

Archived: 01 February 2021 19:41:35

From: [REDACTED]

Sent: Wed, 27 Jan 2021 17:33:26 +0000Authentication

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: 01386 Environmental Report Addendum - Scottish Borders Council - Local Development Plan - ER responses issued to RA - 25 January 2021

Sensitivity: Normal

Attachments:

[REDACTED]

Good afternoon [REDACTED]

Many thanks for these comments and for taking the time to consult and pull them together – that is much appreciated. Yes I'm aware of SEPA's position re the cyber attack and have spoken to them re the consequent issues in submitting comments. I fully understand and sympathise with their position and [REDACTED] will keep me updated on any progress of possible timescales for submissions.

Thanks once again

Kind Regards

[REDACTED]

From: [REDACTED]

Sent: 25 January 2021 15:12

To: [REDACTED]

Subject: 01386 Environmental Report Addendum - Scottish Borders Council - Local Development Plan - ER responses issued to RA - 25 January 2021

CAUTION: External Email

Hi [REDACTED]

Please find attached responses to Environmental Report Addendum received in gateway 3rd November 2020.

As you may be aware from news reports Sepa has been the subject of a cyber-attack. This has affected their internal communication systems and unfortunately means they are temporarily unable to respond to certain requests. I appreciate the lack of a response may be unhelpful but it is due to circumstances presently beyond their control and I extend their apologies.

Thanks,
[REDACTED]



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T: [REDACTED]
E: SEA.Gateway@gov.scot:

[REDACTED]
Scottish Borders Council

Our ref: 01386 Environmental Report Addendum - Scottish Borders Council - Local Development Plan

25th January 2021

Dear [REDACTED]

With reference to the Environmental Report you submitted to the SEA Gateway on 3rd November 2020.

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the 2005 Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

[REDACTED]

Yours sincerely

[REDACTED]
SEA Gateway Administrator



INVESTOR IN PEOPLE





By email to: sea.gateway@gov.scot

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████████████████████
████████████████████
25 January 2021

Dear ██████████

[Environmental Assessment \(Scotland\) Act 2005](#)
[01386 Environmental Report Addendum - Scottish Borders Council - Local Development Plan – Proposed Plan](#)

Thank you for your consultation which we received on 04 November 2020 about the above and its Environmental Report (ER). We have reviewed these documents in relation to our main area of interest for the historic environment. The first part of this response relates to the Proposed Plan, with part two focusing upon its environmental assessment.

Part 1: Scottish Borders Council - Local Development Plan – Proposed Plan

AGALA029: Netherbarns – HES representation

Context

Very shortly before the close of the Proposed Plan consultation, we became aware that an additional 'summary map' of proposed site AGALA029: Netherbarns has been added to the online Proposed Plan consultation materials. We were not directly informed by Scottish Borders Council of this additional consultation document. The summary map shows the site boundary, proposed additional planting locations, housing development areas and internal access route layout.

Whilst we have accepted the principle of development of up to 45 units on this site, we continue to consider that, as we stated in our response to the Main Issues Report consultation, any development should *'be subject to the robust application of the site requirements and development of a site masterplan. We would expect the masterplanning process to consider how various factors including building scale, location within the landscape, layout, materials, character, number and type of housing units can mitigate potential effects, and to provide a framework for detailed proposals which comply with local and national historic environment policy. Our views on a masterplan, and any application for this site, will be dependent on the level to which potential effects*



have been mitigated. We would expect HES to have early involvement and consultation in the masterplanning process.'

Our position

Future discussions on the masterplanning of the site, which will be vital to ensuring that potential significant negative effects on the historic environment are effectively mitigated, should not be constrained by inclusion within the adopted Plan of any additional detail which has not been subject to early and effective consultation. We would expect such a consultation to include the opportunity for us to make a site visit to Abbotsford House to assess potential impacts on the Category A listed house and the Inventory Designed Landscape.

Due to the late publication of the summary map, and lack of notification to stakeholders, there has been insufficient opportunity for consultees, including HES, to fully consider and take an informed view on the layout proposed in the summary map. In view of this, we consider that the summary map should not form part of the adopted Plan, however in the event that the site is allocated in the adopted Plan, we would welcome the opportunity to comment on the summary map as part of the subsequent masterplanning process.

Change required

The AGALA029: Netherbarns summary map should not form part of the adopted Plan. If you decide to include the summary map within the Plan, we wish this response to be submitted to the Reporter as an unresolved representation to be considered through the Examination.

Part 2: Environmental Report Addendum

In our response to the Environmental Report at Main Issues Report stage, we recommended that some site assessment findings should be amended in relation to historic environment effects, and we welcome that you have amended the Addendum findings accordingly.

ASELK042 Philiphaugh Steading 1

We were unable to locate the environmental assessment for this new site. We consider that there is potential for negative effects on the Inventory Battle of Philliphaugh, and that the site requirements should include specific measure to mitigate this.

None of the comments contained in this letter constitute a legal interpretation of the requirements of the Environmental Assessment (Scotland) Act 2005. They are intended rather as helpful advice, as part of our commitment to capacity building in SEA.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

We hope this is helpful. Please contact us if you have any questions about this response. [REDACTED]

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Planning Policy and Access Team
Regulatory Services
Scottish Borders Council

Sent via: sea.gateway@gov.scot

22 January 2021

Our ref: [REDACTED]

Dear Sir/Madam,

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005: SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2 – REVISED ENVIRONMENTAL REPORT

I refer to your consultation, received on 04 November 2020 via the Scottish Government SEA Gateway, in respect of the second Local Development Plan (LDP) for Scottish Borders.

We note that our previous advice has been taken into account in the revised Environmental Report.

Our comments are provided in the attached Annex. For ease of reference we have also included our advice on the Habitats Regulations Appraisal (HRA) of the LDP in the Annex to this letter.

If you would like to discuss our response please contact me on [REDACTED]

[REDACTED] in the first instance.

Yours faithfully,

[REDACTED]
[REDACTED]

Supporting Good Development

Annex

Environmental Report and Appendices

Table 1 provides a useful summary of the changes between the previous and amended Environmental Reports. This provides a very clear snapshot and we found it helpful in directing our attention to relevant parts of the report. We commend this simple approach as good practice in situations when an addendum or revision of the original Environmental Report is required.

We agree with the role of Habitats Regulations Appraisal (HRA) in synergistic effects (paragraph 1.52) and consider that this seems a reasonable application of the HRA to help with completing the SEA. As with Table 1, this is a good practice example of using environmental assessment effectively.

Paragraph 1.55 sets out a very clear explanation of how the Environmental Report and monitoring influence each other. We consider that if followed, Scottish Borders should have a very robust approach to environmental assessment and monitoring in future with an improved / maintained environment as a result.

Appendix 2 – relevant plans, programmes and strategies

The list of relevant plans, programmes and strategies in Appendix 2 should refer to the Habitats Regulations. At present, Appendix 2 includes the Habitats Directives but following EU Exit we now rely on the Habitats Regulations to maintain protection of European sites. Our website provides some background context to this: <https://www.nature.scot/eu-exit-brexit-information>.

Appendix 6 – policy assessment

The assessment of PMD2 Quality Standards identifies a positive outcome for Biodiversity due to access to greenspace, which gives scope for improvement of existing habitats. We agree with this conclusion but suggest that these positive effects are also likely due to the policy increasing the integration of greenspace with its surroundings, thereby offering the opportunity to reinforce and extend networks that will benefit biodiversity.

We had expressed concern earlier in the plan preparation process regarding the impact of removing reference to non-allocated sites in ED5 Regeneration. That change does not appear to have happened and we therefore consider that the assessment of the effects of the policy is reasonable.

The assessment of ED6 Digital Connectivity appears to rely on prevention of unnecessary development. The reasoning is not explicit but seems attributable to the overall reduction of travel that is possible through improvements to digital infrastructure leading to reduced pressure for development of business space and related supporting transport and other infrastructure. While this does in part rely on behaviour change and employers supporting people working remotely, we agree that improved digital connectivity could have positive environmental effects.

Assessment of EP1 International Nature Conservation Sites and Protected Species identifies positive benefits for climatic factors and landscape. While this policy is not intended to specifically achieve these ends due to the nature of the sites and species it deals with, we agree that the measures required to protect them will have further beneficial effects on other topics. A similar effect is true for EP2 National Nature Conservation Sites and Protected Species and EP3 Local Biodiversity Sites and Local Geodiversity Sites.

On a similar note, we wonder if the assessment of EP4 National Scenic Areas should be more broadly positive. The control of development aimed at maintaining qualities of NSAs will also benefit other topics such as biodiversity, population and human health and so on. It may be worth considering whether these beneficial effects should be included in monitoring measures for EP4.

The assessment of IS18 Cemetery Provision could be more positive on impacts for Biodiversity and Landscape. In general, cemeteries tend to form part of accessible greenspace that is also valuable for wildlife and by their nature cemeteries will generally fit with existing landform and character.

Appendix 8 – detailed assessment of sites

Where relevant to our remit we have provided comments on sites in our representations on the Proposed Plan.

Appendix 8(b) – detailed assessment of sites not included in Proposed Plan

As these sites are not to be allocated we have made no comment on them in this response or in our representations on the Proposed Plan. We agree with the approach taken to these sites and can provide further advice if they are to be allocated in future, including as a result of examination of the Proposed Plan.

Appendix 9 – environmental issues, monitoring and mitigation

We agree with the assessment and the mitigation / monitoring measures.

Habitats Regulations Appraisal Record

Screening policies

We agree with the screening process set out in Tables 1, 2, 3 and 8. We also agree with the detail provided at paragraph 6.4 on the factors that influenced the screening process and consider that the listed factors are appropriate.

We understand from paragraph 7.4 of the Appropriate Assessment that 32 sites were taken to Appropriate Assessment stage. As part of this they were subject to detailed appraisal of mitigation measures. We agree that this detailed appraisal (including site conditions such as physical barriers), application of policy caveats and site specific caveats are appropriate mechanisms to use.

Appendix 4 provides detail on the initial screening exercise and then the Appropriate Assessment if a site proceeded to that stage of appraisal. In general, we welcome the clearly presented information in this Appendix. However, there are a couple of phrases used in the mitigation column which we consider should be reviewed to ensure that HRA Record supports the Proposed Plan in the most accurate way. These are:

Current wording	Suggested change
<p>1. Any development must ensure that there is a robust site boundary to minimise disturbance if geese are using the site.</p>	<p>We recommend that this is amended to:</p> <p><i>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area</i></p> <p>There appears to be a slight miswording in the current requirement as geese using the site would be displaced by development. We assume that this requirement is intended to assist in securing surrounding areas for their use.</p>
<p>2. Mitigation measures are required to prevent any impact on the River Tweed SAC</p>	<p>We recommend that this is changed as follows:</p> <p><i>Mitigation measures are required to ensure no adverse effect on site integrity of the River Tweed SAC</i></p> <p>This more clearly indicates the legal requirements incumbent on applicants and Scottish Borders Council.</p>
<p>3. Mitigation required to ensure no significant adverse effects upon integrity of River Tweed Special Area of Conservation</p>	<p>We recommend that this is changed as follows:</p> <p><i>Mitigation required to ensure no adverse effect on site integrity of the River Tweed Special Area of Conservation</i></p> <p>This change would avoid the combination of two stages of HRA as the current phrase appears to include elements of both <i>likely significant effect</i> and <i>no adverse effects on site integrity</i>.</p>

Given the similarity of the current requirements at 2 and 3 it may be more useful in the long-term to consider using the same requirement in all instances rather than having different versions which seek to secure the same thing.

We have suggested similar changes to relevant allocations in our response to the Proposed Plan itself.