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The Environment Service
Pullar House
35 Kinnoull Street
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2 July 2010

By email: [REDACTED]

Dear Graham

**Environmental Assessment (Scotland) Act 2005
TAYplan Strategic Development Plan – Environmental Report**

Thank you for your Environmental Report consultation submitted under the above Act in respect of the Main Issues Report: Options for Scotland's SusTAYnable region 2012- 2032. This was received by SEPA via the Scottish Government SEA Gateway on 29 March 2010.

We have used our scoping consultation response of 28 October 2009 to consider the adequacy of the Environmental Report 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 Environmental Report. Please note, this response is in regard only to the adequacy and accuracy of the Environmental Report and any comments we may have on the strategy itself will be provided separately.

As the plan is finalised, the Strategic Development Planning Authority for Dundee, Perth, Angus and North Fife as the Responsible Authority, will require to take account of the findings of the Environmental Report 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 SEA templates and toolkit which is available at www.scotland.gov.uk/Publications/2006/09/13104943/13. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

If you wish to discuss anything in this response please do not hesitate to contact me on [REDACTED] via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

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Appendix 1: Comments on the Environmental Report (ER)

General comments

1. We welcome the proactive approach adopted in the preparation of Environmental Report and the early engagement that the TAYplan SEA team has sought with the Consultation Authorities.
2. Subject to the comments below, we consider that the Environmental Report provides a detailed and clear assessment of the potential significant environmental effects of the Strategic Development Plan (SDP) Main Issues Report. We also consider that the comments provided in our scoping response have largely been taken into account in the preparation of the Environmental Report. However, we recommended that the preparation of a Strategic Flood Risk Assessment (SFRA) to fully inform and support the SDP we provide further comments below in relation to the assessment of flood risk and proposed mitigation measures.
3. Although the requirement for mitigation and enhancement proposals is identified within the Environmental Report, in order to ensure that proposals are implemented it is important that the measures required are clearly detailed and reference is made to the mechanisms of implementation, when they would be required and who will be required to implement them. Assurance should be provided that the measures will be taken forward and it would be helpful for the SEA Statement to include this information. We note that the majority of the proposed mitigation measures will be achieved through guidance for policy frameworks in lower tiers of the planning system. It is important to ensure that the SEA of the Local Development Plans is able to incorporate matters which flow from the SDP SEA, particularly where significant effects have been identified and where mitigation measures refer to lower level plans.
4. In order to assist the consultation a list of questions regarding the content of the Environmental Report were included. We have provided a response to these within each of the sections and for ease of reference our response follows the same structure of the Environmental report.

Detailed comments

Non-technical Summary

5. We consider that the non-technical summary provides a clear summary of the findings of the Environmental Report and information required under paragraphs 1 to 9 of Schedule 3 of the Environmental Assessment (Scotland) Act 2005.

1. Introduction & 2. Plan Context

6. We found the background information provided in these sections useful. We note that the role of the Strategic Development Plan (SDP) is to deliver a strategic planning framework with a vision and a spatial strategy for the TAYplan area which includes Dundee City, Angus, Perth and Kinross and North Fife excluding the Cairngorm and Loch Lomond and Trossachs National Parks. The Vision brings together the issues identified in the Main Issues Report (MIR) and the spatial strategy sets out where new development should and should not be.
7. The MIR proposes the preferred spatial strategy to deliver the TAYplan vision as Strategy A and one reasonable alternative as Strategy B. Strategy A proposes development concentrated mostly in Dundee and Perth Core Areas with the rest accommodated in the other principal settlements. Strategy B proposes development concentrated mostly in Dundee and Perth but with the majority of development in the Perth Core Area to be dispersed across the Perth Housing Market Area which extends, beyond the Perth Core Areas, to the North, West and South of Perth as well as eastwards along the Carse of Gowrie.
8. The Environmental Report describes the findings of the assessment of the Mains Issues Report's vision and spatial strategy.

3. Environmental Baseline

Question 1: Do you agree with our understanding of the baseline environment in the TAYplan Area?

Question 2: Do you think there are there any other plans, policies (in addition to those listed in the Environmental Report) or wider environmental objectives that should be taken into account.

Question 3: In your opinion have we identified the most important or significant environmental problems affecting the TAYplan area.

9. The relevant aspects of the current state of the environment have been considered to support the assessment process. Appendix 2 details the data gathered and analysed in order to inform the development of the baseline as well as main environmental problems and issues of relevance. We found the use of constraint mapping and the presentation of baseline data spatially very helpful.
10. Subject to the comments below, we consider that generally the relevant aspects of the environmental baseline have been considered in relation to the SEA topics within our remit as well as the environmental problems affecting the TAYplan area. We also consider that a comprehensive list of plans, policies and environmental objectives have been taken into account.
11. Please note that since the preparation of the Environmental Report the Zero Waste Plan for Scotland has been published that supersedes the National Waste Strategy and Area Waste Strategies.

12. Flooding was recognised as an important consideration in the preparation of the SDP and in the assessment of the proposed Vision and alternative strategies. We recommended at scoping stage that a Strategic Flood Risk Assessment (SFRA) was carried out to inform and support the planning process. There is a clear steer towards a more pro-active approach to flood risk management within the new Flood Risk Management (Scotland) Act and planning has a crucial role in reducing overall flood risk. A SFRA is the collation of all existing flood risk information to enable a comprehensive understanding of the flood risk in the area and to identify areas which are free from the risk of flooding and therefore suitable for future development. At strategic level, part of the SFRA could also be the identification of priority areas for more detailed analysis in the future.
13. We note the information gathered in relation to flood risk in the TAYplan area which is presented in Appendix F and is based on the Indicative River and Coastal Flood Map (Scotland), alluvial fan zones and coastal flood risk complemented by historic flood events. One of the coastal historic flood events on the map entitled “Coastal Flood Risk- Predicted (2080) & Historic (1890- 2008) Flood Events- Tay Estuary” appears to be inland and this is a concern regarding the accuracy of the mapped information.
14. In recent years there have been a number of significant flood events affecting the east of Scotland. Recent examples of serious flooding include the January 1993 and December 2006 floods on the River Tay and Earn, the July 2009 floods in Cupar and Milnathort and the September 2009 floods which affected Dundee City and the Angus area. Further information on historic flood events, and existing flood studies as well as the consideration of existing flood defences would have complemented the information shown in Appendix F and better informed the preparation of the SDP. A full SFRA would have identified all areas at risk from flooding from all sources as required by the Flood Risk Management Act.
15. It is noted in the map entitled “Indicative Flood Map TAYplan” that further analysis is required to indicate areas at risk within the TAYplan region. We would recommend that further information is gathered to inform the preparation of the SDP and the development of detailed guidance as part of the mitigation proposals. Further comments on mitigation measures are provided in Section 9 of this response.
16. In relation to the terminology used for the baseline data on WFD (Appendix E) please note that the titles of the maps as well as the accompanying text should refer to “ecological status” rather than “quality”, in line with WFD terminology. Please note that the title “at risk” may be confusing and is a term no longer used. This title may suggest to the reader areas that are “at risk” from deterioration. However, the areas that the map actually shows are those areas that are at less than good or contributing to a less than good status class so they are not “at risk”, but rather have already deteriorated. Please also note that water body “intercatchments” is not a term used in the River Basin Management Plan.
17. The current position on landfill sites described in Appendix G refers to municipal solid waste. Please note that all waste within the TAYplan area should be considered including industrial and business waste. This comment is also relevant for the proposed indicator for material assets in Section 10- Monitoring. It would have been appropriate to include all significant waste management infrastructure rather than just landfill sites. This information is available at www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

4. SEA Methodology

Question 4: Do you disagree with any of the assessment questions? If so please identify which ones and why. (Please back this up with additional baseline data and explain your reasoning).

18. We consider that the assessment methodology used is clear and easy to understand and we are content with the assessment questions. We note that the assessment method involved two different levels: the assessment of the vision and the assessment of the spatial strategy.
19. It is stated that the assessment of the TAYplan spatial strategy and possible distribution of development considers the environmental capacity of areas under the spatial strategies to accommodate development, and reflects the high-level nature of the proposals. The assessment does not make any distinction between different types of development, and concentrates on the potential environmental effects of land use and its general distribution.
20. It is also stated that further assessment at appropriate level within lower planning tiers will be required to ensure that environmental issues are considered in the necessary detail. In order to ensure that further assessment takes place at the appropriate level within lower planning tiers it is important that this is clearly identified within the mitigation measures proposed and a mechanism is provided to ensure that this is implemented at lower level.
21. We note that the SEA helped to tighten and shape the Vision Framework to improve the environmental context of the proposals and we welcome this.

5. Assessment of the TAYplan Vision Framework

22. The assessment of the TAYplan Vision was undertaken through a compatibility assessment within the MIR objectives and with the SEA objectives. We note that a number of uncertainties were identified through the compatibility assessment and that a number of enhancements are proposed that will reduce the conflicts within the Vision framework and we welcome this approach.
23. The assessment of compatibility between MIR objectives and SEA objectives found that most of the proposed plan objectives are compatible with the SEA objectives. However, the assessment has highlighted some areas of uncertainty that require strengthening and further consideration. The assessment found that the proposed objectives do not afford adequate protection to the water environment and therefore further consideration was given to ensure that there is a mechanism in place that will protect and enhance the TAYplan's water environment and Section 9 sets out proposals for such action.
24. The SEA objectives "to reduction emissions of greenhouse gas" and "to reduce levels of pollution to air in the TAYplan area" are shown to be incompatible with Economy related objectives in Figure 5.2. However, in the supporting text in paragraph 5.13. only "uncertainties" are highlighted. It would have been helpful to fully justify why the objectives are incompatible.

6. Potential Impacts of Settlement Hierarchy & 7. Comparative Analysis of Strategies A and B

Question 5: Do you have concerns about significant or cumulative environmental effects on particular parts of the TAYplan area or on particular environmental features?

25. We consider that the assessment of the settlement strategies and the comparative analysis is comprehensive. The potential environmental impacts for each of the proposed spatial strategies are provided in Tables 6.1 to 6.4.
26. In relation to the status of the water environment, development has the potential to significantly impact the “water environment” rather than just the “coastal environments”, with potential impacts on the ecological status of the water environment. The TAYplan river water bodies are currently between moderate to bad ecological status. However, the coastal waters are currently at good ecological status. Groundwater in this part of the TAYplan is classified as poor in terms of both quality and quantity, and development may cause increased pressure on this resource.
27. The increased pressure from development may present challenges to achieving good ecological status and avoiding deterioration in status. Care should be taken to ensure that all developments are assessed in line with WFD objectives. However, development could also bring positive impacts to the water environment through the provision of new waste water treatment facilities to improve water quality or through addressing physical changes which are causing a deterioration to the water environment e.g. culverts, bank reinforcement or barriers to fish passage.
28. In relation to flood risk, the settlement assessment recognises that there are flood risk areas, both fluvial and coastal, within the Perth Core Area and that this existing flood risk may be exacerbated by climate change and sea level rise. Development within this area has the potential to result in significant adverse effects in terms of increased exposure to flood risk. It is recognised that part of Dundee Core Area is at risk of coastal flooding. Please note that the Dundee Core Area is also at risk from fluvial flooding. A significant flood event occurred in September and November 2009 on the Dighty Water and Fithie Burn. These two events were the highest recorded since our records began in 1970 on the Dighty Water. Similarly to the summary provided for the Perth Core Area, it is important to consider fluvial flood risk in Dundee and it is important not to exacerbate existing problems as well as considering the impact of climate change on the existing flood risk. Potential adverse effects in relation to fluvial and coastal flood risk should be considered and mitigation proposed to ensure that adverse effects are avoided.
29. The assessment of Tier 2 and 3 settlements highlights some coastal areas at risk of flooding and some areas at risk from fluvial flooding. As well as being at risk from coastal flooding areas such as Carnoustie, Arbroath and St Andrews have also experienced fluvial flooding in the past. Development within this area has the potential to result in significant adverse effects in terms of increased exposure to flood risk and mitigation should be proposed to ensure that adverse effects are avoided.

30. We welcome the comparative analysis presented in Section 7. The analysis described the overall environmental effects of the proposed strategies on a regional basis. It is recognised that there is a significant risk of fluvial flooding in the Perth Core Area and a medium risk of coastal flooding. The risk of coastal flooding is recognised for the Dundee Core Area. As stated above fluvial flood risk should also be considered for the Dundee Core Area and Tier 2 and 3 Settlements.
31. For the Perth Core Area it is recognised that although there are existing flood protection schemes it is important not to exacerbate the situation and consideration should be given to longer term implications, beyond the life time of the plan. It also emphasises the importance of decisions that are taken now to reduce existing flood risk and increased flood risk due to climate change. We agree with this recommendation and would like to see this taken forward in the mitigation measures for the SDP.
32. In relation to “air quality”, the AQMAs in Dundee and Perth cover the whole of the city, but poor air quality is generally confined to areas that are in close proximity to the busy commuter routes. It is important to note that some types of vehicle (e.g. HGVs) are more polluting than others and so they can have a greater impact on air quality. Cupar has several key arterial road links that meet in the centre of the town, leading to congestion and poor air quality. Fife Council has shown that HGVs are responsible for over half the pollution that exists in the Bonnygate. Reducing the need to travel, careful routing of traffic, implementing principles of the Low Emission Strategy Guidance and sympathetic street design can bring about significant improvements in urban air quality, and can be used to mitigate any potential adverse effects of development within or adjacent to an AQMA.
33. We welcome the fact that air quality has been considered alongside climate change as the two are inextricably linked. However, it is important to note that poor air quality in urban centres is normally associated with emissions of nitrogen dioxide and particulate matter and is generally a localised problem. Development and associated commuter traffic will emit a basket of greenhouse gases and this will add to the global problem of climate change. There are cases where measures to tackle a local air quality problem could result in an increase in the emissions of greenhouse gases.
34. In relation to the impacts of the different settlement strategies on climatic factors it would also have been relevant to consider how each of the strategies contributes to minimising emissions in greenhouse gases and how each strategy will help the TAYplan area meet its emissions targets, in line with the SEA objectives and assessment questions proposed in Table 4.3.

8. Cumulative effects with other plans

35. The cumulative effects of the SDP have been evaluated using the impacts arising from the emerging SDP and other relevant plans. At scoping stage we also recommended that cumulative effects are considered for the proposals within the SDP. We note that the assessment of Tier 2 and 3 development proposals has considered cumulative effects of the proposed development within these tiers. The potential cumulative effects for the TAYplan preferred Strategy A are described in the tables pages 97-101.

36. It is not clear how the potential for significant negative environmental effects on flood risk arising from the proposed development strategy would be counterbalanced by proposals in other plans and result in negative impacts only (i.e. not significant), when cumulatively considered with the other plans identified in the tables. If development within the preferred Strategy A is not steered away from areas at risk of flooding it is unlikely that these effects will be counterbalanced by other plans.
37. The cumulative impacts from the TAYplan preferred Strategy A on climatic factors is predicted to be negative but not significant. Although not significant in global terms it is important to consider how the effects may be significant in terms of their contribution to Scotland's national targets and obligations on greenhouse gas emissions, and national and international binding commitments on climate change. It would have been helpful to consider how the SDP contributes cumulatively to the targets set out in the Climate Change (Scotland) Act 2009. Again it is not clear how other plans would mitigate the potential negative impacts of the SDP in relation to climate change mitigation and adaptation.

9. Mitigation and enhancement proposals

Question 6: Do think there are there further, relevant positive aims and aspirations for the environment that the Strategic Development Plan could deliver in the long term?

38. We welcome the consideration of mitigation and enhancement proposals described to address the potential adverse effects of the preferred Strategy A and the Vision Framework. We welcome the description of how the SEA process has helped inform the preparation of the MIR.
39. We note that changes have been made to the MIR as a result of the findings of the SEA process and we welcome this. We consider that changes to the plan are one of the most important forms of mitigation. The areas identified through the assessment that require mitigation and enhancement measures are described in paragraphs 9.5- 9.14.
40. It is noted that mitigation is likely to be undertaken through actions and/or associated guidance for policy frameworks in lower tiers of the planning system. It is important to ensure that the SEA of the Local Development Plans is able to incorporate matters which flow from the SDP SEA, particularly where significant effects have been identified and where mitigation measures refer to lower level plans.
41. Reference should be made to the mechanisms of implementation, when the measures would be required and who will be required to implement them. Assurance should be provided that the measures will be taken forward and it would be helpful for the SEA Statement to include this information.
42. We note that in order to ensure that the TAYplan water resources are safeguarded and enhanced the SDP should ensure that compliance with statutory duties in terms of the ecological status of water is made explicit. It is not clear how this will be achieved, i.e. will there be a policy framework in the SDP?
43. In order to ensure that the water environment within the TAYPlan area will be safeguarded from deterioration and restored to good status, the SDP should emphasise the requirement to comply with the River Basin Management Plan for the Scotland River Basin District in terms of both protecting and improving the water environment.

44. It is recommended in the Environmental Report that guidance that directs action at lower level through the LDPs should be given on a number of issues, including flood risk. It is also stated that mitigation measures could be incorporated into the Action Plan that accompanies the SDP. We would welcome a firm commitment to the proposed mitigation measures in relation to flood risk and the consideration of a clear mechanism for their implementation.
45. Development within the areas identified for growth for the preferred Strategy has the potential to result in significant adverse effects in terms of increased exposure to flood risk and clear mitigation should be proposed to ensure that adverse effects are avoided. We would recommend that the SDP, as part of the mitigation framework provides:
- a. guidance on areas that are at flood risk,
 - b. where development should be avoided,
 - c. and consideration is given to the capacity for further development within these areas.
46. We also recommend that the SDP provides guidance on where flood defences exist and can support further development, on areas where further assessment is required, on areas of flood plain that need to be safeguarded. This information should be considered by the LDPs as development is allocated within the Core Strategy Areas. Mitigation measures should also refer to the need for LDPs to carry out a Strategic Flood Risk Assessment to identify the areas most suitable for development in relation to flood risk in their particular area and promote sustainable flood management.
47. Avoidance of flood risk and avoidance of development in the functional floodplain represents the most sustainable solution in terms of sustainable flood management and should be the primary mitigation measure in relation to flood risk. Planning, and particularly strategic planning, has a crucial role to play in ensuring that due weight is afforded to flood risk and, wherever possible, unnecessary risks are avoided. New development should not lead to an increase in flood risk or to the need for additional flood alleviation or prevention measures. In addition, Section 1 of the Flood Risk Management (Scotland) Act (2009) prescribes a new duty for planning authorities to exercise their functions with a view to reducing overall flood risk. All sources of flooding should be considered when assessing flood risk for new development which includes fluvial, coastal, pluvial, sewer and groundwater flooding. There is also a benefit to the environment and biodiversity in adopting an avoidance of risk principle. Avoiding development up to the edges of a watercourse is consistent with maintaining watercourse river corridors maintaining pathways for wildlife and biodiversity.
48. Development should be avoided in Greenfield areas where there is currently a risk of flooding. The need to redevelop Brownfield sites may mean that it is not always possible to limit future development to only areas of low flood risk. In medium to high flood risk areas it is vital to fully understand the risk of flooding and limit the impact of flooding on any proposed development, in terms of damage to property, effect on human health and risk to life. The type of development that can be located on a site may be limited. Many types of sensitive development will be inappropriate, for example a site at high risk would be unsuitable for residential development.

49. One of the findings of the assessment was that consideration should be given to longer term implications of flood risk, beyond the life time of the plan. It also emphasises the importance of decisions that are taken now to reduce existing flood risk and increased flood risk due to climate change. We agree with this recommendation and would like to see this taken forward in the mitigation measures for the SDP.
50. It is also stated that guidance should be provided in relation to waste water treatment and that development is accompanied by appropriate facilities. It is also proposed that guidance is given to “development enhancement and resource efficiency: design quality and sustainable practices are promoted”. Some of the terminology used is unclear and the statements would benefit from more detailed wording on what are, for example, “appropriate facilities” or “sustainable practices”. Further detail should be provided in relation to the actions that will be required at the lower level plans to ensure that the proposed mitigation measures are effective at addressing the potential significant environmental effects likely to result from the SDP. We would welcome the opportunity to informally discuss any aspects of the proposed detailed mitigation and enhancement measures.
51. The mitigation and enhancement proposals described in Section 9 do not include specific reference to mitigation or enhancement of effects on air and climatic factors. In order to mitigate potential adverse effects on climatic factors, we recommend that the SDP incorporates further commitments to reducing the need for energy consumption, improve energy efficiency, promote the use of energy from renewable sources. We recommend that the SDP provides guidance on how the LDPs should focus on reducing emissions, protecting natural carbon sinks and promoting use of energy from renewable sources.
52. We welcome the inclusion of zero waste into the objective “provide for new or improved infrastructure capable of supporting a low/zero carbon economy and zero waste” and the commitment that the SDP will be required to implement a regional waste management strategy that will feed through to the lower tier plans ensuring that where possible efforts are made to reduce the production of waste and encourage the safe treatment of waste. It is recognised that the SDP has the opportunity to promote sustainable waste management and constrain landfill by limiting access to landfill sites and by promoting alternative processing and waste treatment options. The SDP also has the opportunity to promote the potential to harness heat and power from waste recovery processes and this should be considered in the mitigation proposals.
53. As well as providing guidance in relation to climate change mitigation the SDP should also provide guidance on how to contribute to climate change adaptation. We provided detailed comments above in relation to flood risk but the guidance could also include consideration of present and future climate impacts in the design and location of essential infrastructure, the development of ecologically resilient networks, ensure adequate future water and drainage supply and avoidance of actions that may close or limit future adaptation.
54. It is important that the SDP provides guidance on how air quality will be protected from new development as significant adverse effects may arise depending on implementation. Development in the Dundee and Perth Core Areas could be designed to help address poor air quality. As stated above reducing the need to travel, careful routing of traffic, implementing principles of the Low Emission Strategy Guidance and sympathetic street design can bring about significant improvements in urban air quality, and can be used to mitigate any potential adverse effects of development within or adjacent to an AQMA.

10. Monitoring proposals

55. We welcome the proposed monitoring framework linked to the SEA objectives used in the assessment and the recognition that it should be facilitated by feedback systems.
56. Please note that for the water environment, the RBMP process will monitor the ecological status of all water bodies and the terminology “at significant risk” is no longer being used.
57. In relation to air quality, you may wish to monitor changes in vehicle types as well as changes in traffic congestion within the SDP area, particularly within AQMAs, as certain types of vehicles are responsible for higher levels of pollution (e.g. buses and HGVs).

11. What happens next?

58. We note that the findings of the Environmental Report and the consultation outcomes will be taken into account in preparing the Strategic Development Plan. We also note that the post adoption SEA Statement will accompany the completed Strategic Development Plan.
59. Please note that if the proposed plan contains new material that has not been previously assessed and consulted upon in the Main Issues Report, e.g. a policy framework, this must be given careful consideration in terms of the SEA process and the need to further assessment, prior to finalising the plan.