u>Appendix 3: SEA objective and Sub-Criteria/ Questions:</u></p> <p>We are pleased to note the amendments to the Objectives and Questions that have been made following our response to the scoping report. However, we think that landscape designations should also be considered in the Sub-Criteria.</p> <p>In relation to Biodiversity, Flora and Fauna, the Objective could seek to enhance biodiversity, particularly as NPF4 will seek to provide positive benefits for biodiversity. We note the question 'Will the Plan/allocation be likely to improve, stabilise or exacerbate the loss or fragmentation of important habitats and species within the area?' This could be reworded to ensure that enhancement does not only occur to habitats or species which have experienced loss or fragmentation but cover all habitats and species.</p> <p>In terms of the question considering any significant impact on SPAs or SACs, we recommend changing the wording to 'Can it be determined that the Plan/proposal/policy will not have an adverse effect on any SPA or SAC?' This will ensure that the wording is in line with the Habitats Regulations and also ensure that European sites out with the Council boundary are included</p>	<p>Noted. Appendix 5: SEA Objectives and Sub-Criteria/ Questions has been updated to include the following question in order to meet this comment: <i>"Does LDP2 protect sites/areas which are of particular landscape quality? To what extent will any landscape designated site be affected by the policy/allocation/proposal? For example, Local Landscape Areas, or NatureScot's Landscape Character Areas."</i></p> <p>Noted. <u>Table 4: Summary and Overview of Environmental characteristic affected by LDP2 at Stage 1</u> has been updated to more appropriately reflect the objectives of Draft NPF4 and also the updated direction of LDP2 which has significantly increased the prominence of the issue of biodiversity loss and the nature crisis. The importance of tackling biodiversity loss has become embedded within the content and direction of LDP2 as well as the Environmental Report assessment of site impacts.</p> <p>Noted. The Landscape question has been updated to reflect this suggestion.</p>
Baseline Environmental Data		
SEPA	<p>Section 2.15 - We believe that the environmental baseline would benefit from being more clearly set out. It is unclear if this is based on a continuation of LDP1 or no development plan being in place.</p> <p>Under the baseline scenario we would continue to be consulted on planning applications where any of our triggers for consultation were met and we would continue to object to development that had a detrimental impact of any of the environmental issues that fall within our remit.</p> <p>In response to the scenario set out in Section 2.21 (Water) our involvement, as a statutory consultee, would ensure that flood mitigation measures continued to be put in place to address adverse impacts.</p>	<p>Noted. Further clarity is provided within this paragraph (formerly Section 2.15; now Section 4.14) to reflect this suggestion.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p>
NatureScot	<p><u>Appendix 5: State of East Ayrshire's Environment, Baseline Data and Environmental Issues:</u></p> <p>Table 1 (p. 44) provides a summary and overview of environmental characteristics affected by LDP2 at Stage 1 of the assessment process. All Environmental</p>	<p>Noted and acknowledged. This table was removed from Appendix 6.</p>

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

	<p>Topics in our remit have been highlighted as having significant effects, however, all have been considered to generally have positive effects. We consider that this table is misleading and masks any significant negative effects. Some Environmental Topics may have both positive and negative significant environmental effects but it is important to ensure that all significant effects have been taken into consideration.</p> <p>In the Stage 1 assessment, perhaps it would be most useful to identify the Environmental Topics which are likely to have significant effects more generally before going into more detail in Stage 2. By identifying all significant effects as positive at Stage 1, it could be misleading and pre-emptive prior to a more thorough assessment at Stage 2.</p> <p>We are pleased to note that our advice regarding the inclusion of Class 5 soils as well as Classes 1 and 2 has been incorporated into the SEA (Map 4).</p> <p>In relation to the likely evolution of the environment without the LDP2 we recommend that the Soils paragraph (p. 42) also highlights the likely detrimental effects of development on peat and carbon rich soils which are a significant carbon store.</p> <p>We welcome identification of significant impacts on health (p. 42), particularly with regards to limited access to open space and lack of high quality design. The importance of access to high quality, safe open space close to people's home has been further highlighted during the Covid-19 pandemic and we welcome the emphasis this has been given.</p>	<p>Noted and acknowledged. We welcome these comments, however, due to resource and capacity issues we were unable to do this for the Proposed Plan assessment, at this Stage. We will take this into consideration when preparing LDP3.</p> <p>Noted and welcomed.</p> <p>Noted and acknowledged. This detail has been updated and incorporated.</p> <p>Noted and acknowledged. LDP2 has significantly increased its detail in terms of open space requirements, see Policies DES1, OS1 and OS2. These policies reflect this comment.</p>
Mitigation and Monitoring		
<p>SEPA</p>	<p><u>Table 11 – Mitigation Measures for SEA Issues Section 5.8</u> - Some of the mitigation measures set out in Table 11 would benefit from using more consistent language. In the section Natural Resources / Air the first two stated mitigation measures are inconsistent. The first stipulates <i>“ensure that there is no increase in pollutants to the atmosphere”</i>, the second stipulates that <i>“once developed sites will be monitored for any increases in air pollution which would lead to national air standards being breached”</i>. The first measure is significantly more onerous than the second.</p> <p>Natural Resources / Water states that “new developments should consider incorporating and implementing Sustainable Drainage Systems SUDs”. SUDs are mandatory under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. We require that the wording in this section is amended to reflect this.</p>	<p>Noted and acknowledged.</p> <p>Noted and acknowledged. The wording of <u>Table 10: Monitoring and Mitigation Measures for SEA Issues</u> has been updated to accord with this suggestion.</p> <p>Noted and acknowledged.</p>

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

	<p>Social Environment / Health – we recommend that the wording is expanded to cover all extractive mineral operations and that the impacts cross reference air quality (under National Resources / Air).</p> <p><u>Monitoring Measures</u> Section 5.9 - Monitoring Measures. Some of the Draft Monitoring Measure targets in Table 12 do not fully align.</p> <p>Within the Climate section a stated target is “No increase in the risk of flooding, particularly in settlements”. Within the Water section the corresponding target makes no reference to prioritising settlements.</p> <p>Likewise, the target in the Climate section regarding the protection of carbon rich soils, deep peat and peatlands does not fully match-up with the more comprehensive target in the Soil Section.</p> <p>We have topic specific SEA guidance for the six environmental issues that fall within our remit: air, soil, water, climatic factors, human health, and material assets. All of these documents have a table that sets out possible indicators that can be monitored over the lifecycle of the LDP.</p>	<p>The wording of <u>Table 10: Monitoring and Mitigation Measures for SEA Issues</u> has been updated to accord with this suggestion.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p>
NatureScot	<p><u>Paragraph 2.3 (p.15):</u> We are pleased to see that broad mitigation and enhancement measures have been identified in the assessment for significant environmental effects.</p> <p>However, to ensure that the SEA process is used most effectively and directly informs the Plan itself we suggest ensuring that specific mitigation and enhancement measures are set out. These should then directly inform the Plan as developer requirements. As highlight in the Scottish Government’s Strategic Environmental Assessment Guidance, “Practitioners should not assume that mitigation will be implemented if they are only described in broad terms in the Environmental Report”.</p> <p>Our comments on specific sites from the pre-MIR stage can be used to help inform mitigation / enhancement measures (and thus also developer requirements). It may also be useful to summarise the developer requirements based on site specific mitigation / enhancement measures in a table. These can then be easily pulled through to the Plan itself. This will ensure that the environment has a key role within the Plan as well as ensuring that developers and other stakeholders are clear on their responsibilities, giving them more certainty and no unexpected surprises.</p>	<p>Noted and acknowledged.</p> <p>Noted. The SEA site proforma mitigation/enhancement measures have been utilised to produce site specific requirements for specific sites which are outlined within Volume 2. As such, they are reflected within the LDP2 document, not simply the associated Environmental Report.</p> <p>Noted and acknowledged. Comments from consultees which were provided before the publication of the Main Issues Report, were integrated into the MIR IER site assessment proformas and considered. As outlined above, the site proformas mitigation/enhancement measures have been utilised to produce site specific requirements for specific sites which are outlined within Volume 2. As such, they are reflected within the LDP2 document, not simply the associated Environmental Report.</p>
Relationship with other Plans, Programmes and Strategies (PPS)		
SEPA	<p>Appendix 2 – PAN 69 was replaced by the Scottish Government in 2015 by Flood Risk Planning Advice.</p>	<p>Noted and updated appropriately within Appendix 2.</p>

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

NatureScot	Appendix 2 - We suggest adding the Planning (Scotland) Act 2019 as relevant PPS.	Noted and updated appropriately within Appendix 2.
Tables, Maps & Figures		
Historic Environment Scotland (HES)	<p><u>Table 8 – Summary of Stage 2 Outcomes</u> It is unclear why effects on Cultural Heritage have been given a summary score of unknown / neutral, given that the assessment identified potential negative effects for many of the individual sites</p>	Noted. As “Cultural Heritage” is a grouping which incorporates all historic environmental receptors (listed buildings, conservation areas, scheduled monuments, historic battlefields, gardens and designed landscapes and archaeological sites) the outcome was illustrated as the most common outcome across these 6 receptors. This has been resolved within the LDP2 ER, while the grouping approach has still be adopted, where a single “significant negative” outcome is obtained, this has been outlined as the overall impact as a precaution, with further descriptive detail available within the detail Stage 2 tables. This table is a means of summarising information.
SEPA	<p><u>Table 4 – Summary of Overview of Environmental Characteristic affected by LDP2 at Stage 1 Assessment Process</u> Section 2.14 - Table 4 scores the topic of air as ‘positive’ when the summary of potential significant impacts states that “protect and/or enhance the existing air quality of East Ayrshire”. If air quality is only protected the outcome will be neutral. More ambitious language, and a more ambitious approach is needed to warrant a positive score. Likewise, the summary of potential impacts for Material Assets (infrastructure, amenity and recreational open spaces) references ‘safeguarding’. Again, this sounds neutral, the wording in this section needs to reference the provision of new green infrastructure / recreational open space to justify the score of ‘positive’. We consider it likely that other topics have been ‘rounded up’ in this way when the summary of impacts is more neutral or in some cases mixed (positive and negative).</p> <p><u>Table 5 – International Environmental Objectives</u> Section 2.26 - Not all of the legislation in Table 5 is fully referenced. It would be useful if necessary additions are made so that it is clear to all parties precisely what is being referred to. This is also the case throughout Appendix 2.</p> <p><u>Table 6 – Environmental Topics and Associated Receptors</u> Section 3.3 - Reference is made of “five broad environmental headings”. Table 6, below, lists four topics. We assume that a heading has not been omitted and that this is a typing error.</p> <p><u>Table 7 – Summary of Stage 1 Outcomes</u> Section 3.3 - Reference is made of “five broad environmental headings”. Table 6, below, lists four</p>	<p>Noted and acknowledged. <u>Table 4: Summary and Overview of Environmental characteristic affected by LDP2 at Stage 1</u> has been updated to more appropriately reflect the objectives of Draft NPF4 .</p> <p>Acknowledged. This information is contained within Appendix 3: Key Plans, Programmes and Objectives. Table has been removed.</p> <p>Noted and updated. The consultee is correct in their assumption. This was simply a typing error.</p> <p>Noted and updated. The consultee is correct in their assumption. This was simply a typing error.</p>

LDP2 Environment Report

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

	<p>topics. We assume that a heading has not been omitted and that this is a typing error.</p>	
General Comments		
SEPA	<p>Prior to the submission of the MIR we provided comments on a number of strategic sites, several of which related to the Ayrshire Growth Deal. We were not consulted on the sites that form the basis of Issue 29: Priorities, Issues and Proposal (PIP) prior to the publication of the MIR. Therefore our comments on these sites have not been considered in the IER.</p> <p>We have now been consulted on the legacy sites from the 2017 LDP.... A full assessment of all sites should be undertaken as part of the SEA for the Proposed Plan (PP).</p> <p>We welcome the fact that the scoping comments we made in our response dated 15 May 2019 have been taken on board and inform the IER. A number of our comments will feed into the assessment methodology at the PP stage; we can therefore offer no comment at this stage in the process.</p>	<p>Noted and acknowledged.</p> <p>Noted and acknowledged. Every site allocation within LDP2 has undergone an appropriate assessment (Stage 1 and Stage 2), including sites which have been carried over from LDP1.</p> <p>Noted and acknowledged. Comments submitted were included within the IER and have been considered during the preparation of LDP2.</p>
NatureScot	<p><u>SEA Site Assessment Proforma</u></p> <p>We are pleased to see that the Council have used the SEA Site Assessment Proformas here and we recommend using these to assess each of the sites as this combines the site assessment and SEA assessment. Given the emerging NPF4 will seek to deliver positive effects for biodiversity, perhaps the Council could explore using the proforma to identify enhancement as well as mitigation.</p> <p>We note that we have provided comments on all of the sites at pre-MIR stage and refer to these comments in which we used a traffic-light system to highlight the environmental opportunities / constraints. We suggest using our comments on the individual sites to inform specific developer requirements for each site. These should also be identified as mitigation measures in the SEA.</p> <p>However, we highlight that our comments have been made without having carried out site visits due to Covid-19.</p> <p><u>Positive Effects for Biodiversity</u></p> <p>The emerging National Planning Framework 4 (NPF4) will seek to secure positive effects for biodiversity. We consider that there is an opportunity for the SEA process to help deliver this by identifying positive effects for biodiversity for both policies and proposals. We are really pleased to see that the Council intend to use the combined site assessment proforma to assess sites in the SEA.</p> <p>As the new NPF4 will seek to deliver positive effects for biodiversity, perhaps the Council could explore using the proforma to identify enhancement as well as</p>	<p>Noted and acknowledged. Every site allocation within LDP2 has undergone an appropriate assessment (Stage 1 and Stage 2) utilising a site proforma assessment sheet, including sites which have been carried over from LDP1.</p> <p>Noted. The SEA site proforma mitigation/enhancement measures have been utilised to produce site specific requirements for specific sites which are outlined within Volume 2. As such, they are reflected within the LDP2 document, not simply the associated Environmental Report.</p> <p>Noted and understood.</p> <p>Noted. The Environmental Report has been updated to reflect the objectives of Draft NPF4 and also the updated direction of LDP2 which has significantly increased the prominence of the issue of biodiversity loss and the nature crisis. The importance of tackling biodiversity loss has become embedded within the content and direction of LDP2 as well as the Environmental Report assessment of site impacts.</p> <p>Noted and acknowledged.</p>

LDP2 Environment Report

Appendix 2.1 - SEA Consultation Authority responses on the Main Issues Report (June 2020), Observations and Actions

	<p>mitigation measures which could then feed into the Plan as developer requirements. We also note that there has been discussion between owner, the Council and NatureScot colleagues about a potential Local Nature Reserve at Craigen Gillan Estate near Dalmellington. There is an opportunity here to conserve and enhance biodiversity assets here and should this be progressed, we consider that it should be included in the SEA process.</p> <p><u>Nature-Based Solutions</u> In the assessment of significant environmental effects, particularly under the Climate SEA Objective, we consider that nature-based solutions should be given more emphasis. These can contribute to delivering climate change targets as well as providing multiple benefits, particularly in contributing towards a green recovery post-Covid 19, and therefore should be identified as mitigation / enhancement measures in the assessment.</p>	<p>Noted and considered.</p> <p>Noted and acknowledged. Site proforma assessments incorporate the requirement for high-quality multi-functional open spaces as mitigation / enhancement measures.</p>
NatureScot	<p><u>Call for Priorities, Issues and Proposals:</u> In relation to Landscape and Soils, we note that there would be a significant negative impact should the PIP sites be developed. Whilst individual mitigation measures should be set out for each of the sites, it will be important to consider the cumulative impact of allocation of all of the sites, particularly around individual settlements, and whether all sites should be allocated.</p> <p>Screening may not be sufficient in protecting the landscape character and a strategic approach to allocating sites should be taken.</p>	<p>Noted and considered.</p> <p>Noted and considered.</p>



East Ayrshire Council
Comhairle Siorrachd Àir an Ear

Development Planning and Regeneration
Opera House, 8 John Finnie Street, Kilmarnock, KA1 1DD
Email: localdevelopmentplans@east-ayrshire.gov.uk

Designed and produced by East Ayrshire Council Design Section ©2024