



Scottish Natural Heritage

All of nature for all of Scotland

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Tayside & Clackmannanshire

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date 30 June 2010

Dear Graham

**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005
00450 ENVIRONMENTAL REPORT - PERTH AND KINROSS COUNCIL – TAYPLAN -
SNH's Response**

Thank you for the Environmental Report received on 30 March 2010 via the Strategic Environmental Assessment (SEA) Gateway. Our comments below are provided in accordance with the Consultation Authorities Information Note for Responsible Authorities. Where possible, we have structured our comments in relation to the key consultation questions (numbered below) as requested.

We have welcomed the ongoing dialogue in relation to the SEA process and we refer to our comments on scoping and previous comments on the draft SEA Environmental Report (ER). The document is clear, well structured and transparent, providing a logical progression through the assessment process.

We consider that the ER has provided a satisfactory assessment of potential significant effects, but do not feel it provides sufficient detail on mitigation measures and on cumulative effects. We recommend that the SEA Adoption Statement takes account of these concerns and is prepared in a timescale which can usefully inform the SEAs for the Local Development Plans (LDPs) and that the Action Plan also sets out detailed mitigation. We recommend the ER makes clear the outcome of the Habitat Regulations Appraisal process regarding impacts on European sites (per para 27 'Assessing Development Plans in terms of the need for Appropriate Assessment' SEDD May 2006). We recommend clarification of the approaches/linkages between the SEA and Habitats Regulations Appraisal (HRA) processes.

Please note that if the Proposed Plan contains any new material not previously assessed and consulted upon in the Main Issues Report (MIR - such as new proposals/policies) and likely to have significant environmental effects, then there may need to be a revised ER with additional consultation.

Our comments on the Tayplan MIR consultation and draft Habitats Regulations Appraisal are contained in separate responses.



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Q1: Do you agree with our understanding of the baseline environment in the TAYplan Area?

Overall we welcome the baseline information supplied. The maps in the Appendices provide thorough and relevant information on the baseline environment in TAYplan area. The identification of areas of existing and predicted population growth is very helpful in identifying the general area of greater potential development pressure on the baseline environment. We welcome the inclusion of the coastal flood risk map – the under laying of the existing coastline would be beneficial.

“Areas of Nature Conservation and Development Pressure 2009” maps: clarification of the terms ‘areas of nature conservation’ is required – is this nationally and internationally designated sites?

We cannot find reference to baseline maps for landscape and recommend inclusion of designated areas and also Landscape Character Assessment.

Q2: Do you think there are any other plans, policies (in addition to those listed in the Environmental Report) or wider environmental objectives that should be taken in to account?

The list of other plans and policies identified in Appendix 1 is comprehensive and we have no further suggestions.

Q3: In your opinion have we identified the most important or significant environmental problems affecting the TAYplan area?

Table 3.3. We recommend the following additions to the main environmental problems:

Biodiversity: add fragmentation of habitats in 2nd para. Also revise 'Implications for the MIR' to convey that the SDP should promote the conservation and enhancement of biodiversity and the appropriate locations of development in order to avoid adverse effects.

'Water: recommend add the role of the SDP with regard to development pressure on internationally important lochs and watercourses.

Para 3.24: please note that the first sentence should be ‘Natura’ not Nature.

Paras 3.36-3.39 and 3.42: we welcome the recognition of implications of sea level rise and climate change and the need for a strategic approach through the SDP.

Para 4.3: Dundee Port extension: we note that this is not expected to have any significant adverse effects but there needs to be justification for this statement; link to the draft Habitats Regulations Appraisal for TAYplan.

Table 4.2. Biodiversity/environmental criteria: We are unclear as to the meaning of “Areas of conservation and development pressure.” Recommend revising this to specific recognised designations e.g. ‘nationally designated areas’ as previously included within the draft SEA ER.

Water/ environmental criteria: include at risk loch and river SACs and at risk coastal SPAs as in draft SEA ER.

Q4: Do you disagree with any of the assessment questions? If so please identify which ones and why.

No. Table 4.3: The assessment questions are supported in relation to biodiversity, soil and land, water, climate, material assets and cultural heritage.

Q5: Do you have any concerns about significant or cumulative environmental effects on particular parts of the TAYplan area or on particular environmental features?

The assessment process considering the Vision in broad terms, alternatives and assessment of Strategies A and B is welcomed. We generally agree with the findings of the assessment and the comparative analysis, although we have some concerns about some statements in relation to European sites as detailed below.

We note that the assessment has been carried out at 'the landscape level and will not address detailed issues associated with site or location-specific development' (para 4.1). TAYplan's Main Issues Report (MIR) consultation (April 2010) contains Figure 9.2 which identifies strategic sites in Local and Structure Plans. The MIR also states that "several strategic sites/locations have already been justified and tested through the plan making process or other strategies" (para 9.4). However, to ensure a robust and transparent SEA process, we would expect assessment of these sites at LDP level, including sites with higher natural heritage sensitivities such as Bertha Park. We refer to Planning Advice Note 1/2010 "SEA of Development Plans" (para 4.22) which states that for proposals in LDPs, "sites which are being 'rolled forward from previous plans should be included in the assessment."

Section 5 Assessment of the TAYplan Vision Framework: we consider the assessment of the compatibility of the MIR objectives is satisfactory and welcome consideration of enhancements in Section 9 to reduce conflicts within the Vision framework.

Tables 6.1-6.4: Biodiversity - summary of impacts: we note the emphasis on designated sites in these tables but refer to the earlier draft SEA ER which also recognises wider (non-designated) biodiversity loss, habitat fragmentation and disturbance of wildlife. We encourage the recognition of these impacts in this section.

Biodiversity "important bird areas" recommend specifying the designations e.g. Firth of Tay and Eden Estuary SPA.

Tables 7.1 and 7.2; We encourage cross checking between these tables and Figures 6.2 and 6.3 as there seem to be some discrepancies between them e.g. significant biodiversity loss/habitat fragmentation and significant impacts on soil and land do not seem to be reflected in the figures.

Comparative analysis: Paras 7.3 and 7.4: Overall, we consider the assessment of likely significant effects on the natural heritage to be comprehensive and accurate, subject to our detailed comments. We note the statement in para 7.4 that "Strategy A would therefore prove the best option for the environment in terms of biodiversity, as it would result in the least impacts to an internationally and regionally significant areas." Likewise, we note comments under Water e.g. para 7.14. Justification for these statements is needed. As they stand, it suggests impacts on the integrity of European Sites is likely. If so, the plan can only be approved if there are no alternative solutions and there are imperative reasons of overriding public interest. The ongoing Habitats Regulations Appraisal (HRA) being undertaken for the TAYplan will identify if the Plan is likely to have a significant effect on any European site and we encourage these two processes to be undertaken in parallel. This will also be able to demonstrate how there has been compliance with the Habitats Directive.

Section 8 Assessment of cumulative effects: We note the approach taken has been to consider other plans and policies to assess whether any negative environmental impacts of the SDP will be counterbalanced by improvements in other areas. The final column in table 8.1 is “overall effecting TAYplan area” which in some cases illustrates a reduced negative effect when taking into account other plans - e.g. biodiversity is reduced from ‘significant negative effects’ to ‘negative effect’. The links between the impacts from each of these plans on the biodiversity of the TAYplan area is not readily apparent. In particular it is not clear how the Tay Area Management Plan, Forest District Plan and NPF2 can combine to reduce the impacts from the TAYplan from significant negative to negative impacts. Can this be further clarified? We recommend that care should be exercised when applying this process as mitigation and the extent to which these plans have already been or may be used in future as mitigation for other SEAs to avoid ‘double counting’.

We refer to PAN 1/2010 (para 5.19) which states that possible cumulative effects could be identified by considering how effects might work together in a single geographic area and identifying whether specific environmental assets that are distributed across the plan area might be affected by different policies from within the plan.

In particular, in our scoping response, we recommended that specific attention is given to specific possible cumulative effects. These included:

- development on the Firth of Tay and Eden Estuary and beyond in relation to disturbance of birds, as there are significant movements of birds between strategic sites.
- Coastal development also needs to be assessed in terms of coastal flooding and predicted sea level rise.
- cumulative effects for significant river systems and lochs in the TAYplan area such as the River Tay and Loch Leven catchments.
- cumulative erosion of landscape quality through inappropriate/piecemeal development and the consideration of industrial scale wind and hydro developments.

It is important that these effects are considered in the SEA of TAYplan.

Additional comments

Mitigation: Whether any measures could prevent, reduce or offset any significant adverse effects on the environment when implementing the plan or programme.

The assessment has identified potential significant adverse effects for the natural heritage including biodiversity, water and climatic factors in relation to the preferred Strategy A. We recommend further detail is provided on the mitigation proposed as detailed below.

Section 3 of the 2005 Act requires appropriate mitigation measures to prevent, reduce or offset any negative effects from the Plan. PAN 1/2010 (para 5.22) suggests that “it is useful to define each action, explain the reasons for them and identify responsible partners. It also recommends timescales for mitigation and linking measures with monitoring.

We have reviewed proposed mitigation set out in Section 9 of the ER and feel that this section needs further development. In our useful ongoing discussions on the preparation of the ER, the addition of a column specifying mitigation in the assessment tables following the overall assessment was supported, but this does not seem to be incorporated. This would have provided a logical progression and allow for more comprehensive explanation as to how negative effects could be mitigated. We welcome reference to inclusion of measures in the Action Plan and seek further detail to be included as detailed above. We suggest measures for TAYplan itself should be included as well as translating the requirement to LDPs.

We recommend the Post Adoption SEA Statement should also clearly set out mitigation for the plan and that the Statement is prepared within a timescale which would usefully inform the SEAs for the LDPs.

Monitoring

Section 6: Monitoring. The proposed monitoring arrangements for the plan are acceptable, but we would recommend a timescale for evaluation of the monitoring measures is included.

I hope these comments are helpful. Please do contact Carolyn Deasley on (01738) 458583 if you have any queries in relation to our comments above. Please note that the comments provided at this stage are in connection with the adequacy of the Environmental Report and are without prejudice to comments that may be made by SNH on the TAYplan itself.

Yours sincerely

Michael Shepherd
Operations Manager

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