

Scottish Borders Council

Local Development Plan 2: Main Issues Report

Interim Environment Report

Appendix 1: Consultation Authority Responses to Scoping Report

Consultation Authority: Scottish Natural Heritage	
Comments	Action Taken
<p>Overall comments:</p> <p>Subject to the specific comments set out within their response, SNH is content with the scope and level of detail proposed for the Environmental Report.</p> <p>SNH note that a minimum of 6 weeks is proposed for consultation on the Environmental Report and they are content with this proposed period.</p>	
<p>2.4 of Scoping Report SEA Topic: Air (Implications for LDP2) The Scoping Report states that impacts could be reduced by siting development in areas that can encourage use of sustainable transport. SNH generally agree with the implications for LDP2. However, we recommend that the assessment of LDP2 also considers opportunities to reduce impacts that could be achieved by reducing the need to travel.</p>	<p>Additional sentence added to the table under the heading '<i>Implications for LDP2</i>'. The final sentence will read;</p> <p><i>'The LDP2 must aim to reduce the impact of new development on air quality through the siting of new development in areas that can encourage the use of sustainable transport modes such as walking, cycling and public transport. Furthermore, the LDP2 will consider opportunities to reduce the impacts that could be achieved by reducing the need to travel.'</i></p>
<p>2.4 of Scoping Report SEA Topic: Biodiversity, Flora and Fauna (Problem/Issue) The Scoping Report states that the identified problem/issue is the 'Loss of habitat'. SNH agree that loss of habitat is an issue that could arise through allocations and other policy decisions in LDP2. SNH suggest that in some cases, loss of habitat connectivity would also be an issue that could arise and recommend that the assessment includes this.</p>	<p>Alter the existing problem/issue under biodiversity, flora and fauna to read;</p> <p><i>'Loss of habitat or habitat connectivity'</i>.</p>

<p>2.4 of Scoping Report SEA Topic: Soil (Problem/Issue) The Scoping Report identified problem/issue is ‘Housing development could result in an increase in sealed surfaces’. SNH advise that the LDP2 includes other policies that may lead to impacts on scarce and important soils, including wind farm development. In addition to potential for sealing surfaces, all types of development could lead to loss and deterioration of carbon-rich and peat soils. We recommend that the assessment considers these issues.</p>	<p>Alter the existing problem/issue under soil to read; <i>‘Development could result in an increase in sealed surfaces and could lead to the loss and deterioration of carbon-rich and peat soils’.</i></p>
<p>3.3 of Scoping Report SEA Topic: Biodiversity, Flora and Fauna (Sub-objectives) The Scoping Report proposes the following sub-objective, <i>‘Provide for a Borders green network’</i>. SNH suggest changing this to read, <i>‘Protect/enhance Borders green network’</i>, for the following reason. The current sub-objective could be taken as indicating that there is no green network at present. We recommend it is changed to reflect that there is an existing network that should be protected (or maintained) an enhanced where required, in addition to creation of new links in the network.</p>	<p>Alter the wording of the sub- objective under biodiversity, flora and fauna to read; <i>‘Protect/enhance Borders green network’.</i></p>
<p>3.3 of Scoping Report SEA Topic: Soil (sub-objective) The Scoping Report proposes the following sub-objective, <i>‘Protect the peat resource’</i>. SNH suggest changing this to read, <i>‘Protect the carbon rich soil and peat resource’</i>, for the following reason. SNH recommend the sub-objective is amended to include carbon-rich soils to align</p>	<p>Alter the wording of the sub-objective under soil to read; <i>‘Protect the carbon rich soil and peat resource’.</i></p>

<p>with Scottish Planning Policy, ensuring that all carbon rich soils in Scottish Borders are protected.</p>	
<p>3.4 of Scoping Report SEA Topic: Biodiversity, fauna and flora (Assessment criteria) SNH assume that this assessment criteria is used to ensure that proposals that could have connectivity to the River Tweed Special Area of Conservation (SAC) are assessed. For that reason, we suggest that as a criterion under the Biodiversity, Flora and Fauna SEA Topic, this does not need to be separate and could be included as a subset of ‘SAC, SPA, Ramsar sites, SSSI, International/national designation constraints’.</p>	<p>Alter the wording of the assessment criteria to read; <i>‘SAC, SPA, Ramsar sites, SSSI, International/national designation constraints, adjacent to River Tweed’</i></p>
<p>3.4 of Scoping Report SEA Topic: Population and human health & air (Assessment criteria) Add an additional assessment criteria to the table which reads, <i>‘Access to active travel infrastructure’</i>. At present, there is no criterion for active travel. As section 2.4 had identified walking, cycling and public transport when considering implications for LDP2 for Air and Population & Human Health Sea Topics, we recommend that the site assessment process is updated to include relevant criteria for access to active travel.</p>	<p>Include an additional assessment criteria under, ‘Population and Human Health’ and ‘Air’, which reads as follows; <i>‘Access to active travel infrastructure’</i>.</p>
<p>Update the ‘Relevant Plans, Programmes and Strategies’, with the following documents;</p> <ul style="list-style-type: none"> • <i>Wildlife and Countryside Act 1981 (as amended)</i> – protected species continue to receive protection via this 	<p>Note that all the documents SNH refer to will be added to the ‘Relevant Plans, Programmes and Strategies’ table, contained within Appendix 1.</p>

<p>legislation. The Nature Conservation (Scotland) Act 2004 led to repeal some sections of the 1981 Act but it remains in force and should be taken into account in assessment.</p> <ul style="list-style-type: none"> • 2020 Challenge for Scotland's Biodiversity – we recommend this is added as it forms a supplement to Scotland's Biodiversity: It's in Your Hands (2004). The 2020 Challenge provides greater detail and updates some elements of the 2004 document, including responses to new international targets. • Let's Get Scotland Walking – The National Walking Strategy • Cycling Action Plan for Scotland 2017 – 2020 • Active Travel Task Force Report • A Long-Term Vision for Active Travel in Scotland 2030 	
Consultation Authority: Historic Environment Scotland	
Comments	Action Taken
<p>Overall comments:</p> <p>We note that the historic environment has been scoped into the assessment, and we welcome this approach. We are broadly content with the proposed scope and level of detail, subject to the detailed comments provided in the attached annex.</p> <p>We are content with the minimum 6 week period proposed for consultation on the Environmental Report. Please note that, for administrative purposes, we consider that the consultation period commences on receipt of the relevant documents by the SEA Gateway.</p>	
<p>Objectives and contents of the LDP2</p> <p>This section is helpful in setting out the likely contents of the plan, particularly in terms of the main issues that the MIR is expected to focus on.</p>	<p>Comments are noted.</p>

<p>2.4 of Scoping Report</p> <p>We are broadly content with this section in relation to the historic environment, but note that the consideration of environmental issues focuses solely on housing development. We recommend that you consider whether there are other relevant issues affecting the historic environment, such as climate change, challenges around the sustainable use and reuse of historic structures (particularly those at risk), understanding the role of the historic environment in the place-making agenda, community empowerment and wellbeing, etc.</p>	<p>Comments are noted. It should be noted that the ‘Problem/Issue’ will be amended under ‘Cultural Heritage’ to read;</p> <p><i>‘Developments could result in damage or loss of cultural heritage assets/historic settlement pattern’.</i></p> <p>This would take into consideration all types of development and not just housing proposals.</p>
<p>3.1 of Scoping Report (Alternatives)</p> <p>a) We welcome that you intend to assess both the main issues and the spatial strategy, including development sites. It is helpful if the MIR and ER can set out clearly which are preferred and which are alternative options. These should all be assessed to the same level of detail.</p> <p>b) For sites, it is helpful to identify which sites are new (e.g not already allocated in the LDP or Housing SG. Sites which already have development consent should be viewed as part of the baseline, and taken into account when considering cumulative effects. Sites which are being rolled forward from the adopted LDP or Housing SG but which do not yet have consent should be included in the assessment and considered to the same level of detail as new sites.</p>	<p>a) Comments are noted. It is confirmed that the Environmental Report will set out the preferred and alternative options and these will all be assessed in the same level of detail.</p> <p>b) Comments are noted. All preferred and alternative sites which are included within the MIR, will be subject to the SEA assessment process. The MIR sets out preferred and alternative options to be considered for inclusion within the LDP2. All existing LDP allocations are considered as part of the cumulative area site assessment. This takes into consideration the proposed preferred and alternative options alongside the existing allocations. The SEA will be updated at the Proposed Plan stage outlining the final proposed allocations.</p>
<p>3.4 of Scoping Report</p> <p>a) This section is focused on the assessment of effects on development sites. It would have been helpful if you had provided more information on the proposed assessment</p>	<p>a) Comments are noted. The Environmental Report will contain more details regarding the assessment and methodology.</p> <p>b) Comments are noted. Add into the ‘Corresponding assessment</p>

<p>methodology of other aspects of the MIR and also on how you intend to report the findings of the assessments (including the scoring methodology).</p> <p>b) The site assessment criteria for cultural heritage should include non-designated heritage assets, and should consider both direct (physical) and indirect (setting) effects. In identifying mitigation, measures should wherever possible be site specific rather than generic, and should set out how the measures will be delivered.</p>	<p>criteria' for 'Cultural heritage' SEA Topic, the following text;</p> <p><i>'non-designated heritage assets'</i></p>
<p>Appendix 1 (PPS) - Update, with the following documents;</p> <ul style="list-style-type: none"> • Our Place in Time, the historic environment strategy for Scotland – the key message of the Strategy is to ensure that the cultural, social, environmental and economic value of Scotland's heritage makes a strong contribution to the wellbeing of the nation and its people. 	<p>Note that the document referred to will be added to the 'Relevant Plans, Programmes and Strategies' table, within Appendix 1.</p>
<p>Appendix 1 (PPS) HES do not agree that the key message from the Historic Environment Scotland Policy Statement (HESPS) is that LDP2 should impact as little as possible on the historic environment. HESPS promotes the protection and management of Scotland's rich and diverse historic environment in a sustainable way, and sets out an exception that planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way. They should develop appropriate policy frameworks and procedures, and use all local mechanisms available to them for designation, management and control.</p>	<p>Delete the existing sentence under 'Key consideration for SG on Housing' in respect of 'HESPS' replace with the following text;</p> <p><i>'HESPS promotes the protection and management of Scotland's rich and diverse historic environment in a sustainable way, and sets out an exception that planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way'.</i></p>
<p>Consultation Authority: SEPA</p>	

Comments	Action Taken
<p>Overall Comments: Generally, we consider that the scoping report for the Scottish Borders LDP could have provided more details on the baseline information and the proposed methodology.</p> <p>We note that SBC has used the scoping report for LDP1 to prepare the one for LDP2, which is a sensible approach, however the Council did not consider the comments we made with our response of the 20th October 2011 in the revisions for LDP2. Should SBC want to do the same for the preparation of the Environmental Report (ER), we recommend that consideration is given to the changes to the LDP and to the changes in the environmental baseline and policy. We also recommend that SBC uses as a basis for this exercise not only the LDP ER document which was submitted to the Consultation Authorities but also the comments, where appropriate.</p> <p>We recommend that the Council update the previous Strategic Flood Risk Assessment and uses that and the comments we provided at the Call for Sites stages to inform the environmental assessment.</p>	<p>Comments are all noted.</p>
<p>Appendix 1 (PPS) - Relationship with other Plans, Policies and Strategies (PPS): a) We note that SBC has used Appendix 1 from the LDP1 scoping report to prepare Appendix 1 for LDP2 with some additions; however we would advise the Council to review all the references as clearly some are out of date.</p>	<p>a) Comments noted and it will be updated, where relevant, to ensure all references are accurate. b) Comments noted.</p>

<p>b) SEPA invite SBC to consider the PPS references available and consider their implications for the LDP and update Appendix 1 accordingly as new legislation and other relevant plans have been published.</p>	
<p>Baseline Information (General): We recommend that the Council provides more detail in the Environmental Report in relation to the baseline information. As SBC has used the scoping report for LDP1 as a starting point, we have checked the format of the ER for LDP1 and note that more detailed information has been provided at that stage. We therefore assume that SBC is going to use the same format. In general looking at the baseline information at scoping helps defining at an early stage the state of the environment for the area.</p>	<p>Comments are noted. SBC confirm that the ER will contain more information on the baseline information, in line with the LDP1 format.</p>
<p>2.4 of Scoping Report (Baseline Information) In the table within 2.4, the heading 'Baseline' should read 'Data Source', because it does not provide figures or data for the area, but only indicates where the information could be gathered from.</p>	<p>Comments are noted. The heading will be changed from 'Baseline' to '<i>Data Source</i>'.</p>
<p>Baseline Information (maps): We consider using maps/spatial information would be very helpful.</p>	<p>Comments are noted. There will be maps and spatial information contained within the ER.</p>
<p>Reference to CO2: We recommend mentioning Greenhouse Gases (GHG) rather than CO2.</p>	<p>Comments noted. References to CO2 will be altered to Greenhouse Gases.</p>

<p>2.4 of Scoping Report We consider that the environmental problems described generally highlight the main issues of relevance for the SEA topics within our remit, however we would have welcomed more specific references to issues within SBC area. We recommend that the Council considers the relevance of the problems highlighted in our SEA topic guidance to the Borders area.</p>	Comments are noted.
<p>3.1 of Scoping Report (Alternatives) We note that alternatives are still being considered. Any reasonable alternatives identified during the preparation of the plan should be assessed as part of the SEA process and the findings of the assessment should inform the choice of the preferred option. This should be documented in the ER.</p>	Comments are noted. It is confirmed that all preferred and alternative options will be subject to the SEA process and the SEA scoring will be contained within the Environment Report.
<p>3.2 of Scoping Report We agree that in this instance all environmental topics should be scoped into the assessment.</p>	Comments are noted.
<p>3.4 of Scoping Report a) We note that section 3.4 Assessment of Environmental Effects refers only to the site assessment. Although we are only required to consider the information provided in the scoping report, we checked what was done for the ER LDP1 in order to guess the Council's intentions for the ER LDP2. However, there is no guarantee that SBC intends to use the same format. As we are not clear on which methodology the Council is intending to use we therefore recommend having a meeting/telephone conference to discuss the next stages and review the methodology.</p>	a) Comments are noted. b) Comments are noted. c) Comments are noted. d) Comments are noted. e) Comments are noted. f) Comments are noted.

b) We note the intention to use the Full Site Assessment Proforma which seems to be taken from the Council's database. We would welcome an environmental assessment which uses a matrix format, using the SEA objectives and a scoring system.

c) Including a commentary section within the matrices in order to state, where necessary, the reasons for the effects cited and the score given helps to fully explain the rationale behind the assessment results. This allows the Responsible Authority to be transparent and also allows the reader to understand the rationale being the scores given.

d) Where it is expected that other plans, programmes and strategies are better placed to undertaken more detailed assessment of environmental affects this should be clearly set out in the ER.

e) We would expect all aspects of the PPD which could have significant effects to be assessed.

f) We support the use of SEA objectives as assessment tools as they allow a systematic, rigorous and consistent framework with which to assess environmental effects.

g) When in comes to setting out the results of the assessment in the ER please provide enough information to clearly justify the reasons for each of the assessments presented. It would also be helpful to set out assumptions that are made during the assessment and difficulties and limitations encountered.

g) Comments are noted.

h) Comments are noted.

<p>h) It is helpful is the assessment matrix directly links the assessment result with proposed mitigation measures.</p>	
<p>Design of the Assessment Matrices: The Scoping Report does not provide details of the assessment format.</p>	<p>Comments are noted.</p>
<p>3.3 of Scoping Report (SEA Objectives) SEPA recommend that the wording of the following SEA objectives be revised as follows:</p> <ul style="list-style-type: none"> a) Climate Factors: Reference to 'GHG' rather than CO₂, as outlined above b) Water: Change to read '<i>To protect and enhance the quality of the water environment</i>' c) Material Assets: See objectives proposed in the SEA topic guidance 	<ul style="list-style-type: none"> a) Comments are noted. References to 'CO₂' will be changed to read; <i>'Greenhouse Gases'</i> b) Comments are noted. Change the SEA Objective (Water) to read; <i>'To protect and enhance the quality of the water environment'</i> c) Comments are noted.
<p>Assessment of Land Allocations: a) When it comes to assessment of the effects of allocations or sites we advocate a rigorous methodology which clearly assessed potential effects on all environmental topics. Our experience in relation to assessment of allocations is that it can be much easier and useful exercise for the plan-maker if the assessment is made against a range of related questions, rather than directly against the environmental topics. This allows a very practical assessment to take place which clearly highlights the environmental benefits and costs of each individual allocation. As an example, assessing the allocation against the question 'Can the allocation connect to</p>	<ul style="list-style-type: none"> a) Comments are noted. b) Comments are noted. c) Comments are noted. d) All preferred and alternative sites which are included within the MIR, will be subject to the SEA assessment process. The MIR sets out options to be considered for new allocations, within the LDP2. All existing LDP allocations are considered as part of the cumulative area site assessment. This takes into consideration the proposed preferred and

<p>public sewage infrastructure?', gives a clear practical view on how this allocation is likely to affect the water environment.</p> <p>b) We draw your attention to the joint SEA and development plan site assessment proforma which sets out the issues which we require to be addressed in more detail.</p> <p>c) We note your intention to use the information from Appendix 2 of the scoping report. We recommend that the information from Appendix 2 is crossed-checked with the site assessment pro-forma, in section 6.12 above and with the SEA objectives.</p> <p>d) The ER should present the environmental assessment for all sites. Should any sites be carried forward from LDP1 or the Housing SG, SBC should consider if their environmental assessment is still up to date, and therefore can be 'copied' into the new assessment, or revisions are to be made, especially considering the comments we provided at the Call for Sites consultation stage.</p>	<p>alternative options alongside the existing allocations. The SEA will be updated at the Proposed Plan stage, outlining the final proposed allocations.</p>
<p>Mitigation and Enhancement:</p> <p>a) We would encourage you to use the assessment as a way to improve the environmental performance of individual aspects of the final option, hence we support proposals for enhancement of positive effects as well as mitigation of negative effects.</p> <p>b) It would be useful to show the link between potential effects and proposed mitigation/enhancement measures in the assessment framework.</p>	<p>a) Comments are noted</p> <p>b) Comments are noted</p> <p>c) Comments are noted</p> <p>d) Comments are noted</p> <p>e) Comments are noted</p>

<p>c) We would encourage you to be very clear in the ER about mitigation measures which are proposed as a result of the assessment. These should follow the mitigation hierarchy (avoid, reduce, remedy and compensate).</p> <p>d) One of the most important ways to mitigate significant environmental effects identified through the assessment is to make changes to the plan itself so that significant effects are avoided. The ER should therefore identify any changes made to the plan as a result of the SEA.</p> <p>e) Where the mitigation proposed does not relate to modification to the plan itself then it would be extremely helpful to set out the proposed mitigation measures in a way that clearly identified: (1) the measures required; (2) when they would be required and; (3) who will be required to implement them. The inclusion of a summary table in the ER such as that presented below will help to track progress on mitigation through the monitoring process.</p>	
<p>Monitoring: Although not specifically required at this stage, monitoring is a requirement of the Act and early consideration should be given to a monitoring approach particularly in the choice of indicators. It would be helpful if the ER included a description of the measures envisaged to monitor the significant environmental effects of the plan.</p>	<p>Comments are noted.</p>
<p>Outcomes of the Scoping Exercise: We would find it helpful if the Environmental Report included a summary of the scoping outcomes and how comments from the</p>	<p>Comments are noted. This will be included within the Environmental Report.</p>

Consultation Authorities were taken into account.	
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