



EAST AYRSHIRE COUNCIL

Local Development Plan 2

Environmental Report

2024

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

Consultation Authority	Comments on LDP2 Environmental Report by Section	How comments were taken into account.
Site Specific Comments		
Historic Environment Scotland (HES)	<u>Auchinleck – AL-B1(O)</u> High House Industrial Estate (Opportunity) - The assessment does not recognise that B listed Highhouse Industrial Estate Headframe And Steam Winding Engine In House (LB6580) is in the vicinity and that development could affect its site and setting. The site is also immediately adjacent to Dumfries House GDL but the assessment has not considered potential effects on this heritage asset.	Noted, acknowledged and integrated into the SEA assessment of AL-B1(O).
Historic Environment Scotland (HES)	<u>Crosshouse – Holm Farm</u> Potential effects on traditional farm steading buildings on site have not been assessed. https://canmore.org.uk/site/203945/holm	Noted, acknowledged and integrated into the SEA assessment of AL-B1(O).
SEPA	<u>Auchinleck – AL-H1 Coal Road</u> FRA required: No; Surface water hazard; Yes; Comments: Small amount of surface water flood risk outside the boundary of the site. This should be discussed with FRMA and Scottish Water.	Noted, acknowledged and integrated into the SEA assessment of AL-H1.
SEPA	<u>Auchinleck – AL-M1</u> FRA required: No; Surface water hazard; No; Comments: No flood risk apparent.	Noted, acknowledged and integrated into the SEA assessment of AL-M1.
SEPA	<u>Catrine – CA-H3 Mill Street</u> FRA required: Yes, if not removed; Surface water hazard; No; Comments: Fluvial risk from River Ayr. SEPA Flood Map functional floodplain covers majority of the site. Flood depths <0.3m. Modelling of the River Ayr at this location will be required to provide a site specific assessment of flood risk and to show that the site is not within the functional floodplain.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Crosshouse – CH-H2 Holmes Farm, Irvine Road</u> FRA required: No; Surface water hazard; No; Comments: No flood risk apparent.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Cumnock – CN-H2 Barrhill Road</u> FRA required: No; Surface water hazard; No; Comments: No flood risk apparent.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Cumnock – CN-H3 Dalgleish Avenue</u> FRA required: No; Surface water hazard; Yes; Comments: The site lies in a bowl, surrounded by sloping grass land. Heavy rainfall will collect in the site (0.3m-1.0m depth). The FRMA will need to satisfy itself that any proposed development has suitable mitigation in place to protect against surface water runoff from the neighbouring farmland.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Dalmellington – DA-M2 Doon Academy</u> FRA required: Yes; Surface water hazard; Yes; Comments: Patches of the site lie within the SEPA Flood Map functional floodplain of the Muck Water. Depths <0.3m. Blockage risk at High Main Street / Main Street junction. South corner of the site has	Noted, acknowledged and integrated into the SEA assessment.

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

	High surface water flood risk. Modelling of the Muck Water, including blockage analysis, will be required as site specific evidence that the site is not in the functional floodplain	
SEPA	<u>Darvel – DL-H1 Burn Road</u> FRA required: Yes; Surface water hazard: No; Comments: There is an underground tributary of the Mathew Burn that originates in the SE corner of the site.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Darvel – DL-H4 West Donington Street</u> FRA required: Yes; Surface water hazard: Yes; Comments: Surface water flood risk on Burn Road from culverted Mathew Burn could cause access / egress issues. An unnamed culverted watercourse also runs through the east of site	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Fenwick– FW-H2 Main Road</u> FRA required: No; Surface water hazard: No; Comments: No flood risk apparent.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Fenwick– FW-H3 Stewarton Road</u> FRA required: Yes; Surface water hazard: No; Comments: A small watercourse is shown running through the site. The developable extent of the site will need to be determined.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Galston – GA-H2 Brewland Street</u> FRA required: Yes; Surface water hazard: Yes; Comments: Part of the site is part of the Galston flood protection scheme 2008. FRMA should be consulted on this site. FRA required depending on the extents of the developable site area after discussions with the local authority flood risk management team.	Noted, acknowledged and integrated into the SEA assessment.
SEPA	<u>Kilmarnock– KK-H3 Faredalehill East</u> FRA required: Yes; Surface water hazard: Yes; Comments: Small watercourse on northern boundary of the site poses a flood risk to the northern part of the site. FRA to be provided to analyse this flood risk. We recommend the following comments are included in the developer requirements for the following sites: Co-location - 130m from Southhook WTS (WML/W/00002240) - Normal operations have potential to cause odour and noise beyond the site boundary.	Noted, acknowledged and integrated into the SEA assessment. Noted, acknowledged and integrated into the SEA assessment for KK-H3. While a specific requirement has not been included within Volume 2 site specific requirements, within 'Developer requirements (general)' any applicant will be required to provide mitigation and/or enhancement measures contained within the Environmental Report.
SEPA	<u>Kilmarnock– KK-H6 Glasgow Road (W)</u> FRA required: Yes; Surface water hazard: Yes; Comments: Small watercourse flows along the northern boundary and then through the site, before entering a culvert under Glasgow Road. This has potential to overtop and for blockage / capacity issues at the culvert inlet. Recorded flood event in November 2015. An FRA was submitted and signed off in support of planning application 19/0582/PP, which now has planning permission.	Noted, acknowledged and integrated into the SEA assessment.

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

SEPA	<p><u>Kilmarnock– KK-H8 Kennedy Drive</u> FRA required: No; Surface water hazard: No; Comments: No flood risk apparent.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Kilmarnock– KK-H9 Maxholm</u> FRA required: Yes; Surface water hazard: Yes; Comments: SEPA Flood Map shows a fluvial flood risk from River Irvine with flowpath through the middle of the site, this route is thought to correspond with a culverted watercourse. Depths range from <0.3m to >1.0m. Surface water risk from minor watercourse on the western site boundary. Modelling to be provided in an FRA to provide a site specific analysis of this flood risk.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Kilmarnock– KK-A1 Moorfield Phase 3</u> FRA required: Yes; Surface water hazard: Yes; Comments: A surface water flood hazard has been identified and should be discussed with FRMA and Scottish Water. Appropriate surface water management measures should be adopted. Minor watercourse flood risk in the southern part of the site.</p> <p>We recommend the following comments are included in the developer requirements for the following sites: Co-location: Within 1000m of PPC/W/0030071 Metals Recycling - Braehead Metals, Irvine Road; PPC/B/1024880 Breedon Aggregates - Concrete Plant Moorfield Ind Est; WML/L/1018925 & WML/W/0220081 Metals Recycling - RM Easdale Ltd, Irvine Road. Metal Recycling Sites & Concrete Plant - Normal operations have the potential to cause noise and dust beyond the site boundary. WML/L/1031276 Crosshouse Hospital - Clinical waste. WML/W/0220119 Waste Transfer Station - Billy Bowie Special Projects Ltd, Moorfield Ind Est - Normal operations have the potential to cause noise and odour beyond site boundary. PPC permit has been surrendered for composting activity at Billy Bowie site. This had been the subject of odour complaints and SEPA enforcement action in relation to offensive odour.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p> <p>Noted, acknowledged and integrated into the SEA assessment for KK-A1. While a specific requirement has not been included within Volume 2 site specific requirements, within 'Developer requirements (general)' any applicant will be required to provide mitigation and/or enhancement measures contained within the Environmental Report.</p>
SEPA	<p><u>Kilmarnock– KK-M5 Western Road</u> FRA required: No; Surface water hazard: Yes; Comments: A potential deep surface water flood hazard forms a large portion of the western part of the site, with depths in the range 0.3m-1.0m and in some places >1.0m. This should be discussed with FRMA and Scottish Water.</p> <p>We recommend the following comments are included in the developer requirements for the following sites: Co-location - Adjacent to Western Road Civic Amenity Site (WML/W/0020050). Normal operations have the potential to cause nuisance through odour and noise beyond the site boundary.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p> <p>Noted, acknowledged and integrated into the SEA assessment for KK-M5. While a specific requirement has not been included within Volume 2 site specific requirements, within 'Developer requirements (general)' any applicant will be required to provide mitigation and/or enhancement measures contained within the Environmental Report.</p>
SEPA	<p><u>Kilmaurs – KM-H3 Irvine Road</u> FRA required: No; Surface water hazard: No; Comments: No apparent flood risk.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

SEPA	<p><u>Mauchline – MA-H1 Sorn Road</u> FRA required: Yes; Surface water hazard: Yes; Comments: Surface water flood risk from run off from steeply sloping farmland to the north. Minor watercourse runs through the site which is potentially connected to the watercourse at Mauchline Mains farm. This would require a connecting culvert under the site. The FRMA will need to satisfy itself that any proposed development has suitable mitigation in place to protect against surface water runoff from the neighbouring farmland.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Muirkrik – MA-M2 Carruthers Park</u> FRA required: No; Surface water hazard: No; Comments: No flood risk apparent.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Mauchline – MA-H3 Station Road (S)</u> FRA required: No; Surface water hazard: No; Comments: No flood risk apparent.</p> <p>We recommend the following comments are included in the developer requirements for the following sites: Co-location - A closed former landfill site is located at (Haugh Farm, Mauchline, NS 4969 2528) No history of issues but former landfills have potential to cause nuisance through odour and leachate beyond the site boundary.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p> <p>Noted, acknowledged and integrated into the SEA assessment for MA-H3. While a specific requirement has not been included within Volume 2 site specific requirements, within 'Developer requirements (general)' any applicant will be required to provide mitigation and/or enhancement measures contained within the Environmental Report.</p>
SEPA	<p><u>New Cumnock – NC-H1 Castle</u> FRA required: Yes; Surface water hazard: No; Comments: North east corner of the site lies within the functional floodplain of the River Nith / Afton Water. This area is currently occupied by a derelict/vacant building. An FRA should be provided as a site specific assessment of this flood risk</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>New Cumnock – RU-B3(O) Crowbandgate – Land south of A76</u> FRA required: Yes; Surface water hazard: No; Comments: Fluvial - adjacent to 1 in 200 flood outline. A minor watercourse flows through site. A basic FRA, consisting of topographic information in the first instance and a detailed layout plan will be required. We cannot find reference to this site on our casework system or on the EAC e-planning portal. We therefore assume that we are still to be consulted notwithstanding that the site has been 'consented'.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Patna – PA-H3 Cemetery Road</u> FRA required: No; Surface water hazard: No; Comments: No flood risk apparent.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>
SEPA	<p><u>Stewarton – ST-M2 Kilwinning Road</u> FRA required: No; Surface water hazard: Yes; Comments: The FRMA will need to satisfy itself that any proposed development has suitable mitigation in place to protect against surface water flood risk from the drainage ditch which lies adjacent to the northern part of the western boundary of the site.</p>	<p>Noted, acknowledged and integrated into the SEA assessment.</p>

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

Assessment Methodology		
NatureScot	In relation to site assessments, we are pleased that the SEA Joint Assessment Proforma has been used.	Noted and acknowledged.
SEPA	We welcome the assessment presented Appendix 8 (Stage 2) and in particular the use of the site assessment proforma in Appendix 10. Showing the results before and after mitigation is very helpful, as well as the use of colour for a more immediate understanding of the environmental impact. We will comment in detail on the assessment as part of the Proposed Plan response, should we disagree with the results.	Noted and welcomed. However, the Council wish to highlight that it would appear that the comments provided on the 22 nd July 2022 by SEPA appear to relate to the MIR IER rather than the PLDP2 ER.
Mitigation, Enhancement and Monitoring		
NatureScot	<p>We welcome the identification of site-specific mitigation and enhancement measures in the assessments for significant environmental effects, and we are pleased to note that these have been used to inform the Plan itself as developer requirements.</p> <p>We are particularly pleased with the increased emphasis on the nature crisis in both the Environmental Report and the Plan itself.</p> <p>We do however consider that mitigation measures identified through the SEA process could be better reflected in the developer requirements for specific sites. We have provided advice in this regard in our response to the Proposed Plan.</p>	<p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged. Some recommended modifications have been made to site specific developer requirements through the Examination process. However, the Council are unable to make any significant changes or improvements to the content at this stage in the LDP process.</p>
NatureScot	<p>We are content with the proposed monitoring measures set out in the Environmental Report. We understand that monitoring will utilise information contained in the East Ayrshire State of Environment Report, which provides a robust source of relevant data.</p> <p>We suggest that references to the State of Environment Report 2016 are expanded to include updated versions, as these will provide information on how indicators are changing, allowing trends to be identified.</p> <p>Additionally, in the Landscape section of Table 10, under the "Monitoring" heading in the fourth column, the text reads: <i>"Implementation and effectiveness of MLDP Spatial Strategy, Environment policies"</i>.</p> <p>We assume that "MLDP" should read "LDP2" and suggest that this is amended to avoid any confusion.</p>	<p>Noted and updated appropriately within Appendix 2.</p> <p>Noted and acknowledged. References to SoER 2016 within the Environmental Report updated to caveat "or any subsequent updated versions".</p> <p>Noted and updated to resolve typing error.</p>
SEPA	We are generally satisfied with the information provided in Section 9. We will provide more specific feedback as part of our response to the Proposed Plan as appropriate.	

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

General Comments		
Historic Environment Scotland (HES)	We are broadly content to agree with the findings of the Environmental Report, subject to the detailed comments at Annex 1.	Noted and acknowledged.
NatureScot	Having reviewed the Environmental Report, we broadly agree with the key environmental issues and trends that have been identified and the assessment of significant environmental effects.	Noted and acknowledged.
NatureScot	We found the Environmental Report to be very thorough and comprehensive. The traffic light colour-coding of the assessment matrices was particularly helpful, as a way to identify at-a-glance whether significant impacts were expected to be positive, negative or mixed.	Noted and welcomed.
SEPA	Please note that this summary table only contains Proposed Plan sites. For all other sites that have been included within the Spatial Strategy you will need to refer to previous responses and to the SEPA spreadsheet that was provided in response to the MIR consultation (on 4 December 2020) to see the comments that we made.	Noted. Comments provided by SEPA at the MIR Stage are outlined and addressed within Appendix 2.1.
SEPA	We welcome the inclusion of this appendix explaining how the Consultation Authority comments have been taken into account. We however note that not all our comments have been reported. For example, Appendix 2 does not include our comment in relation to Main Issue 1, with SEPA being disappointed that the vision was 'aspirational' rather than 'achievable' and therefore did not go to Stage 2. It would have been useful assessing in more detail the vision and therefore identifying enhancement opportunities, resulting in a more significant positive effect.	Noted and acknowledged.
SEPA	<p>In relation to Stage 1 Assessment, at IER stage we said: Section 2.30 – <i>"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"</i>. EAC Response: <i>"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."</i> While we welcome the consistency applied in order to achieve objectivity, using terms as 'attempt' and 'presumed' does not provide confidence that a robust assessment was undertaken at Stage 1.</p> <p>We note however that most items within SEPA remit have been assessed in Stage 2. We will provide comments as part of the Proposed Plan response if we disagree with the assessment.</p>	<p>Noted and acknowledged. The terminology utilised to provide a response to their comments could have been more appropriate. However, the Council consider that a robust assessment of all sites and policies has been provided for LDP2 within the Environmental Assessment, at Stage 1 and Stage 2.</p> <p>The Council also note that the comments provided on 22 July 2022 appear relate to the MIR IER and not the LDP2 ER which was updated.</p> <p>Site specific comments provided within the response to the Proposed Plan have been integrated into the SEA assessment for these sites.</p>

LDP2 Environment Report

Appendix 2.2 - SEA Consultation Authority responses on the Proposed Local Development Plan 2 (May-July 2022), Observations and Actions

SEPA	Please note that Section 9 makes reference to the State of the Environment Report 2016, while the baseline information refers to State of the Environment 2019.	This was a typing error which has been rectified to reference the 'State of the Environment report 2019'.
------	---	---



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