

Directorate for Local Government and Communities

SEA Gateway, 2-J (South),
Victoria Quay, Edinburgh,
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D: 3 March 2014

Mr Martin Wanless
Forward Planning Manager
Scottish Borders Council



**00653 ENVIRONMENTAL REPORT ADDENDUM - SCOTTISH BORDERS COUNCIL -
LOCAL DEVELOPMENT PLAN**

Dear Martin,

With reference to the Environmental Report you submitted to the SEA Gateway on 6 December 2013.

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.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone
SEA Gateway Officer

Our ref: PCS/130562
SG ref: SEA00653//ER

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Planning & Economic Development
Council Headquarters
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If telephoning ask for:
Silvia Cagnoni-Watt

3 March 2014

By email only to: [REDACTED]

Dear Martin Wanless

Environmental Assessment (Scotland) Act 2005
Scottish Borders Council - Local Development Plan - Environmental Report
Addendum

Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the Environmental Report Addendum - Scottish Borders Council - Local Development Plan. This was received by SEPA via the Scottish Government SEA Gateway on 6 December 2013.

We have used our Main Issues Report consultation response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. For convenience, these comments have been structured to reflect that of the ER. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the Scottish Borders Council - Proposed Local Development Plan itself will be provided separately.

As the Proposed Plan is finalised, Scottish Borders Council as Responsible Authority, will be required to take account of the findings of the ER and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government Guidance available at: www.scotland.gov.uk/Publications/2013/08/3355. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this environmental report consultation, please do not hesitate to contact me on [REDACTED]

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer

[REDACTED]



Chairman
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Appendix 1: Comments on the Addendum to the Environmental Report

General comments

We consider that in respect of our main areas of interest (air, water, soil, human health, material assets including waste and climatic factors) the Addendum to the Environmental Report (ER) identifies a number of significant environmental effects related to the Scottish Borders Council (SBC) Local Development Plan (LDP). We welcome the detailed assessment of the key outcomes, policies and the updated site assessment. We note that the baseline, relevant plans, policies and strategies, environmental issues and environmental objectives have not been replicated in this Addendum because they are considered still valid from the Main Issues Report (MIR) ER.

We note that the advice provided in the PAN 1/2010: Strategic Environmental Assessment of Development Plans in relation to proportionality has been followed where possible and we welcome this.

We are satisfied that most of the comments made on the MIR ER have been taken into account in the preparation of the Proposed Plan (PP). These have been listed in Appendix 1 with respective response and actions from the Scottish Borders Council (SBC).

In the response to the Scottish Borders PP we commented on the fact that we have not been given the opportunity at earlier stages to comment on existing allocations carried forward from the Scottish Borders Local Plan (LP) and Local Plan Amendment (LPA) as requested in paragraph 10.3, 10.4 and 11.4 of our MIR response (22 June 2012 - our ref: PCS/119491- Angela Burke). Both SEPA and the local authorities have duties under the Flood Risk Management (Scotland) Act 2009 to work towards reducing overall flood risk and to promote sustainable flood management. In addition, following the publication of the River Basin Management Plan (RBMP) in 2009, we now have the opportunity to ensure that the development of these sites contributes to achieving the objectives of the RBMP. We have now commented on all sites included in the PP and identified issues that should be addressed in relation to flood risk and for meeting the objectives of the River Basin Management Plan (RBMP). We consider that some of the effects from development of the sites are significant and therefore these should be assessed as part of the SEA. Please see the PP response for details.

For easier reference the structure of this response follows that of the ER.

Detailed comments

1. Introduction and structure of the Addendum to the Environmental Report

- 1.1 We note that this ER does not include a Non-Technical Summary (NTS). Although this is an addendum to the ER, we would have found useful the inclusion of a summary of the issues covered in the ER.

2. Summary of Environmental Assessment Findings

Summary of Key Outcomes Assessment

- 2.1 We welcome the table summarising how the main issues from the MIR relate to the key

outcomes in the PP (Table 2) and the table summarising the assessment findings for the key outcomes (page 9). We note that no negative effects have been identified. This is because it is considered that the policies and guidance should prevent adverse impacts. We consider however that the improvements to the road and rail networks may have some negative effects on material assets, in relation to the production of waste from the construction.

- 2.2 Paragraph 1.17 (Air) explains that the promotion of renewable energy in sustainable locations will be directed away from carbon rich soils, and therefore the need for fossil fuel based power generation will be avoided, significantly reducing carbon emissions. We are in agreement with this, however we would point out that carbon emission reduction is often considered under the SEA Topic of climatic factors, as part of climate change mitigation. We agree that other air pollutants associated with fossil fuel energy generations or use will also be avoided.
- 2.3 In the ER there is reference to water quality rather than the quality of the water environment. Although ecological status and the status of the water environment are mentioned in the objectives in the MIR ER, we are not clear if the strategies and sites assessment have been carried out with the correct frame of mind, which involves considering all issues relevant to the quality of the water environment. In addition to information on water quality and the traditional water chemistry measurements, the Water Framework Directive requires the use of tools which assess the impact of other aspects of the environment's quality, including water quantity (changes to levels and flows), the forms and processes which affect the structure/shape of our waters (morphology) and the impact of non-native species.

Assessment of Proposed Plan Policies

- 2.4 We are unclear on why not all the policies have been reported in Appendix 3. We assume that only the ones that required updating have been reported. However in Appendix 1, in response to our comments on MIR ER policy NE5 (now EP15), the text reads '*the policy is likely to be updated further in preparation of the PP and this will allow the change to be made*'. While we welcome the changes to the actual policy, we note that EP15 is not listed in Appendix 3.
- 2.5 We made a comment in relation to the use of 'water quality' in our MIR SEA response in relation to policy NE5 (now EP15). We note that the wording of policy EP15 - Development Affecting the Water Environment in the PP now refers to the 'quality of the water environment' and we welcome this, however we are disappointed to see that the wording in the ER still refers to water quality. As mentioned already in paragraph 2.4 of this response, because the wording did not change we are not clear if the assessment has only considered water quality in strict terms or if the broader meaning has been applied.
- 2.6 ED9 - Renewable Energy Development. In our response to the PP we recommended that the policy is amended to incorporate the expectation that proposed development that will supply renewable heat or power should be located close to existing or proposed heat networks, or close to areas of heat demand, in order to ensure the heat is utilised. If there is no existing or proposed network available, the proposed development should instigate the creation of one. We would therefore welcome reference to this in the environmental assessment, as an enhancement opportunity for climatic factors and material assets.

- 2.7 In our representation for policy IS 8 - Flooding we requested a modification for the policy to state clearly that development on the functional flood plain should be avoided. We also asked for clarification on the term 'significant' used in relation to flood risk and made other comments in relation to vulnerability. All these comments are also relevant for the environmental assessment. In addition, we would like to remind you that the policy on flooding could also have significant positive effects in relation to population and human health.
- 2.8 We note that policy IS10 - Waste Management Facilities is not included in the assessment. Please note we have asked for a modification to this policy in our PP representations.

Updated Site Assessment

- 2.9 Par 4.21 of the PAN 1/2010 states that the SEA should assess the significant environmental effects of all the sites.
- 2.10 We understand that the PP includes a total of 317 sites, of which 33 were considered at MIR stage, 3 are new and 281 are existing allocations brought forward from the LP and LPA.
- 2.11 We note that, for the purpose of proportionality, criteria were applied to select the sites to be included in the SEA assessment and a full list of sites not included and reason behind the decision is available in Appendix 5 (c).
- 2.12 Paragraph 1.41 of the ER states that it was considered appropriate to try to limit the assessment of the sites that are being "rolled forward" from the Consolidated Local Plan; this was because they had all been through some form of environmental assessment previously. LPA sites were subject to full SEA process and LP sites were allocated prior to the SEA Act 2005 but they were subject to an equivalent process which informed their allocation in the LP.

The criteria for inclusion (significance) are set in par 1.40 of the ER.

- Located in one of the three Strategic Development Areas;
 - 1ha or above in area;
 - Where relevant, 10 units or above;
 - No planning consent issued or development commenced;
 - Not a Local Plan Amendment site;
 - Not business and industrial land safeguarded (these sites are largely developed);
 - and
 - No planning brief
- 2.13 We note that certain LP and LPA sites that meet the criteria are included in the settlement maps (ER, paragraph 1.42) and have been considered for cumulative effects and we welcome this.
- 2.14 The information available in the Site Assessment Database is also useful in terms of providing evidence of the information available for each site.
- 2.15 In general we welcome the robustness and consistency of the method applied and the

transparency of the process (i.e. the inclusion of Appendix 5 – (c)). However we would have welcomed broadening the 'significance' criteria to including not only sites that meet size or status criteria (i.e. planning consent) but also sites at environmental risk in relation to current environmental protection legislation.

- 2.16 The PAN 1/2010 (paragraphs 4.21 and 4.22) state: *'If all of the sites are being evaluated in a systematic way to define whether they should be included in the plan, **and** that assessment fully assesses their environmental effects (i.e. covers the topics that are highlighted in the Directive), then there should be no need to duplicate this with a separate additional environmental assessment (see paragraph 5.9 below). The assessment findings will still need to be set out in the environmental report... Sites which already have development consent should be viewed as part of the baseline, but taken into account within the assessment of cumulative effects. Otherwise, sites which are being 'rolled forward' from previous plans should be included in the assessment'*.
- 2.17 Consulting SEPA on the existing allocations as requested in our MIR response (par 10.3, 10.4 and 11.4 our ref -PCS/119491) would have allowed the identification of sites which should have been included in the assessment on the basis of environmental risk (for flood risk purposes and RBMP). Please see our response to the PP for details of sites where we requested a modification for removal on the basis of flood risk and for other modifications.
- 2.18 For AGALA027 the ER assessment identified as an effect *'the loss of agricultural land. Development requires significant earth moving'*. The mitigation section reads: *'the existing site requirement from the MIR stating there should be substantial planting on the south western boundary should mitigate the impact of the development from the prominence of the north facing slope'*. We consider this mitigation to be applicable to soil issues as well as landscape issues.
- 2.19 We note that for AGALA029 the assessment states that part of site is within the 1:200 year flood risk envelope. However the site is significantly elevated from the river and flood risk is highly unlikely. As requested at MIR stage we would still require a FRA for this site. There are other sites where the SBC identified possible investigation of flood risk and we welcome this. However we have requested a full FRA for these sites to ensure that the flood risk is properly assessed. Please see response to PP for details.
- 2.20 We note that for RHAWI010 the score is neutral and the environmental assessment identifies possible existing contamination for which a redevelopment would bring opportunity to 'clean up' the site. We welcome this enhancement opportunity which has been taken forward in the PP. We note that the same requirement for investigation of any potential contamination and appropriate mitigation measures to be carried out thereafter have been identified in the PP site requirements for RHAWI010, RHAWI011, RHAWI012, RHAWI013, RHAWI014, RHAWI015 and RHAWI016. The SEA however only acknowledges this for RHAWI010 and RHAWI016.
- 2.21 In addition, the SEA identifies a similar situation for BSELK003 (neutral effects – contamination), however no enhancement opportunity is proposed and no mention is made of this in the site requirements. We would therefore welcome an approach similar to RHAWI010 for this site.
- 2.22 The assessment for RHAW015 identifies flood risk and the FRA is proposed in the developer requirements, however the mitigation was not mentioned in the SEA assessment.



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Philip Graham
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email: [REDACTED]

28 February 2014
Our ref: CEA128022 / A1156359
Your ref: 00653

Dear Philip

Environmental Assessment (Scotland) Act 2005
Scottish Borders Proposed Plan – Addendum to the Environmental Report

Thank you for consulting us on the addendum to the Environmental Report (ER) for the Scottish Borders Proposed Plan. This response is in the context of the Environmental Assessment (Scotland) 2005 Act and our role as a Consultation Authority. Our comments on the Proposed Plan will be submitted separately.

In general, we agree with the assessment and conclusion that the Proposed Plan will not have a significant effect. However, some parts of the assessment would benefit from further discussion and we have provided comments on these in the attached Annex. We welcome the approach taken to presentation of the updated information in the Addendum, which allows the reader to focus on what is new.

Habitats Regulations Appraisal

Work on the Habitats Regulations Appraisal (HRA) is still underway and we look forward to further discussion with you. At this stage, we consider that the brief HRA comments included in the site assessments (Appendix 5a), are generally appropriate. However, as HRA issues are referenced in several documents, there is a need to review to ensure that information is being presented consistently.

We trust these comments are useful. Should you wish to discuss further, please contact either Viv Gray [REDACTED] in our Edinburgh office or myself at our Galashiels office.

Yours sincerely

[by email]

Andrew Panter
Operations Manager
South Scotland

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Scottish Natural Heritage, Anderson's Chambers, Market Street, Galashiels, TD1 3AF
[REDACTED]



INVESTOR IN PEOPLE

- 2.23 The commentary for RSELK004 states that the assessment is the same as for RSELK003, however we note that there is a difference in terms of assessment for water issues, which is positive for RSELK004 and neutral for RSELK003.

3. Cumulative and Synergistic Effects from the Proposed Plan

- 3.1 We understand that the existing allocations with planning consent have been considered in the assessment of cumulative effects in page 14.
- 3.2 We note that a possible negative effect has been identified on the River Tweed and other watercourses in the Borders as a result of development of a number of allocations. The existing legislation, the commitment to meet the objectives for the Solway Tweed River Basin Management Plan should prevent these negative effects occurring. Please refer to our previous comments on the terminology used for water quality.

4. Monitoring and Conclusions

- 4.1 We welcome the approach taken for monitoring and in particular the iteration between the various environmental assessments (from Local Plan Monitoring Report through to PP ER Addendum, including the SESplan SEA), the progress made so far and the future monitoring related to the LDP. This provides a link between the different plans and relevant monitoring frameworks and indicators. The reference to mitigation measures which are being implemented is also very useful.
- 4.2 While we support this approach we also consider that often a list of indicators linked to the objectives helps ensuring that all the issues have been covered and clarifying what is being measured and how. Although we understand that the MIR ER has to be used in conjunction with this Addendum, it would have been helpful to make reference to Table 4 Table 4 of the MIR (in addition to Table 3 as proposed in page 16) for a full overview of the indicators.
- 4.3 In particular, we note that the water section of the table in Appendix 6 refers to flooding issues only. There are other issues related to the water environment that we would recommend monitoring in relation to meeting the objectives of the RBMP. We would therefore suggest adding information and indicators on the monitoring of the effects of the Scottish Borders LDP on the quality of the water environment (see paragraph 2.4 of this response for more details).
- 4.4 In relation to climatic factors we would welcome more indicators related to climate change mitigation. We note that there is reference to renewable energy, however we would suggest adding reference to other indicators related to reduction of carbon emissions through avoidance or minimisation (e.g. less car use, sustainable transport).

5. Appendices

- 5.1 We made comments on the contents of the Appendices in previous sections of this response, in addition please find additional comments below.
- 5.2 We welcome the use of maps by settlements with the sites against the relevant constraints in Appendix 6. This is in line with par 5.9 of the PAN1/2010 which refers to the use of constraints mapping in the SEA of development plans. We understand that the narrative

describing the assessment is available in Appendix 4 Settlement Based Assessment.

- 5.3 Please note that Appendix 5 (d) (Site Assessment Database: MIR Process Sites included in the PP and not included in the PP) is listed in the content sections in page 2 but is not included in the documents with the other Appendices. We note that a document is available in the LDP information: Database Extract of Site Assessments.

Annex

Our comments below are presented under the same headings as those used in the Environmental Report (ER) and its Appendices.

Assessment of Key Outcomes (paras 1.12 – 1.31 & Appendix 2)

In general, we agree with the summary presented in the ER Addendum and the topic assessment scoring. However, there are some aspects which would benefit from further consideration. While changes to the Proposed Plan itself are unlikely to be required, it may be useful to consider the points below when preparing supplementary guidance related to these topic areas:

| Topic | Comments |
|----------------------------------|---|
| Biodiversity | We agree with the summarised findings for biodiversity. However, we note that the ability of green infrastructure and green networks to promote greater biodiversity will depend on the nature of the proposed green infrastructure and its connections to the wider network. It is essential that all opportunities are taken to make sustainable links between urban and rural habitats even where there may be less pressure on edge/out of town locations. Whilst it is noted that there is the potential for future infrastructure development on land with some biodiversity interest or potential, such developments can contribute to habitat connectivity where those interests can be retained or mitigated for within the development. |
| Climatic factors | The summary of climatic factors mentions the implementation of green infrastructure as a means of reducing emissions. When the Council prepares its supplementary guidance on green networks (as proposed in Appendix 3 of the Proposed Plan) the scope of its role should be considered in terms of adaptation and mitigation in the round. This includes the role of green infrastructure and networks in mitigating the effects of increased rainfall and flooding, both of which are related to climate change. |
| Landscape & townscape | The role of development principles and place making to positive effects should be reflected. |
| Soil | The allocations in the Proposed Plan generally avoid prime agricultural land and we therefore agree with the overall assessment for this topic. The potential for further allocations, particularly outwith Strategic Development Areas, to affect this resource is noted. We agree that this should be monitored as the LDP progresses and suggest that the Action Programme is a means to establish this requirement and maintain its regular review. |
| Water | The contribution of green infrastructure and green networks to neutral or positive effects is not discussed. We suggest that the inter-relationship between green and blue networks is reflected in the proposed Green Network supplementary guidance. |

Assessment of Proposed Plan Policies (paras 1.32 – 1.36 & Appendix 3)

We have been involved in discussion of plan policies prior to the current consultation and will make any further comments in our response to the Proposed Plan. In relation to SEA topics, the Council's recent discussions on wild land in the Scottish Borders may mean that the landscape topic requires review. We have discussed this with you in preparing our response to the Proposed Plan and look forward to further discussion on this topic area.

We generally agree with the assessment in this section and consider that the appropriate SEA topics have, by and large, been assessed against the policies. The following issues require further consideration:

| Policy | Comments |
|--------------------------------------|--|
| PMD2: Quality Standards | <p>The assessment omits the Biodiversity topic but the policy itself has two measures for green space, open space and biodiversity. Are these policy measures not expected to have a significant effect?</p> <p>Will Landscape & Townscape be significantly affected by the place-making and design measures also included in this policy?</p> |
| EP4: National Scenic Areas | <p>The assessment text for Landscape & Townscape is unclear. We suggest that the justification is reconsidered in relation to how the policy will influence development rather than focusing solely on the effect of including the 'surrounds' of the NSA as a policy caveat.</p> |
| EP6: Countryside around Towns | <p>This policy appears to have similar function to green belts in that it aims to protect landscape and recreation qualities of the designated area; prevent coalescence; and, contribute to the protection of the Eildon and Leaderfoot NSA.</p> <p>We note that avoidance of settlement coalescence is not specifically provided for in the policy. Is it intended that this is covered under the cross referenced HD2 Housing in the Countryside in the context of building group constraints?</p> <p>Policy aims suggest that while there may be biodiversity benefits associated, protection of biodiversity is not the primary function of the policy; the assessment should therefore reflect this.</p> <p>Is the strength of assessment for the Landscape and Townscape topic accurate? It appears to assume that, as is often thought of green belt, the entire area of CAT is high quality and therefore significant positive effects apply overall.</p> |
| EP12: Green networks | <p>The assessment discusses the SEA topics in the context of 'protection' of green networks while the policy itself discusses proposals that "...<i>protect, promote and enhance</i>..." Considered in relation to the Biodiversity topic for example, enhancement should contribute to the significant positive outcome that is predicted.</p> |

Updated Site Assessments (paras 1.37 – 1.44 & Appendix 4)

We note the assessment commentaries and associated constraints maps for the most significant sites selected. We agree with the selection criteria for full assessment.

The settlement maps give a clear indication of relevant constraints, particularly the River Tweed SAC and Eildon Leaderfoot National Scenic Area. While the map for Central SDA 1/8 shows the SAC where relevant, the map legend omits the SAC.

Summary of new sites included in the Proposed Plan by SEA Topic (paras 1.45 – 1.57 & Appendix 5a)

It may be useful to consider the points below when reviewing the Action Programme and/or preparing supplementary guidance related to these topic areas:

| Topic | Comments |
|---------------------|---|
| Biodiversity | The summary notes that there are both positive and negative impacts, particularly where sites are proposed near the River Tweed |

| | |
|----------------------------------|---|
| | SAC. We agree with the conclusion that likely significant effect (LSE) can be avoided through application of mitigation, as discussed in recent meetings and correspondence. |
| Soil | We agree with the assessment summary. However, rather than stating that it is ' <i>...worth monitoring going forward...</i> ' our advice is that a firm commitment to monitor should be included in the Action Programme. |
| Landscape & townscape | <p>We generally agree with the summary assessment but consider that the impact of edge of town development is not just restricted to impacts on Special Landscape Areas (SLAs) or land constrained in Landscape Character Assessment. Setting and character will be affected where such designations or constraints are not a factor and the assessment should reflect this. An absence of designation does not indicate that impacts are less likely to be significant on landscape and townscape in these areas.</p> <p>Place making principles and green infrastructure are appropriate means to address impacts, rather than very site specific structure planting as identified.</p> |
| Climatic factors | We agree with the assessment. In addition to the contributing factors identified in paragraph 1.55, we suggest that green infrastructure should also be included. |

Cumulative and Synergistic Effects from the Proposed Plan (paras 1.58 – 1.62)

Cumulative effect on landscape and townscape is noted in paragraph 1.60. As discussed in the above table, effects are presented in relation to designations. We recognise that it is expedient to carry out assessment in this manner as monitoring is likely to be more straightforward for areas which are listed/designated. However, we reiterate our advice that impacts are not limited to these designated areas and that effects outwith such areas may still be significant. Information presented with individual applications may offer a means to extend monitoring beyond SLAs and other designations.

We agree with the positive cumulative effects identified in paragraph 1.61.

Appendix 5a presents the site assessments against SEA topics and discusses mitigation required. While this information is consistent with Volume 2 of the Proposed Plan, there are some inconsistencies within the assessment that we think would benefit from review. An example is shown below, for two of the Hawick allocations:

| | | | | | | | | | |
|----------------------|---|---|---|--|---|-------------------------------|---|---|----|
| RHAWI012 - Hawick | ✓ | 0 | ✓ | 0 Site is adjacent to flood risk area | ✓ | 0 Within Conservation Area | ✓ | 0 | ✓✓ |
| Comment | | | | | | | | | |

| | | | | | | | | | |
|---|---|---|------------------------------|--|---|---------------------------------------|---|---|----|
| <ul style="list-style-type: none"> - the principle of development is already established on the site - the positive elements of the assessment are covered in the assessment for RHAWI010 <p>Mitigation</p> <ul style="list-style-type: none"> - adherence to policy, EP9 Conservation Areas | | | | | | | | | |
| RHAWI013 - Hawick | ✓ | x Adjacent to River Tweed SAC. Possible EPS | 0 Possible contamination. | x Site is identified as being at risk of flooding | ✓ | x Possible archaeological features | ✓ | 0 | ✓✓ |
| Comment | | | | | | | | | |
| <ul style="list-style-type: none"> - the principle of development is already established on site - the positive elements of the assessment are covered in the assessment for RHAWI010 <p>Mitigation</p> <ul style="list-style-type: none"> - appropriate assessment to avoid LSE on site integrity of the River Tweed SAC; EPS and birds survey - investigation of possible contamination - basic Flood Risk Assessment (although the site is already developed) - investigation of possible archaeological features | | | | | | | | | |

RHAWI012 is assessed as having neutral effect on the Biodiversity topic while RHAWI013 is negative due to proximity of the River Tweed SAC and European protected species (EPS). Both sites are close to the SAC and we therefore suggest that the assessment should be the same.

Monitoring and Conclusions (paras 1.63 – 1.68 & Appendix 6)

We agree with the proposal that future monitoring is considered in the Action Programme. However, as there is no proposed Action Programme at present, we are unable to comment on the appropriateness of this monitoring.


The presentation of information in Appendix 6 is very clear, allowing the reader to differentiate between versions of the ER, the assessment discussion and monitoring proposals.

We agree that the Land Use Strategy will form a useful framework on which to base future monitoring and note that there are other strategies that may also be relevant. For example, monitoring of the Biodiversity, Flora and Fauna Topic may also be informed by the Scottish Biodiversity Strategy¹.

¹ <http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/BiodiversityStrategy>

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Our ref: LDP/SB
Our Case ID: 201305439
Your ref: P-01-08.40

3 March 2014

Dear Mr Wanless

**Environmental Assessment (Scotland) Act 2005
Scottish Borders Council Local Development Plan: Proposed Plan
Addendum to the Environmental Report**

Thank you for consulting Historic Scotland on the Addendum to the Environmental Report of the Scottish Borders Local Development Plan Proposed Plan. Our review of the Environmental Report is undertaken in our capacity as a Consultation Authority under the Environmental Assessment (Scotland) Act 2005. Historic Scotland received this Addendum to the Environmental Report (ER) from the Scottish Government's SEA Gateway on 6 December 2013. We have previously been consulted on the ER to the Main Issues Report (MIR) in June 2012.

General Comments

1. In general, the Addendum provides a clear explanation of the changes that have occurred between the first ER and the production of this Addendum to the ER and sets out how the SEA process has continued to influence the development of both the spatial and policy elements of the emerging LDP. The information and cross referencing between the assessment and the PP had been applied consistently between the two documents which ensured ease of cross referencing. Table 1.5 in the Introduction Table was particularly helpful in showing how the ER had been revised and updated since MIR stage.
2. I welcome that the comments we provided for the ER at MIR stage have been considered and Appendix 1 was very helpful in setting this out in more detail. I broadly agree with the findings of the SEA assessment in terms of impact on the historic environment.

Mitigation and Monitoring

3. I welcome that section 1.63 of the revised ER Annex and Appendix 6 includes a commitment to implementing a Monitoring and Mitigation framework. Appendix 6 which includes site requirements identified in this revised assessment (where applicable) will be particularly helpful in integrating mitigation measures for potential

negative impacts into the Plan that have been identified as a result of the assessment for historic environment features e.g. allocation AKELS022 at Kelso and its potential impacts on the setting of Hendershyde GDL.

4. Where there are some uncertainties regarding the impact of the Plan on the historic environment, it would be useful if the SEA Post Adoption Statement could include a clear commitment to delivering any recommendations that are part of this Plan and fall from this process as it is implemented.

None of the comments contained in this letter should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity-building in SEA.

We hope this is helpful. Please contact me on 0131 668 8575 should you wish to discuss this response.

Yours sincerely



Rosalind Campbell
Senior Heritage Management Officer (SEA)