

Appendix 10 (b): Consultation Authorities' Comments & Council's Responses

Responses from the Consultation Authorities were received on the Scoping Report and are outlined in the table below along with the Council's response to how the points have been addressed in the ongoing work to produce an Environmental Report with the Proposed Plan.

Overview of Key Points on the Scoping Report	How Points Have Been Addressed in SEA
Historic Scotland	
HS will comment on the detail of policies and proposals when consulted as part of the plan preparation process.	Noted.
<ul style="list-style-type: none"> • Additional documents that may be relevant to the Local Plan: • NPPG 5 Archaeology and Planning • NPPG 18 Planning and the Historic Environment • PAN 42 Archaeology – The Planning Process and Scheduled Monument Procedures • Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland, 1998 (available at http://www.historic-scotland.gov.uk/index/policyandguidance/memorandumofguidance.htm) • Passed to the Future (Historic Scotland's policy for the sustainable management of the historic environment, available at http://www.historic-scotland.gov.uk/index/policyandguidance/free-publications/free-publications-3.htm) • Scottish Executive: Changing Our Ways Scotland's Climate Change Programme • Scottish Executive: Choosing Our Future Scotland's Sustainable Development Strategy • Forestry Commission Scotland Scottish Forestry Strategy (currently in draft) • Highland Council Renewable Energy Strategy • Highland Council Local Transport Strategy • HITRANS Regional Transport Strategy (when available) • SHEP 1 	These documents will be referred to in the preparation of the Local Plan.
HS notes that "cultural heritage" has been grouped with "material assets" and "landscape" as a topic. However, they would prefer the historic environment to be considered as a distinct topic.	The matrix of questions that was prepared to assess environmental impact was altered to separate the Historic Environment topic from the others.
The Environmental Report should demonstrate an awareness of what constitutes the historic environment.	The matrix of questions that was prepared to assess environmental impact was altered to include individual questions on different aspects of the historical environment.
Archaeological sites should be divided into Scheduled Ancient Monuments and those that are locally important sites.	The matrix of questions that was prepared to assess environmental impact was altered to separate these two issues.

Overview of Key Points on the Scoping Report	How Points Have Been Addressed in SEA
The impact on Designed landscapes should be included in the Environmental Report.	The matrix of questions that was prepared to assess environmental impact was altered to include a question on Designed Landscapes.
At some point in the future Historic Scotland is likely to request that historic landscapes are taken into consideration.	Noted.
It is noted that the Local Plan will seek to take account of cultural heritage sites, however I suggest that this should be amended to “the Local Plan will seek to protect the historic environment”.	Noted.
HS notes that alternative development strategies for the Local Plan will be assessed and documented in the Environmental Report, and are content with this approach.	Noted.
SEA objective 5 will be used to assess the impacts of a particular policy or proposal on the historic environment. For clarity, I suggest amending this objective to “protect and, where appropriate, enhance the historic environment”	Noted.
Potential impacts on designed gardens and landscapes could be considered using SEA objective 5 or 6, and HS would welcome clarification in the Environmental Report as to which will be used.	The Council have taken on board comments received on the SEA objectives and this will be reflected in the Environmental Report.
May be conflict between SEA objective 5 for the historic environment and SEA objective 12 for renewable energy.	The Council have taken on board comments received on the SEA objectives and this will be reflected in the Environmental Report.
HS notes that all of the policies in the Local Plan will be assessed against all of the SEA objectives and they are content with this approach.	Noted.
You should consider the sites with full planning permission as part of the environmental baseline i.e. as though they were already developed.	Noted.
HS suggest some minor changes to the wording for questions in the matrix.	The Council have noted the suggestion to change questions to ask about impact on the historical environment and have made changes accordingly.
The assessment of Local Plan policies and proposals should consider short, medium and long term effects, permanent and temporary effects and secondary, cumulative and synergistic effects.	Noted.

Overview of Key Points on the Scoping Report	How Points Have Been Addressed in SEA
<p>Mitigation measures should be identified for all the significant environmental effects that are identified in the assessment, and should be considered using the mitigation hierarchy i.e. avoid, reduce, remedy or compensate (for negative effects) and enhancement where appropriate (for positive effects). Please note that any enhancement of the historic environment should only be undertaken where appropriate and should be discussed with Historic Scotland in the first instance when features of national interest are being considered.</p>	<p>Noted.</p>

Scottish Natural Heritage	
<p>Additional documents that may be relevant to the Local Plan:</p> <ul style="list-style-type: none"> • The SE Circular June 2000 on the EU Habitats and Birds Directive • Scottish Biodiversity Strategy • Scottish Executive's Advice Note on Marine Fish Farming and the Environment, Jan 2003 • Scottish Executive's Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters, Oct 2002 • European Protected Species, Development Sites and the Planning System, Interim guidance for local authorities on licensing arrangements, Oct 2001. • THC's Highland Renewable Energy Strategy • Lochs Duich, Long and Alsh SAC Management Scheme (once adopted) 	Noted.
In terms of Table 5 Objective 20, is it possible to obtain information on the water availability for water dependent habitats, especially wetlands, as suggested in the ODPM's A Practical Guide to the Strategic Environmental Assessment Directive?	The Council have taken on board comments received and this will be reflected in the Environmental Report.
SNH welcomes the objectives in Table 6 relating to biodiversity, flora and fauna and SNH will be pleased to provide supporting information where required.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
SNH welcomes the inclusion of remote landscapes of value of recreation (or wild land) in Table 6, and assume it relates to objective 25, but perhaps this would be better located in Table 4 as it is more akin to landscape than biodiversity, flora and fauna. Objective 25 might more appropriately read: 'Provide opportunities for people to come into contact with and appreciate the natural heritage' rather than restrict this to wild land.	The Council have taken on board comments and this will be reflected in the Environmental Report.
SNH suggests that in establishing baseline information and in assessing policies as part of the SEA process that THC could use this as the opportunity to obtain enough information to establish any likely significant effect of any proposal on a Natura site.	Noted.
In Table 7, the opportunity should be taken in column 2, 'Implications for Local Plan' to recognise the need to enhance or restore habitats or resources that could be under threat.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
The European Guidance (available at: http://europa.eu.int/comm/environment/eia/030923_sea_guidance.pdf) notes that any effects on protected sites and on selected species in accordance with the Habitats Directive should be part of the Environmental Report.	Noted.
SNH notes that the objectives have been split into 4 groups roughly under the SEA topic headings with Air, Water, Soil and Climatic factors amalgamated into one topic. SNH is largely happy with this approach and the SEA objectives that have been attributed to each heading.	Noted.
For Objective 12 SNH considers that there is potential for conflict with landscape objectives, specifically objective 6. There is not however a clear separate objective for protecting the general character of non-designated landscapes and this may be an omission.	The Council has taken on board the comments received in respect of this and submit that this potential impact has been recognised in looking at the internal compatibility of the objectives. It was concluded that there is still value in the objective as long as potential conflicts are recognised.

In objective 19, SNH considers that the first course of action in this objective should be to avoid water pollution and only then, at the very least limit water pollution to levels that do not damage natural systems.	Objective has been altered to reflect this and SEPA's suggestion for change.
In objective 23 the opportunity to protect, enhance and where necessary restore designated sites should be a key consideration.	Objective amended accordingly.
In terms of the Biodiversity, fauna and flora heading, the guidance from ODPM also includes the objectives: <ul style="list-style-type: none"> ▪ restore the full range of characteristic habitats and species to viable levels ▪ reverse the long term decline in farmland birds, ▪ ensure the sustainable management of key wildlife sites and the ecological process on which they depend SNH considers that these objectives would be appropriate for consideration in the Local Plan area.	This comment will be subject to further discussion.
In paragraph 4.12 it is presumed that Appendix B should read Appendix C.	Noted.
SNH is happy with the proposal to test the individual plan or proposal against each of the objectives as detailed in the proforma in Annex C.	Noted.
SNH recommends that an additional row is added to illustrate which policy/proposal is being assessed. Further, it is recommended that additional columns are added to document the rationale for the score attributed and also to note any potential effects which might be cumulative; short, medium and long term; temporary or permanent.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
Appendix D details the site assessment checklist and SNH welcomes this approach.	Noted.
The checklist could provide the opportunity to ask more specific questions.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
Policy 1 Policy 1 and policy 2 still apply different policy tests for a specific designated area depending on whether it lies within or outwith a Settlement Development Area (SDA).	The Council have taken on board comments and this will be reflected in the Environmental Report.
Remote landscapes of importance for recreation As the approach taken is not SNH's preferred approach, we hope that the Council will review the effectiveness of this approach in raising awareness of and safeguarding areas of land with wildness qualities and to recommend changes if it appears that such an approach has not been effective.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
Scottish Environmental Protection Agency	
SEPA is satisfied that all the important background information is supplied.	Noted.
Additional documents that may be relevant to the Local Plan: <ul style="list-style-type: none"> ▪ The Scottish Executive publication, 'Better bathing waters: meeting the challenges of the revised Bathing Water Directive in Scotland'; ▪ SEPA Policy 27 (Addendum); ▪ The Council's Contaminated Land Inspection Strategy; ▪ The Council's Air Quality Strategy; ▪ Groundwater Protection Policy for Scotland (Policy 19); and ▪ Policy on the Culverting of Watercourses (Policy 26). 	Noted.

<p>It would have been useful at this stage to explain what the relationship between these plans, programmes and policies and the Local Plans is. This should be addressed in the ER and should be accompanied by an analysis of the relevant targets and indicators and their implications for the Local Plans.</p>	<p>The Council have taken on board comments received and this will be reflected in the Environmental Report.</p>
<p>It is useful to ensure that any background information collected is directly related to those issues which the Local Plans can impact upon and which will be measured or monitored as part of the assessment or implementation. It is also obviously very relevant to ensure that the key information is actually available. For example:</p> <ul style="list-style-type: none"> • Will the energy consumption per building and per occupant be available for assessment? • Does the Local Plan influence whether companies in the area are on the European Pollution Emissions Register? <p>It is believed that there are no Air Quality Management Areas in the Plan areas therefore will this be a sensitive indicator?</p>	<p>Noted.</p>
<p>SEPA considers that Table 7 provides a comprehensive list of potential environmental problems in the areas and their implications for the Local Plan.</p>	<p>Noted.</p>
<p><i>Water</i></p> <ul style="list-style-type: none"> • Flood risk; • Water quality (chemical and ecological); • Drainage issues (both foul and surface water) and use of SUDS; • Effects on coastal waters, including impacts relating to the shoreline, erosion and deposition of sediment (if relevant); • Groundwater quality (e.g. from remediation of contaminated land); • Effects on aquatic biodiversity (e.g. from changes to coastal processes, disturbance etc). <p><i>Soil</i></p> <ul style="list-style-type: none"> • Contaminated land (sources, receptors, contamination pathways, remediation, risk etc); • Impacts on groundwater, groundwater remediation; • Use of greenfield and brownfield land. <p><i>Air</i></p> <ul style="list-style-type: none"> • Impact on local air quality, particularly in relation to any declared AQMAs or where air quality thresholds are close to being exceeded; • Impacts from traffic generated by the proposals on surrounding areas. <p><i>Climate</i></p> <ul style="list-style-type: none"> • Risk to proposals from the effects of climate change (e.g. flooding). <p><i>Health</i></p> <ul style="list-style-type: none"> • Impacts on health of local communities caused by environmental effects associated with the Strategy. 	<p>Noted.</p>
<p>It would seem that at a high level the alternative of not producing new Local Plans will be considered and at a lower level alternatives of how the Plans could be approached will be considered. SEPA considers this appropriate.</p>	<p>Noted.</p>
<p>SEA Objectives 3 and 4: Are these related more to social issues than to population and human health? If so they could be removed from the suite.</p>	<p>It is felt that these should be retained as objectives.</p>

SEA Objective 19: While it is acknowledged that this Objective is drawn straight from the ODPM guidance SEPA would prefer a more positive and robust statement in line with those for other issues. For example, 'Avoid impact to and where possible enhance the water environment' would be easy to understand and positive.	Amended accordingly.
SEA Objective 20: Again it is acknowledged that this Objective is from the ODMP guidance. The inclusion of an alternative SEA objective 19, as suggested above, would possibly allow the removal of this Objective.	Amended accordingly.
SEA Objective 25: Is providing 'opportunities for people to come into contact with and appreciate wildlife and wild places' actually beneficial to 'biodiversity, flora and fauna'? It potentially could be argued as beneficial from a human health/exercise view point but without suitable mitigation SEA Objective 25 has the potential to have a negative impact on biodiversity, flora and fauna. SEPA suggests that this Objective be rethought.	It is felt that this objective should be retained to offer the opportunities for enhancement/interpretation. However the word "appropriate" has been added to reflect the changes.
SEPA considers the proposed matrix in Appendix C(1) a suitable method for assessment of the policies.	Noted.
SEPA considers the proposed checklist in Appendix D a suitable method for assessment of the allocations. This use of directed questioning can be very helpful in assessing the impact.	Noted.
For the avoidance of doubt the question 'can the site be connected to the public system?' could be clarified to 'can the site be connected to the public sewage system?'	Noted.
SEPA requests that a question directly related to physical impacts on watercourses is added.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
A question such as 'will developing the site physically impact on any watercourses?' or 'Does the site (or boundary) include a watercourse which could be impacted by the development?' could be used.	The Council have taken on board comments received and this will be reflected in the Environmental Report.
It is a requirement of the Regulations to advise at the scoping stage the consultation period the Responsible Authority intends to specify. Normally this is agreed with the Consultation Authorities at the Scoping stage.	Noted.

Specific Environmental Issues Identified	
<p>Some specific issues which relate to Lochaber and Skye and Lochalsh, in terms of the natural heritage include:</p> <p>Crofting settlement character: This is a particular issue in Skye and Lochalsh where some townships are rapidly changing (e.g. in Sleat) and is of particular concern in Trotternish National Scenic Area.</p> <p>Inappropriate waste management practices – Applications for sea discharges are still being received with new house applications. This creates particular problems (in terms of construction impacts) in Lochs Duich, Long and Alsh SAC where the inter-tidal areas are part of the site interest.</p> <p>An issue which relates specifically to Lochaber is the Bathing Waters Directive (76/160/EEC replaced by 2006/7/EC) in relation to the Bathing Beach at Morar. The Regulations impose stringent bacteriological, as well as chemical, standards on waters that have been classified as Bathing Waters.</p> <p>Reduced quality of watercourses and the coastal environment; Loss of inter-tidal areas to infrastructure works (e.g. roads, car parks, Water Treatment Works) is of particular concern as is loss of coastal habitats to housing development.</p> <p>Loss of good quality croft land – this has implications for species rich grasslands and farmland species such as corncrake.</p> <p>Impacts from potential large scale mineral extraction proposals.</p> <p>Spread of invasive species, in particular, Japanese knotweed.</p>	<p>The Council have taken on board comments received and this will be reflected in the Environmental Report and the Site Assessment Matrices.</p>

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Your Ref: CM/LP/LO/4.1

Attention: Colin Mackenzie

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If telephoning ask for:
Susan Haslam

29 November 2006

Dear Mr Mackenzie

**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005
LOCHABER LOCAL PLAN**

Thank you for consulting SEPA on the draft assessment for the above local plan. SEPA considers the production of a draft assessment good practice and we are happy to assist you by providing written comments at this stage. As stated at the meeting, when SEPA responds to informal SEA drafts we tend to make comments wider than the remit of a Consultation Authority. It is hoped that this approach will be helpful to you at this stage in the developing process.

In summary, SEPA is supportive of the proposed methodology of carrying out the assessment of the allocations but at the moment there are concerns about its execution. The additional information on how the questions were interpreted provided after the meeting was helpful, however, as it stands there are a significant number of responses in the assessment where either it could not be determined how the answers given were decided upon, SEPA disagrees with the assessment, there seems to be an error in the response or the response is inconsistent.

It was indicated at the meeting that a 'comments' column for each of the assessments does exist but it was not provided due to presentation issues. If it is site specific SEPA would recommend that this be presented in the ER as it will make the assessment more transparent and reduce the likelihood of either the Consultation Authorities or the public challenging the assessment. (In relation to presentation you could consider removing the actual question column (i.e. column 2) from each individual assessment to provide space for a penultimate comments column instead). A list of generic queries relating to the questions SEPA has currently considered is provided in Annex 1 to this letter and a detailed but informal audit of the assessment in Annex 2. SEPA also provides some overarching comments below.

It is understood from the meeting that the Tables 4 to 8 were only to inform our discussions on the day. As discussed a number of the questions, such as flood risk, have greater significance than others and any summary of impacts disguises the true situation. Similarly one positive impact does not cancel out a different negative impact. As was also discussed it will be misleading to suggest that tables present a summary of the SEA since the ranking includes questions 31 to 44, which relate to economic and social issues.

Cont'd/...

An issue to consider is whether the '+ve / -ve or n/a' column relates to impact or whether it is a positive or negative feature of the allocation? For example, the fact that the allocation is out with a flood risk area is a positive feature of the allocation but it wouldn't have a positive impact on the environment. It would be useful if this issue was clarified in the ER so that the logic of assigning a specific impact to a specific question was transparent.

SEPA would expect any other major proposals, such as the new link road in Fort William to be assessed.

Please note that SEPA has concentrated its efforts on questions relating to air, water, soil and climatic factors in this instance. SEPA may also make comments on issues relating to population, human health and biodiversity when providing comment on the formal ER.

At the meeting you provided a copy of the proposed draft policies for comment. I have passed this on to the rest of the unit to look at this aspect of the plan making process and we will respond separately on this issue.

If you wish to discuss any of this response I can be contacted on 01349 860359 or via email.

Yours sincerely

SUSAN HASLAM
SENIOR PLANNING OFFICER (SEA)
PLANNING UNIT (NORTH REGION)

Copy: Stephen Macintyre, SEPA Fort William

Annex 1: Queries relating to the questions

Question 20

It is noted that 'experience' has been used to determine whether the allocation is likely to provide or use energy from a local, renewable source and the interpretation of the question is 'e.g. district heating plant'.

At the meeting we expanded on this point and it was suggested that the question related to whether the council were aware of any proposals for community renewable schemes in the area. If this is how the question was assessed then it is recommended that the interpretation should be amended to state so.

It is noted that a positive response is usually given to this question. Is it really the case that nearly all the communities in Lochaber have proposals for community renewable schemes and it is likely that the allocation can benefit?

What is meant by 'Technological development' and how does that link to energy use (it is noted that the comment is made no matter whether there is a positive or negative impact)?

Question 21

In relation to flood risk SEPA usually recommends that the planning authority should use all the information reasonably available to it to determine whether sites are at risk. In addition to the Indicative River & Coastal Flood Map (Scotland) you should consult the council's Flood Prevention and Land Drainage biennial reports and utilise any local knowledge.

Local knowledge is especially important for small watercourses with catchment areas less than 3 km² as these are not identified on the new flood risk maps. Many of the allocations have small watercourses running through them where flood risk may be an issue and this needs to be acknowledged in the SEA.

What is meant by 'part protection'? Is part of the site not at risk from flooding? Is it proposed to partly protect the allocation from flooding as part of the plan proposals?

Question 22

The response in every assessment is that there will be a negative impact on drainage and SuDS will be the mitigation. While SEPA agrees with the principle put forward that all new development is likely to impact on drainage and that SuDS is suitable mitigation, this cannot necessarily be applied to all the allocations. Proposals to purely refurbish a building (for example the old school in Fort William) are unlikely to have any impacts on drainage. Any proposals to reuse a brownfield site which is currently developed without SuDS would actually have the drainage improved by redevelopment with SuDS.

Question 23

It should be noted that sustainable drainage systems (SuDS) will offer no mitigation to physical impacts on watercourses. Potential mitigation may include, for example, changing the boundary of the allocation to exclude the watercourse, providing text stating that the water feature should be positively integrated as a feature of the development, providing text that diversion, channelisation or culverting of the watercourse should not take place, providing text about the type of bridging options that will be acceptable or having a general policy regarding impacts on watercourses.

What situations have been identified that will have a positive impact on a watercourse? A number of these were noted and the reasoning was unclear. An example could possibly be the redevelopment of a site containing a heavily modified watercourse which includes proposals for riparian restoration, however, when will the development of a green field site result in a positive impact on a watercourse?

It was noted that it was often recorded that a watercourse would be impacted by development when examination of the plan or on GIS reveals that there are no watercourses within or at the boundary to the allocation. Is this a mistake or has off-site impacts been considered and, if so, how?

Question 25

SEPA would consider the proposal for a private sewage treatment works as a negative impact.

It is noted that when an allocation can connect to the public sewer the impact is inconstant; sometimes it is recorded as no impact and sometimes it is recorded as a positive impact. For example, for Ardgour site 3 the impact of answering yes to question 25 is 'no impact' but when the same question is answered for the Banavie allocation this results in a positive impact. If impacts are being recorded the proposal that connection to the public system is seen as having no impact is acceptable to SEPA, however you may wish to take into consideration the fact that connection to the public sewer is a positive aspect of the allocation.

It is noted that the interpretation of the question is "can the site be connected at reasonable cost", however, there is no evidence that this has been applied. There are a number of small allocations on the edges of settlements where it seems highly unlikely that connection would be at a reasonable cost yet the question is answered positively. These situations could be mitigated by making the allocation large enough for the cost to become reasonable.

Question 28

SEPA agrees with the interpretation of the question which suggests that a positive response to this question should be given to allocations sheltered from the prevailing wind and having a 'principal aspect between SW and SE', however, a significant number of the allocations are north facing and do not meet this criteria yet are marked as doing so.

How will the design of the development provide mitigation and how will it be ensured?

Annex 2: Detailed audit of assessment

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
Achaphubuil		Has flooding from the watercourse at the boundary been considered?				Only a small area has a public sewage system – can this allocation really reasonably connect?	Does the allocation not face North?	
Acharacle site 1		Has flooding from the watercourse that divides the site been considered?					Does the allocation not face North?	
site 2				Not obvious from plan / GIS that watercourse will be impacted		SEPA would consider proposals for a private sewage system as a -ve impact.		
site 3 – cant find on GIS						SEPA would consider proposals for a private sewage system as a -ve impact.		
site 4		Has flooding from the					Does the allocation	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
		watercourse at the boundary been considered?					not face North?	
site 5				Not obvious from plan / GIS that watercourse will be impacted		SEPA would consider proposals for a private sewage system as a -ve impact.	Does the allocation not face North?	
Ardgour/Clovullin Site 1 and site 2				Not obvious from plan / GIS that watercourse will be impacted			Does the allocation not face North / East?	
Site 3								
Site 4		Has flooding from the watercourse that divides the site been considered?						
Site 5				Not obvious from plan / GIS that watercourse will be impacted				
Glenborrodale – This allocation does not seem to appear in the Futures paper			If proposal is to reuse existing building then perhaps no impact on	Not obvious from plan / GIS that watercourse will be impacted		Are you sure Glenborrodale has a public sewage system – initial		

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
			drainage. If SUDS put in then it would result in +ve impact.			investigations internally suggest not.		
Glenuig				Not obvious from plan / GIS that watercourse will be impacted			Does the allocation not face West?	
Kilchoan					The issues paper makes specific reference to waste/ composting facilities for this settlement			
Lochaline Site 1		Has flooding from the watercourse that divides the site been considered?				It is noted from the Issues paper that a new WWTW is to be built – does that mean there isn't one now or that its at capacity – if so wont be able to connected.		
Lochaline Sites 2, 3, 4						It is noted from the		

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
						Issues paper that a new WWTW is to be built – does that mean there isn't one now or that its at capacity – if so wont be able to connected.		
Salen				Not obvious from plan / GIS that watercourse will be impacted				
Strontian Site 1		Has flooding from the watercourse that divides the site been considered?	Inconsistent -all others assessed as having an impact and SUDS as mitigation.	Watercourse flows through site			Does the allocation not face West?	
Site 2		Has flooding from the watercourse that divides the site been considered?	Inconsistent -all others assessed as having an impact and SUDS as mitigation.	Very small watercourse at boundary of site			Does the allocation not face West?	
Site 3			Inconsistent -all others assessed as having an			Remote from the public sewer? Will the likelihood		

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
			impact and SUDS as mitigation.			of connection to the public sewer not be dependant on the scale of development?		
Sites 4, 5, 6			Inconsistent -all others assessed as having an impact and SUDS as mitigation.				Does the allocation not face West?	
Alcan /Inverloch Castle				How will the allocation have a positive impact on the river?			Impact incorrectly assessed?	
An Aird (fire station) Map too small to determine site detail							Impact incorrectly assessed?	
Banavie Canal				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Belford St Marys			Will there be a significant impact if the site is already well developed?	How will the allocation have a positive impact on a watercourse (there doesn't seem to be any)?			Impact incorrectly assessed?	
Ben Nevis Industrial Estate				How will the allocation have a			Impact incorrectly	Is it not likely that there

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
				positive impact on a watercourse?			assessed?	will be industrial sources of air pollution in this area?
Blar Mor – Camaghael Expansion				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	Is it not likely that there will be industrial sources of air pollution in this area?
Blar More Business Park				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Caol – Lochyside Expansion				How will the allocation have a positive impact on a watercourse (there doesn't seem to be any)?			Impact incorrectly assessed?	
Carrs Corner Map too small to determine site detail				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Claggan – Glen Nevis Expansion		Lower areas seem to be at risk from river		How will the allocation have a positive impact on a watercourse?		Will it really be possible to connect from this allocation? Cost prohibitive?	Impact incorrectly assessed?	
Corpach		Has flooding		How will the			Impact	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
Expansion		from the watercourses that divide the site been considered?		allocation have a positive impact on watercourses?			incorrectly assessed?	
Corpach Locks / hall				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Corpach Mill				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Copach Moss Campus				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Dalvenie Smelter Expansion		Impact incorrectly assessed?		How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	Is it not likely that there will be industrial sources of air pollution in this area?
Dalvenie COULD NOT FIND MAP	Will a cemetery use any/ much energy?		How will a cemetery development use SUDS? How will SUDS mitigate burials?	How will the allocation have a positive impact on a watercourse?	How will a cemetery offer an opportunity for sustainable waste management?	Why does a cemetery need to connect to the public sewer?	Impact incorrectly assessed?	
High St Backlands –			If area already fully	How will the allocation have a			Impact incorrectly	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
exact site not known			developed will there be an impact?	positive impact on a watercourse?			assessed?	
Lundavra				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Lundavra (new cemetery) NO MAP?	Will a cemetery use any/ much energy?		How will a cemetery development use SUDS? How will SUDS mitigate burials?	How will the allocation have a positive impact on a watercourse?	How will a cemetery offer an opportunity for sustainable waste management?	Why does a cemetery need to connect to the public sewer?	Impact incorrectly assessed?	
Mount Alexander / Canal							Impact incorrectly assessed?	
Old School			If area already fully developed will there be an impact?				Impact incorrectly assessed?	
Parade St Andrews			If area already fully developed will there be an impact?	How will the allocation have a positive impact on a watercourse (there doesn't seem to be any)?			Impact incorrectly assessed?	
Police HQ BT depot			If area already fully developed will there be an impact?	How will the allocation have a positive impact on a watercourse (there doesn't			Impact incorrectly assessed?	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
				seem to be any)?				
Tomonie				How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Upper Achintore Expansion		Has flooding from the watercourse that divides the site been considered?		How will the allocation have a positive impact on a watercourse?			Impact incorrectly assessed?	
Waterfront Redevelopment				How will the allocation have a positive impact on a watercourse (or the wider water environment)?			Impact incorrectly assessed?	
Duror Sites 1, 2 and 3							Impact incorrectly assessed?	
Glenachulish Site 1							Impact incorrectly assessed?	
Glenachulish Site 2		Has flooding from the watercourse that divides the site been considered?					Impact incorrectly assessed?	
Glencoe Sites 1 and 2							Impact incorrectly assessed?	
Glencoe Site 3				Map shows small watercourse runs			Impact incorrectly	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
				at boarder of site			assessed?	
Glencoe Site 4		Does the river not flood this area?		Potentially disagree with assessment - the allocation will not impact on the River?			Impact incorrectly assessed?	
Glencoe Site 5						Will there be technical difficulties to ensure connection?	Impact incorrectly assessed?	
Inchree Sites 1 and 2						Only a small area has a public sewage system – can this allocation really reasonably connect?	Impact incorrectly assessed?	
Kinlochleven Site 1			If area already fully developed will there be an impact? Could it be positive if SuDS introduced?	The watercourses on the site look heavily modified – could a change of use improve this?			Does the allocation not face North or possibly West?	
Kinlochleven Site 2								
Kinlochleven Site 3				How will the allocation have an impact on a			Does the allocation not face	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
				watercourse?			North or possibly West?	
Kinlochleven Site 4							Does the allocation not face West?	
Kinlochleven Site 5				How will the allocation have an impact on a watercourse?			Does the allocation not face North?	
North Ballachulish Sites 1, 2, 3, 4, 5							Impact incorrectly assessed?	
Onich Site 1						Only a small area has a public sewage system – can this allocation really reasonably connect?	Impact incorrectly assessed?	
South Ballachulish Site 1		Has flooding from the watercourse that divides the site been considered?					Impact incorrectly assessed?	
Site 2							Impact incorrectly assessed?	
Torlundy Tomacharich and Fassfern		Has flooding from the watercourse	How will the development have a	How will the allocation have a positive impact on		Only a small area has a public sewage		

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
Sites 1 and 2		that divides the site been considered?	positive impact on drainage?	a watercourse?		system – can this allocation really reasonably connect?		
Invergarry Site 1		Has flooding from the watercourse that divides the site been considered?					Does the allocation not face North?	
Invergarry Site 2				How will the allocation have an impact on a watercourse (there doesn't seem to be any)?				
Invergarry Site 3		Has flooding from the watercourse that divides the site been considered?						
Roy Bridge Sites 1 and 2			How will the development have a positive impact on drainage?	How will the allocation have an impact on a watercourse (there doesn't seem to be any)?				
Site 3		Will the river flood this allocation?	How will the development have a positive	How will the allocation have a positive impact on a watercourse?				

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
			impact on drainage?					
Sites 4 and 5			How will the development have a positive impact on drainage?	How will the allocation have a positive impact on a watercourse?				
Spean Bridge Site 1								
Site 2		Flood risk from River Spean					Does the allocation not face North or possibly West?	
Site 3		Risk from east watercourse?						
Site 4		Flood risk from River Spean					Does the allocation not face North or possibly West?	
Site 5 and 6								
Arisaig Sites 1 and 2	Impact incorrectly assessed?			How will the allocation an impact on a watercourse?			Prevailing west wind?	
Site 3	Impact incorrectly assessed?						Prevailing west wind?	
Sites 4 and 5	Impact			How will the			Prevailing	

Site Reference	SEA question 20	SEA question 21	SEA question 22	SEA question 23	SEA question 24	SEA question 25	SEA question 28	SEA question 29
	incorrectly assessed?			allocation an impact on a watercourse?			west wind?	
Site 6	Impact incorrectly assessed?					With it be cost effective to connect to area across canal?	Prevailing west wind?	
Mallaig Sites 1 and 2								
Site 3		Has flooding from the watercourse that divides the site been considered?						
Site 4								
Site 5								Is it not likely that there will be industrial sources of air pollution in this area?
Morar Sites 1 and 2								
Site 3				How will the allocation an impact on a watercourse?				
Sites 4, 5, 6								

Potentially disagree	Disagree with assessment
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with assessment	
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SEA Expressions of Opinion of Consultation Authorities on Deposit Draft 2007 & Pre-Deposit Draft 2008

Historic Scotland via SEA Gateway

Annex: Detailed comments on the Environmental Report

For ease of reference, the comments in this annex follow the same order as the Environmental Report.

Non technical summary

1. The non technical summary would be more helpful to readers if it provided an overview of the SEA process and the results of the assessment, including proposals for mitigation.
2. Please note that the scope of SEA is not limited to flora and fauna, or the natural environment. The relevant environmental parameters are identified in Schedule 2 of the Regulations.

Introduction and Background

3. This section provides useful information about the Local Plans this plan will replace. A map showing the areas covered by the plan would have been useful here.

The Purpose of the SEA and Local Plan Context

4. I note that the Local Plan strategic objectives have been included here. More explanation of the Local Plan context and its relationship with the Structure Plan and national planning policy would have been helpful, particularly in explaining the structure and content of the Local Plan policy framework.
5. I am broadly content with the plans, programmes, strategies and policies relating to the historic environment that have been reviewed in Appendix 1 (i.e. SHEP 1, Passed to the Future, NPPGs 5 and 18 and PAN 42). However, I note that the Memorandum of Guidance appears to be missing from this list, and advise that it be included in any future SEAs.
6. I am also largely content with the analysis and the implications for the Local Plan, but offer the following detailed comments:
I note that the allocations in the Local Plan do not consistently avoid historic environment features (identified as a requirement arising from SHEP1). Where allocations do affect such features, mitigation has not been consistently provided in the plan to respect the character and setting of the affected feature.
NPPG5 does not provide policy protection for gardens and designed landscapes, as stated in the analysis; this is provided by NPPG18. In addition, the plan has allocated land within gardens and designed landscapes (contrary to the requirement identified as arising from NPPG18).
The plan is silent regarding issues of excavation and preservation in situ, contrary to the requirement identified as arising from NPPG5.
I note that the Local Plan does not contain the detailed policies and information identified (in column 3 of the table) as arising from the requirements of NPPG 18. Please note that a consultative draft of SPP23 was published for consultation on 15 February 2008.

6. For future SEAs, Historic Scotland are developing a new series of policy documents (Scottish Historic Environment Policy (SHEP)) that both sets out Scottish Ministers' vision and strategic policies for the wider historic environment, and provides greater policy direction for Historic Scotland. Scottish Historic Environment Policy 2 Scheduling: protecting Scotland's nationally important monuments is available at <http://www.historic-scotland.gov.uk/shep2.pdf>.

Methodology

7. Please note that a screening report was not received by the HS SEA Gateway for this plan (as stated in Paragraph 4.4).

8. I note that Table 4.1 provides an assessment of Local Plan objectives against the SEA objectives. However, as no explanation is provided to accompany the scoring, it is difficult to understand how conclusions have been reached. For example, objectives relating to development could result in an adverse effect on the historic environment, if development were taken forward on an inappropriate site (see Point 10). However, assuming that development is undertaken in line with the requirements of Policy 4, significant effects on features of national importance could be avoided. The assumptions made in undertaking the environmental assessment should have been described in the Environmental Report.

9. The objectives mentioned in Point 8 comprise:
promote improvements in infrastructure, enhance connectivity and provide for convenient interchange of modes of transport
direct development to nodal locations within the transport and utility "corridors" and encourage "mixed use" and sustainable travel
encourage development and supporting infrastructure at locations which offer economic advantage
promote opportunities for maximising development of "renewables" and implementing the Area Waste Plan

10. It is worth noting that negative effects on biodiversity have been identified in Table 4.1 for many of the objectives involving development. On the whole, objectives which are identified as having an adverse impact on wildlife sites could also be considered as likely to have a similar effect on the historic environment. It would be worth noting this for future assessments.

11. I note that there is no assessment of the strategy and vision statements. For example, there is no assessment of the proposed settlement at Fassfern. Given Historic Scotland's response to the plan on these points, an assessment may have assisted in the plan's preparation.

Predicted Environmental Baseline and Issues

12. Table 5.1 summarises the historic environment baseline as follows:

703 listed buildings
19 Conservation Areas
8252 archaeological sites (HER)

13. Simply for information, Historic Scotland's records provide the following information to date.
Skye and Lochalsh:

92 Scheduled Ancient Monuments
255 Listed Buildings:
Category A: 12
Category B: 124
Category C(S): 119
5 Gardens and Designed Landscapes

Lochaber:
158 Scheduled Ancient Monuments
295 Listed Buildings:
Category A: 22
Category B: 169
Category C(S): 104
9 Gardens and Designed Landscapes

14. This does not accurately reflect the information provided by The Highland Council at scoping stage, which included 250 Scheduled Ancient Monuments, and 14 Gardens and Designed Landscapes. In addition, at scoping stage, the total number of Listed Buildings was provided, along with a breakdown of number by category. It therefore appears that incomplete baseline information was used in the assessment (this is reflected in the comments made on the site allocations in points 24 and 25).

15. I also note that maps were provided by The Highland Council at scoping stage. This information could usefully have been reproduced in the Environmental Report to assist the environmental assessment.

16. Table 5.3 identifies some issues for the historic environment. I have little to add to this information, other than to note that the potentially negative impacts of access can apply to the historic environment as well as to habitats and species.

17. I note the points made regarding data limitations in Paragraph 6.3. Historic Scotland can provide information on the historic environment (listed buildings, scheduled ancient monuments and gardens and designed landscapes in GIS format, under licence (contact hsgimanager@scotland.gsi.gov.uk or download from <http://hsewsf.sedsh.gov.uk/pls/htmlldb/f?p=500:1:8448412299472048421>).

Local Plan Strategic Alternatives

18. I note that the only alternative considered in the assessment has been a “do nothing” approach. However, I would have expected that alternative land allocations, where considered in the course of plan preparation, would also have been assessed. This could have included, for example, identification of any amendments to the site allocations included in Lochaber and Skye & Lochalsh Futures in the course of preparing the Draft Deposit Local Plan.

19. I am content with the SEA objective (number 5) for the historic environment, i.e. "protect and where appropriate enhance the historic environment".

20. I note that the SEA objectives used in the assessment are those prepared for the Wester Ross and Sutherland Local Plan SEAs. However, in the light of experience gained since 2004, I would recommend reducing the number of SEA objectives and focusing them on environmental issues.

The Plan's General Policies and their compatibility with the SEA Objectives

21. The assessment of the compatibility of the SEA objectives and the plan general policies is set out in section 7.3. A commentary would have facilitated a greater understanding of the results of the assessment, in turn making them more accessible to the reader.

22. There appears to be some inconsistency in the way the assessment is scored. Some policies are scored as positive while others have been scored as neutral, as discussed in the following detailed comments.

Policy 1 Settlement Development Areas is considered to have a neutral effect on the historic environment. Are effects of development proposals on cultural heritage features explicitly identified as part of decision making?

Policy 2 Development Factors and Developer Requirements is identified as having a positive effect on the historic environment. Is the historic environment taken into account in the Development Factors and Developer Requirements, and as such taken into account in the process of developing proposals? I note that the text supporting the policy makes reference to development briefs and master plans; please be aware that these should be screened for the need for SEA.

Policy 3 Wider Countryside identifies that it may have a negative impact on designated wildlife/protected species, but it is unclear why the assessment predicts a neutral impact for the historic environment. The possible mitigation for this policy states that the Council will highlight designated sites with the aim of avoiding the unsympathetic development of these areas. Unsympathetic development is also a potential source of impact for the historic environment, and the same mitigation measures would avoid this issue.

Policy 4 Natural, Built and Cultural Heritage is considered to have a strongly positive impact on the historic environment, although the extent to which a development would be considered 'unreasonable' is not defined. This could mean that impacts on locally and/or regionally important sites could occur as a result of this policy.

Policy 5 Affordable Housing please see comments for policy 2.

Policy 16 Housing in the Countryside this policy has the potential to have a positive impact on the historic environment through the appropriate re-use or conversion of traditional buildings. We note that the policy contains a need to avoid conflict with the historic environment.

Policy 17 Commerce may have a negative impact on the historic environment if development is located in the wrong location. Policy 4 could offset this policy if it were sufficiently strengthened.

Assessment of Plan Allocations

23. I note that the site allocation process, where possible, has used avoidance as a primary mitigation measure and welcome this. I also welcome the detailed criteria set out in the SEA Checklist in Section 8.1 and note that criteria 13-17 inclusive deal with historic environment features.

24. The site matrices provide the detailed assessment of the site allocations using the SEA checklist, and I offer the following comments:

The checklist is clearly set out, but suffers from a lack of explanation as to how the conclusions have been reached.

In most cases, the assessments do not differentiate between an impact on a site and an impact on its setting.

In certain cases, mitigation has been proposed in the ER but has not been carried through to the plan. This has been noted for individual land allocations in the comments provided in Point 25.

In certain cases, mitigation has been proposed in the ER and included in the plan but, in Historic Scotland's view, requires clarification or strengthening. Again, this has been noted for individual land allocations.

Where present, the inclusion of the previous consultation allocation reference codes has been helpful.

It would also have been helpful if the inset reference numbers in the plan had also been provided in the site-specific matrices, to facilitate comparison of the ER with the plan.

Monitoring

Proposals for the monitoring of impacts should be set out in the SEA Adoption Statement. The indicators chosen for the historic environment should reflect both the actions to be taken within the plan and the potential impacts identified in the course of the SEA. I would be happy to discuss this further if you would find it helpful, e.g. appropriate indicators for monitoring.

For Official Use Only

Date received:

Reference:

WEST HIGHLAND AND ISLANDS LOCAL PLAN - DEPOSIT DRAFT

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Please read the accompanying notes before completing this form.

Please use a separate form for each objection or supporting representation.

All forms must be returned to: **Director of Planning and Development, The Highland Council, Glenurquhart Road, Inverness IV3 5NX**

All representations must be received no later than **5.00pm on Friday 14th March 2008**.

1. Name and Address

Name: Historic Scotland (Adele Shaw)
Address: Room E7, Longmore House, Slaisbury Place, Edinburgh, EH9 1SH
Telephone (work): 0131 668 8758
Telephone (home):
Email: adele.shaw@scotland.gsi.gov.uk

2. Agent's Name and Address (if applicable)

Name:
Address:
Telephone (work):
Telephone (home):
Email:

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Data Protection – The information you have supplied will be used for the purpose for which you have provided it and any relevant procedures following from this. This data will be maintained in accordance with the Data Protection Act 1998 and will not be passed on or sold to any other organisation without your prior approval unless this is a legal requirement.

3. Are you objecting or supporting (please tick appropriate box)?

Objecting <input checked="" type="checkbox"/>	Supporting <input type="checkbox"/>
---	-------------------------------------

4. Which proposal do you object to or support?

Paragraph number:
Policy number: Policy 4 – Natural, Built and Cultural Heritage
Site allocation reference:
Other part of Plan: (please describe clearly)

5. Please state here the full grounds on which your representation in objection to, or support of, the Local Plan is made. Please also state any change to the Plan which could resolve your objection.

(Please use another sheet if necessary and attach any related materials such as maps, photos, etc.)

<p>This objection covers five issues:</p> <ol style="list-style-type: none">1. lack of detailed policy guidance;2. the emphasis of protection in the policy;3. the categorisation of features;4. the issue of site and setting; and5. the wording of supporting information <p>1. Lack of detailed policy guidance It is our view that Policy 4 does not provide detailed policies and clear guidance, e.g. to planners and developers, on how the historic environment should be taken into account when making decisions on development proposals. Given this lack, we consider that there is a clear need for significant additional supplementary planning guidance (SPG) on the historic environment. The Local Plan should include a commitment to prepare such SPG, and clearly identify its scope.</p> <p>2. Emphasis of protection Policy 4, as it stands, affords different levels of protection to features of different importance and thus to different categories of listed building. However, under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and NPPG18, all buildings are provided with the same level of protection; planning authorities are required by the Act to have special regard to the desirability of preserving the building, its setting or its special features, regardless of category. In other words, the management of the resource does not flow from its categorisation but from its identification as a listed building.</p> <p>The overall emphasis of Policy 4 therefore sits at odds with that of national legislation and policy for listed buildings, set out in the Act and NNPG 18. Accordingly, it is our view that the wording of Policy 4 should be amended to reflect national legislation and policy for listed buildings</p> <p>3. Categorisation of features We consider that the levels of importance accorded to historic environment features by the</p>
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Local Plan should correspond to those set out in national policy and guidance, as follows:

- Category B and C (sic) listed buildings are identified as "local and regionally important" features, whilst Conservation Areas are identified as nationally important features. We find this categorisation confusing, given that listings are designated at a national level whilst Conservation Areas are designated at a local/regional level. We therefore suggest that Conservation Areas should be identified as "local and regionally important" features.

- The Local Plan's categorisation of listed buildings sits slightly at odds with the advice provided in the Memorandum of Guidance (Para 1.6) where A-listed buildings are considered to be of national or international importance, B-listed buildings are of regional or more than local importance, and C(S) listed buildings are of local importance. We therefore suggest that the difference in importance of B and C(S) listed buildings is identified in "local and regionally important features" and that this carries through to Appendix 1.

Please note that the reference to C listed buildings in the supporting information should be to C(S) listed buildings.

4. Site and setting

Policy 4, as it stands, does not recognise the need to protect a historic environment feature and its setting. We suggest that the text of the policy, its supporting information and Appendix 1 be altered to include such reference, as follows:

- Re-wording the first paragraph of the policy to read: When making decisions on development proposals we will take account of the level of importance of, and the effect on, the natural, built and cultural heritage (see Appendix 1 and Background Maps). Impact on historic environment features will be considered in terms of impact on both the site and setting of the feature.

- In the supporting text, at the end of the paragraph commencing "the impact on all natural and cultural heritage features", a final sentence should be added so that the paragraph reads "The impact on all natural and cultural heritage features must be addressed however when considering and assessing development proposals, and the Background maps which are contained in the Map booklet of the Plan set out the locations of all these different features in so far as they have been mapped digitally on our system: Impact on historic environment features (i.e. archaeological sites, Scheduled Ancient Monuments, listed buildings, and Gardens and Designed Landscapes) should be considered in terms of impact on both the site and setting of the feature.

Suggested wording for Appendix 1 is contained in the objection to that appendix.

5. Supporting information

The supporting information states: "How sensitive these features are to development depends on their level of importance and on the nature and scale of development and the likely effect on the feature in question". We disagree with this statement: the sensitivity of a feature is not a function of its level of importance. For example, many archaeological sites are sensitive to damage from tree planting, irrespective of whether they are Scheduled Ancient Monuments or unscheduled archaeological sites. In our view the issue of importance is more to do with decision-making. We suggest that this text be amended to read "In assessing development proposals, the Council will consider the level of importance and nature of these features, the nature and scale of development, and the likely effect on the feature (including setting) in question".

Signature:



Date:

12 March 2008

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Date received:

Reference:

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Address: Room E7, Longmore House, Salisbury Place, Edinburgh, EH9 1SH
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such interest is controlled."	
• Please note that the reference to C listed buildings should be to C(S) listed buildings.	
Signature: 	Date: 12 March 2008

SEPA via SEA Gateway

Dear Mr Stott

Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004
West Highland and Islands Local Plan – Environmental Report

I refer to your Environmental Report consultation submitted under the above Regulations in respect of the above Plan. This was received by SEPA via the Scottish Government SEA Gateway on 21 December 2007.

SEPA has used its Scoping consultation response of 8 June 2006 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 SEPA may have on the Plan itself will be provided separately.

As the Plan is finalised, Highland Council as 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. SEPA normally expects 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.

Should you wish to discuss this consultation, please do not hesitate to contact me on 01349 860359 or via SEPA’s SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely



Susan Haslam
Senior Planning Officer (SEA)
Planning Unit (North)

Appendix 1: Comments on the Environmental Report

General Comments

1. SEPA welcomes the long consultation period provided for the Environmental Report (ER) and considers this good practice.
2. SEPA is pleased to note that all aspects of the current Plan, i.e. the objectives, policies and allocations have been assessed. SEPA considers that this level of assessment also represents good practice.
3. There is a lack of information on how some of the results of the assessments were reached. SEPA requests that any future work by the Authority provides full justification for the assessments presented.
4. In the case of development plans SEPA has a clear view on the mitigation required for negative effects and the need for positive effects to be enhanced as much as possible. Details of these views are highlighted below.

Detailed Comments

1. Sections 1 to 3
 - 1.1 SEPA is generally satisfied that all the background information is provided.
2. Assessing the Local Plan against the SEA (Section 4.7)
 - 2.1 SEPA is generally satisfied with the assessments made, although no information is provided to ascertain how the results were reached and this would have been very helpful.
 - 2.2 SEPA would have expected the principle of the Plan objective “Encourage development and supporting infrastructure at locations which offer economic advantage” to have both positive and negative effects against the water, air and related SEPA objectives, rather than none at all. Additionally, “Identifying resources and their sensitivities and enable development or use of a type and scale within environmental limits” to have a positive effect against the water environmental and water abstraction, air pollution and contamination SEA objectives. It is very surprising that “Direct development away from land susceptible to flood, erosion, subsidence or other risk” does not score very positively against the water environment SEA objective. This principle would also reduce the vulnerability to climate change.
3. SEA matrices (Section 4.12)
 - 3.1 SEPA notes the comments related to the difficulty in separating environmental effects from the socio-economic effects and the fact that environmental and socio-economic effects often conflict greatly and it is difficult to decide which should be assigned more importance in a given situation. SEPA agrees that this is indeed the case in the Plan making process but the Authority are reminded that the SEA should clearly focus on the environmental aspects of this assessment.
4. Predicting Environmental Baseline and Issues (Section 5)
 - 4.1 A very limited baseline is provided with no real information on, amongst other issues, air quality and climate change. To allow an assessment of effects SEPA would have expected information to answer questions such as, for example, how is the area being affected by climate change, is land contamination widespread in the area just now?

4.2 Notwithstanding the above, Table 5.3 provides a useful summary of the environmental problems in the area. SEPA agrees that flood risk, water quality, inappropriate waste management facilities and loss of peatland cover represent a good range of the issues which are important in the area. In future work the Authority may wish to consider an additional column in this table to identify which environmental receptors, e.g. air, the problem relates to.

4.3 Acknowledging the limitation of the data available is good practice. As there is a 'wealth of data on offer', however, it would have been helpful if slightly more had been provided in the ER or referenced.

5. Alternatives (Section 6.1)

5.1 SEPA agrees that there is no reasonable alternative to development of a new Local Plan.

5.2 In circumstances such as this it is usually the case that reasonable alternatives take the form of the alternative strategies that have been considered as part of the Plan preparation process. SEPA notes that alternative allocations which did not make it to the deposit plan have been assessed as part of the ER and SEPA is satisfied that the presentation of these represents the assessment of reasonable alternatives. It would have been helpful and relevant if this section had made reference to this work and perhaps provided an explanation as to whether the results of the assessments of these allocations had any bearing on their exclusion from the Plan.

6. Plan General Policies Compatibility (Section 7)

6.1 Again no information is included in the tables to explain how the results have been reached and this makes it difficult to gain a full understanding of the thought processes behind the assessments. However, SEPA provides the following specific comments on the individual assessments.

6.1.1 Policy 3: SEPA notes that the policy may have a negative impact against the water environment SEA objective and would therefore encourage the Responsible Authority to amend the policy to avoid this or provide appropriate mitigation.

6.1.2 Policy 6: SEPA agrees that the Policy should have positive impacts against a wide range of environmental receptors, but only if such a statement is submitted – and the current Policy does not require its submission. To ensure that the mitigation offered by the Design for Sustainability statement is always provided SEPA considers that the wording of the Policy should be revised; further comments on this are provided in SEPA's response to the Plan.

6.1.3 Policy 7: SEPA agrees that the Policy should have a positive impact against the water environment SEA objective but that this is only marginal as the Policy does not actually require development to connect to infrastructure when it is available. SEPA therefore considers that amendments to the Policy need to be made to ensure these positive effects are achieved; further details of this are provided in SEPA's response to the Plan.

6.1.4 Policy 8: SEPA agrees that the Policy should have a positive impact against the waste SEA objective. However, SEPA considers that further amendments to the wording can be made to enhance the positive effects; further details on this are provided in SEPA's response to the Plan.

6.1.5 Policy 9: As the Policy does not accurately reflect the avoidance principle advocated in Scottish Planning Policy 7 'Planning and Flooding' SEPA considers that the assessment of a '0' impact against the water environment is accurate but considers that such a policy should deliver a positive impact. For the same reason, SEPA would not consider that the assessment of a positive impact against the Health SEA objective is accurate at present. SEPA advises that to ensure that positive impacts are gained or enhanced for the water, human health and climate change SEA objectives the Policy should be revised to more closely meet the principles of SPP7; again specific advice on this is provided in SEPA's response to the Plan.

6.1.6 Policy 10: SEPA agrees that the policy should have a positive impact against the water, air and contamination SEA objectives, however, slight modifications could be made to ensure that the Plan safeguards existing facilities. Comments on how this could be done are again provided in SEPA's response to the Plan.

6.1.7 Policy 14: SEPA is satisfied with the assessment of this Policy as positive against the sustainable housing techniques, water environment and water abstraction SEA objectives. However, SEPA considers that further amendments can be made to enhance the positive effects; further details on this are provided in SEPA's response to the Plan.

6.1.8 Policy 15: SEPA is satisfied with the assessment of this Policy but considers that amendments can be made to ensure that it also has a positive impact on the water environment SEA objective. Again this is detailed in SEPA's response on the Plan.

6.1.9 Policy 16: SEPA is satisfied with the assessment of this Policy but would welcome clearer information on how the negative impacts will be mitigated. Note the Policy itself refers to Sutherland.

7. Summary of SEA Objectives and their relationship with Plans General Policies (section 7.4)

7.1 This summary is rather weak and would benefit from clarification of the significant impacts and what is being offered in the form of mitigation.

8. Assessment of Plan Allocations (Section 8)

8.1 SEPA welcomes the detailed methodology used to assess the individual allocations and the further interpretation of the questions provided with some of the assessments helped understand the answers provided. In general SEPA is satisfied with the assessments presented in the ER but disappointed that the proposed mitigation is not consistently transferred into the Plan and that accumulative impacts have not been considered. SEPA provides the following detailed comments on the assessment.

8.1.1 Question 7: SEPA notes that the assessment identified that land contamination is an issue for numerous sites in the Plan area. SEPA welcomes the proposal to include in the Plan comments to the effect that 'an assessment of potential contamination issues will be required' as a mitigation measure for the specific allocation, however, this does not seem to have been implemented consistently throughout the Plan. SEPA recommends that this be addressed by way of ensuring that such a comment is include in the description of every allocation to which land contamination has been identified in the ER as an issue. For example, a review of the ER assessments for allocations in Fort William identifies that sites B1, B2/C1, B4/C2, B6, H1, MU1, MU2, MU4, MU5, MU6, MU8, MU9, MU10, MU12, MU14 and MU17 all have land contamination issues yet the requirement in the Plan

for land contamination to be assessed is only provided in the developer requirements for sites B1, B2/C1 and MU9.

8.1.2 Question 21 (flooding): The identification of sites at risk from flooding seems to be under recorded in the ER and the Plan. A full list of those allocations which SEPA considers may be at risk is provided in SEPA's response to the Plan.

Where, based on the best available information at this stage, part of the site is at risk from flooding SEPA considers that the only appropriate mitigation is for the site boundary to be amended to exclude the area at risk and for the Development Requirements to specifically state that a Flood Risk Assessment will be required to demonstrate that the remainder of the proposed site layout can be developed in line with the principles of Scottish Planning Policy 7. Specific proposed wording for this is contained in SEPA's response to the Plan.

Where, based on the best available information at this stage, a whole site or most of a site is at risk SEPA considers that there are only two viable options for mitigation; that the allocation is removed from the Plan or alternatively a more detailed Flood Risk Assessment is carried out at this stage to determine whether the principle of development can be established. If the detailed assessment reveals that part of the site can be developed the mitigation described above should be employed; if not the site should be removed from the Plan.

SEPA recommends that the above mitigation be implemented in line with the above comments.

8.1.3 Question 22 (drainage): SEPA accepts the assessment conclusions, although any proposals for the reuse a brownfield site which is currently developed without SuDS, for example MU11 in Fort William, would actually have the drainage improved by redevelopment with SuDS. SEPA considers that Policy 14 of the Plan, requiring SuDS for all development proposals, is suitable mitigation. It would have been relevant, and helpful, if the assessments had specifically highlighted the fact that there is a specific policy requiring SuDS for all development included in the Plan.

SEPA considers that a revised Policy 14, requiring SuDS for all development proposals, is suitable mitigation for any possible negative impacts and additional comment in the allocation 'Development Requirements' is not required.

8.1.4 Question 23 (physical impacts on watercourses): SEPA is general satisfied that the identification of sites which may have impacts on watercourses has been carried out accurately. SEPA is supportive of the proposed approach whereby a comment on the avoidance of impacts on watercourses is included in the Developer Requirements as mitigation, however, this has not currently been implemented consistently in the Plan. For example, a review of the ER assessments for Mallaig identifies that sites H1, H2, H3 and B1 could all have a physical impact on a watercourse yet the requirement in the Plan for the avoidance of impacts is only provided in the developer requirement for site H1.

Further comments on the exact wording SEPA considers as appropriate for this mitigation are outlined in SEPA's response to the Plan.

8.1.5 Question 24 (waste management): Based on the question being answered based on the proximity to recycling centre SEPA is satisfied with the assessments presented.

8.1.6 Question 25 (public water and sewerage): SEPA is generally satisfied that the assessment of allocations against this question accurately reflects the position for foul drainage, but due to a lack of comment in the table it less clear of the extent of assessment for water supply.

Foul drainage

Many of the allocations can connect to the public sewerage system, however, currently nothing in the Plan, including Policy 7, actually ensures that this mitigation takes place. To ensure that the ability to connect identified in the ER is achieved in the Plan SEPA requests that as indicated previously, Policy 7 is amended.

In addition, the Developer Requirement for each relevant allocation should specify "Connection to public sewer required." Currently this mitigation is not consistently provided in the Plan. For example, a review of the ER assessments for Ardour / Clovullin identifies the following.

Site	Can the allocation be connected to the public water and sewerage system?	Mitigation proposed in the ER	Mitigation included in the Plan
H1	Yes	n/a	n/a
H2	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 3 and 5.	No
H3	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 3 and 5.	Yes
H4	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 4 and 5.	Yes
H5	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 4 and 5.	No
H6	Yes	n/a	n/a
B1	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 4 and 5.	No
B2	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 3 and 5.	No
C1	No	Developer requirement to provide connection to mains sewer system. Consider cross-funding with developer(s) for Sites 3 and 5.	No

SEPA is satisfied with the mitigation proposed but would wish to see it implemented in the Plan.

There are two different types of allocations in the Plan which the ER assessments have identified currently cannot connect to public sewer and actions to ensure connection are not proposed; those in settlements without public infrastructure and those in settlements with public infrastructure but which are remote from the sewered areas.

Allocations proposing private foul drainage provision in settlements that do have public infrastructure

There are a number of allocations in settlements served by a public sewage system but which the assessments suggest cannot connect. For example at Glenelg a total of 65 units are proposed with private drainage provision; in Auchtertyre 50 units. SEPA considers that negative effects against the water environment are likely as a result of allocations such as these. SEPA considers that the most appropriate form of mitigation would be to amend the Plan to ensure connection is achievable.

In the case of Edinbane SEPA notes that all allocations except AH and H can connect to the public sewer. Specifically for these allocations the ER proposes that mitigation takes the form of developer requirement either to extend/upgrade village scheme or for an adequate private scheme. SEPA can confirm that it considers that only the first option – extension of the public system – is acceptable mitigation.

Allocations in settlements that do not have public infrastructure

In the case of allocations with less than 25 units in settlements that do not have public infrastructure SEPA is satisfied that foul drainage arising from them is unlikely to have a significant negative effect on the water environment. As this is the case SEPA is satisfied that no additional mitigation measures are required, apart from a statement in the Developer Requirement to the effect that an environmentally acceptable private drainage system is required.

Water supply

Based on the information provided SEPA is satisfied with the assessment made, however, it is not clear whether the ability to connect relates purely to proximity to an existing connection or whether it considers the availability of the resource.

8.1.7 Question 27 (coastal erosion): SEPA is generally satisfied with the assessment presented although it is noted there are a number of coastal allocations where the question has been answered negatively and it is not clear how they have been considered. For example, SEPA considers that the waterfront development at Fort William (MU10) is likely to affect or be affected by coastal erosion. In addition coastal erosion is highlighted as an issue for allocations MU3 in Portree, MU3 in Dunvegan and MU as South Strome and mitigation in some form is offered in the ER but this requirement is not included in the allocation description in the Plan. SEPA therefore recommends that modifications are made to the Plan to address this.

Question 28 (protection from prevailing wind and opportunity for solar gain): SEPA is satisfied with the mitigation proposed whereby comment on the requirement for shelter planting be provided in the 'Developer Requirements'. However, this mitigation is infrequently actually provided in the Plan.

For example, a review of the ER assessments for Edinbane identifies the following.

Site	Does not offer opportunities for shelter from the prevailing wind?	+ve –ve or n/a	Mitigation proposed in the ER	Mitigation included in the Plan
H1	No	-ve	Developer requirement for	No

			shelter planting on western site boundary	
H2 / H3	No	-ve	Retain/expand shelter planting along SW site boundary	Yes
AH	No	-ve	Developer requirement for shelter planting on western site boundary	No
C	No	-ve	Developer requirement for shelter planting	No
MU	Yes	-ve	Developer requirement to retain planting for shelter	No

8.1.9 Question 29 (air quality): SEPA is satisfied with the assessments against this question. The proposal that only allocations for industrial sites are likely to have significant effects on air quality seems reasonable in the context of the area.

9. Future Development of the Local Plan and SEA (section 9)

9.1 It is not clear from the information provided if the Responsible Authority intends to provide a finalised ER with the finalised Plan.

9.2 If a finalised ER is to be produced SEPA requests that all the issues outlined above are taken into consideration in the redrafting. It would be specifically helpful if amendments made to the Plan as a result of the assessment are highlighted and any other types of mitigation are clearly set out accompanied with the steps required to ensure the actions take place.

9.3 If a finalised ER is not to be produced then the SEA Post Adoption Statement needs to clearly set out the above instead.

10. Relevant Documents for x (Appendix 1)

10.1 SEPA is satisfied that all the relevant documents have been considered. Please note that NPPG 6 and 10 have been replaced by updated Scottish Planning Policy. In addition, please note that since the scoping stage SEPA has a new relevant policy on foul drainage entitled 'Provision of Waste Water Drainage in Settlements' which is available from the SEPA website at <http://www.sepa.org.uk/policies/index.htm> .

11. Scoping Report: Consultation Authorities' comments and council's response (Appendix 2)

11.1 SEPA welcomes the inclusion of a table summarising how the consultation authorities' comments have been taken into consideration in the preparation of the ER. Following a meeting with the Plan team in November 2006 SEPA provided a very detailed written response to a draft allocation assessment by way of its letter dated 24 November 2006 and it would be useful if reference to this was also made.

12. Other issues - Monitoring

12.1 SEPA notes that no information is provided on the monitoring proposals which Schedule 2 of the Regulations require

SNH via SEA Gateway

Dear Mr Stott

WEST HIGHLAND AND ISLANDS LOCAL PLAN – DEPOSIT DRAFT
THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES
(SCOTLAND) REGULATIONS 2004
DRAFT ENVIRONMENTAL REPORT

Thank you for inviting our comments on the Draft Environmental Report, which accompanies the Deposit Draft of the West Highland and Islands Local Plan.

SNH commends the Council for the thoroughness of assessing each site allocation against an environmental checklist, together with all plan policies and objectives against a set of SEA objectives. The consideration of other policy and strategy documents relevant to West Highland and Islands is also quite comprehensive (though with some gaps that we refer to later).

SNH considers however that the Environmental Report should be substantially reconsidered and updated, with possible consequences for the Local Plan itself. Our detailed comments and suggestions are included in the following Annex. The value of the SEA process should be that it helps identify the likely environmental impacts and gives the opportunity to provide mitigation for them. This means that policies are progressed in an open and iterative way, whilst recognising that there may inevitably be negative impacts arising on some of the SEA objectives, but mitigation has been considered as fully as possible.

We have identified some major shortcomings in the Strategic Environmental Assessment process. These include the failure of the Environmental Report to demonstrate fully the assessment of the environmental impacts of the policies, the lack of identified alternatives and their assessment, the absence of properly considered mitigation measures and the lack of provision for monitoring the impacts of the plan on the environment. Baseline information should be useful, relevant and provide the basis for future monitoring. SNH requests clarification on what information is being collected in order to assess whether or not it is adequate.

We would be happy to provide further advice as required and if there are any points which you would like to pursue with SNH, please contact Liz McLachlan (liz.mclachlan@snh.gov.uk) in the first instance.

Yours sincerely



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Annex 1

WEST HIGHLAND AND ISLANDS LOCAL PLAN: SNH COMMENTS ON THE DRAFT ENVIRONMENTAL REPORT

General Comments

From the information contained in the SEA it is difficult to see how the process has informed the Local Plan preparation, other than specific mitigation steps for the effect of site allocations being added to developer requirements. SNH feels that the SEA should establish what impacts the Local Plan will have on the environment, whether these impacts are likely to be acceptable or not, consider alternatives, identify the need for mitigation, and whether there will be residual significant impacts following mitigation. Such a process is not clear in this draft report.

Methodology

SNH is of the opinion that the methodology of using matrices where just one score is provided for the effect of policy or plan objectives on SEA objectives is weak. It should be recognised that they could each have all three of positive, neutral or negative impacts on the SEA objectives depending on the circumstances in which they are pursued. It would be particularly useful if the tables recognised this. It appears that neutral scores have frequently been assigned because an assumption has been made about how a development or a policy might be progressed. However, from the information provided there is no means of understanding the basis of the assumption, and if there is an underlying alternative potential negative impact, the mitigation necessary to avoid this happening cannot be seen to be in place. For example the plan objective to promote renewable energy is scored neutral for landscape character, local distinctiveness, protected species and biodiversity. This is an assumption. In reality the objective could be negative if schemes are poorly sited. However, there is no mitigation in place to ensure negative impacts are avoided. The weakness of the approach is evident by the limited specific discussions of mitigation. For SNH's interests this concentrates rather heavily on the protection of designated sites, which given their statutory status, should almost be taken as a given. In contrast, there is little about mitigation for inevitable wider impacts on biodiversity and landscape. Specific cross-references to policies that safeguarded biodiversity and landscape character would be an improvement. The value of the SEA process is that it helps identify the likely impacts and gives the opportunity to provide mitigation for them. This means that the policies are progressed in the full and transparent knowledge that there may inevitably be some negative impacts arising on some of the SEA objectives, but that mitigation has been considered where possible. By identifying most of the impacts as neutral and therefore dismissing any consideration of the need for mitigation does not allow for this transparent process to take place.

Mitigation

A gap between what has emerged in the process and what has been put in the Draft Local Plan is also seen in Table 5.3 Environmental Problems. This list presumably comes from informal discussions rather than the systematic consequence of the SEA process, and various "lessons" that the Local Plan has adopted are quoted. However there is an information gap here – for example –
"The Local Plan will seek to ensure that land at risk from flooding is not identified as suitable for development" – in fact Table 5.1 shows 22% of site options are at potential flood risk
"Clear cross reference to aquaculture framework plans will be provided" – there is no reference at all in the Local Plan to other plans and strategies

“The Local Plan will seek to ensure that the impact on areas of important peatland cover is fully considered and that such areas are protected where appropriate” – there is no such policy, apart from designated SACs

“The Local Plan will recognise the importance of recreation and tourism and seek to put in place a policy framework which reflects this” – there is no policy for recreation and little said about tourism

“The Local Plan will ensure the key species and habitats promoted through the Local Biodiversity Action Plans are fully considered” – there is no cross reference in the Local Plan to the relevant LBAPs.

SNH makes comments in respect of all but the first of these on the Draft Local Plan. Mitigation at the general as opposed to the site-specific level has not been comprehensively considered in this report.

Monitoring

There is no discussion of monitoring – Section 19 of the SEA Act requires the Council to monitor the significant effects of implementation of the plan. The Council's attention is referred to the Scottish Government's SEA Tool Kit.

Alternatives

SNH regards the report as having inadequate discussion of alternatives – this is mentioned in paragraphs 5.4 and 6.1 but the only alternative discussed is “do nothing”, which is not an option in terms of the requirement for local authorities to have up-to-date local plans. The SEA guidance does state that only reasonable alternatives should be considered, and the Council should not feel obliged to add some contrived alternatives. However two reasonable alternatives that this SEA should consider are –

“high level strategic” alternatives for the location of population growth in the Local Plan area – for example was the option for Lochaber of fewer large land allocations in Fort William with a more short-term move towards new sustainable communities considered, while for Skye was a more centralised policy to draw growth in towards the major settlements of Portree and Broadford considered?

Site allocations which have residual environmental effects should be compared with those that have been dismissed from the Draft Local Plan and details of the comparative reasons why they have been excluded should be documented.

Baseline data

The provision of baseline data is of limited use in its own right. It is not clear from the report how the baseline facts, as for example those listed in Table 5.1 will be used to inform the SEA objectives and then the SEA process. It is important that the relevant information is collected to be able to assess impacts on the objectives – for example, objective 23 to “improve biodiversity, avoiding irreversible losses”. Is the relevant information being collected to enable effective monitoring of the impacts of the policies on the environment in five or so years' time? Paragraphs 4.11 and 5.3 refer to the limitation of baseline data, but it is not clear what the Council is doing to address this, especially for monitoring purposes. For monitoring to be effective, the baseline information has to be useful and relevant. Reference under para 4.3 to “collating and forecasting baseline data” is confusing. It is not clear whether the Council is still in the position of needing to forecast the baseline data it needs to use, at this stage in the SEA process.

Cumulative effects

There is no consideration of possible cumulative environmental effects from the totality of the site allocations or the combined effect of all the various policies. SNH assumes this is partly because all the matrices were done by individual proposal or policy. SNH feels it is necessary to take a “step back” from all these individual matrices and consider the “big picture”, so that it then becomes clearer to see for example, if any habitat or landscape types are being consistently affected by the site proposals or if there is a cumulative effect on the water environment. It would also be helpful to see consideration of whether any policies frequently have a negative

score for a particular SEA objective, or if some SEA objectives languish with few if any positive scores. SNH strongly feels therefore that there is a need for a section on cumulative impact, either as a textual overview or as another combined matrix.

Appropriate Assessment

SNH feels that the decision taken not to progress the requirements of the Habitats Directive in terms of the carrying out of an Appropriate Assessment (see note at foot of Contents page in Draft Local Plan) at the same time as the SEA process was a missed opportunity, which could have been useful in terms of sharing data.

Proposed new communities

It does not appear to SNH that the proposals to develop new communities at Fassfern and Kinloch have been assessed within this SEA report. This means it is not possible at this stage for SNH to appraise the Council's assessment of the likely environmental effects, nor to consider the pros and cons of alternatives for the provision of the required number of housing. This ought to have been included in the "high level strategic" alternatives coverage as noted above.

Detailed points

Non-technical summary

SNH feels this section does not provide a summary of the document as a whole. The three potential negative effects in paragraph 1.7 do not feature explicitly in sections 2-9, although they may arise from the detailed site matrices.

"This procedure looks at the flora and fauna of an area and assesses whether or not these will be negatively or positively affected by development plan proposals" – this implies to SNH that the full breadth of the SEA process has not been considered. The SEA process considers much more than the impacts on flora and fauna.

"The report offers possible mitigation measures should there be potential harm to human, animal or plant life" – again this implies to SNH that the full breadth of the SEA process and the extent of the need for possible mitigation has not been considered.

SNH feels the text here should continue by explaining the extent to which these negative effects can be minimised and mitigated, along with any residual effects.

Introduction and Background

Once adopted this plan will also replace part of the Badenoch and Strathspey Local Plan (adopted September 1997).

Purpose and Local Plan Context

This is headed "The Main Plans and Programmes to be considered" but includes only a small number as examples. SNH feels either the sub-heading should be amended here or additional important plans and strategies should be listed, such as the Landscape Character Assessments and the Community Plans.

Methodology

The SEA process as detailed here was perhaps written up at an early stage and not updated, as there has been no Consultative Draft stage. Similarly the requirement for SEA is now mandatory for all development plans as part of the Environmental Assessment (Scotland) Act 2005 and the Responsible Authority can go straight to the Scoping stage and omit the Screening stage. These bullet points should be revisited and made more applicable to the current process.

The example of mitigation here relates to the protection of key habitats and species, which is the only mitigation highlighted in Table 4.1. Again as noted under 1.1 and 1.2 this does raise the concern that the SEA process is being narrowly interpreted to this issue alone. The protection of designated habitats and protected species should be a "given" for development plans, and so SEA should extend environmental considerations far beyond this.

Table 4.1 – Encourage development and supporting infrastructure at locations which offer economic advantage - it is unclear why this merits a “+” for health;

Table 4.1 – To promote the principles of sustainability, excellence and innovation in the design of buildings and places and the regeneration of communities – a “+” rather than a “0” would have been expected in relation to townscape character.

Table 4.1 – To promote opportunities for maximising development of “renewables” and implementing the Area Waste Plan - this is assessed as neutral (“0”) for landscape character, local distinctiveness, protected species, biodiversity and the appreciation of wild places. However if inappropriately located this objective could result in negative effects, and this SEA should be flagging up the need for plan policies to be robust enough to avoid this.

Table 4.1 – To direct development away from areas susceptible to flood, erosion, subsidence or other risk – it is unclear why “+” rather than “0” scores have been given in respect of landscape character, protected species and biodiversity

Table 4.1 – To promote a development and land use framework which delivers the plans and programmes of the principal service providers and environmental management bodies – the proliferation of “+” scores here is at odds with the absence in the Draft Local Plan of clear references and cross-links to the key plans and strategies relevant to the work of other agencies (e.g. LBAPs, Core Path Plans) and SNH has recommended that this should be rectified.

“It has proved difficult to separate the environmental effects from the socio-economic effects” “Environmental and socio-economic effects often conflict greatly and it will be for the wider planning process to balance the environmental and socio-economic consequences of a development proposal” SNH contends that it is not for the SEA process to consider possible social and economic benefits as outweighing possible environmental impacts. This can be done in a Sustainability Appraisal but not in a Strategic Environmental Assessment. The SEA should consider the possible negative environmental effects of proposals and policies, how these can be mitigated and minimised through modifications and alternatives and what the residual negative environmental impacts of the proposals and policies will be. In the light of this information the Council can consider if the plan is acceptable.

It would be helpful if the SEA Environmental Report identified which allocations and proposals might be subject to EIA further down the line.

Predicted Environmental Baseline and Issues

Table 5.1 It is not clear how the key baseline facts for biodiversity and designated nature conservation sites have been used to consider the possible environmental effects of proposals on the SEA objectives, and how they will be used in the monitoring of the plan’s environmental effects. The only relevance of these to landscape is the recognition of the presence of NSAs in Lochaber and Skye & Lochalsh. The lack of reference to AGLVs and the wider work under Landscape Character Assessments is considered to be an omission.

Map 5.1 It is felt that better quality maps should be included of SSSIs, NSAs, SACs and SPAs in the Local Plan area.

Table 5.3 See general comments under “mitigation” above. It would be useful if a similar table was included later which identified potential environmental problems as a result of the SEA analysis and how mitigation was included in the Draft Local Plan, and what the residual impacts will be.

Local Plan Strategic Alternatives

See general comments under “alternatives” above. Paragraphs 6.2 and 6.3 would appear to be better moved to the next section.

“The Environmental Report will identify the likely significant effects of the Plan” (paragraph 6.2) – This raises concerns over the approach of the Council to SEA, as it implies this is a later stage and has not been an integral and indeed early process in the Plan’s preparation, informing it as it has gone along. The Environmental Report

must do more than identify effects – it should look to mitigate them and report on any reasonable alternatives and how these have been comparatively assessed.

SEA Objectives and Plan General Policies Compatibility

Matrices for Policies 1-18 – please refer to “methodology” in the general comments above. It would be more transparent if it were acknowledged that policy impacts on the SEA objectives could be negative, neutral or positive in some cases, and mitigation added for those situations where a possible negative effect was identified. This is particularly relevant for Policies 1, 3 and 16.

Policy 1 (Settlement Development Areas) could have a negative effect on landscape character, local distinctiveness, open space provision and biodiversity, but these are all scored as neutral effects – likewise for Policy 3 (Wider Countryside) and Policy 16 (Housing in the Countryside). It is important to understand how negative effects will be avoided and whether other policies are sufficiently robust to achieve this.

Policy 5 (Affordable Housing) – a neutral effect has been scored for the SEA objective of “retain and improve the quality and quantity of publicly accessible open space”, but it is not clear how this conclusion has been reached.

Policy 11 (European Protected Species) – the “++” scores for Protected Species and Appreciation of Wildlife should be reduced to “+” in view of the need to strengthen this policy (see Comments on Draft Local Plan).

Policy 12 (Article 10 Features) – this policy could be scored “+” for climate change, since wildlife corridors are intended to allow species to migrate in the face of climate change effects on habitats.

Policy 13 (Scheduled Species) – the “++” scores for Protected Species and Biodiversity should be reduced to “+” in view of the need to strengthen this policy (see Comments on Draft Local Plan).

Policy 16 (Housing in the Countryside) – there is reference in the quote of this policy to the Sutherland Local Plan which needs to be deleted. More significantly this policy differs from that in the Draft Sutherland Local Plan by virtue of the additional provision for new townships, with possible locations specifically identified in Lochaber. However the matrix scoring is identical to that for Policy 16 of the Draft Sutherland Local Plan. Assurance is needed that the policy as would be applied in this Local Plan area has been assessed, including for the locations identified as possible new townships. Some of these are located in National Scenic Areas or close to Marine SACs. As noted earlier, a more rigorous assessment is required with regard to possible impacts on landscape character, local distinctiveness and biodiversity. The possible mitigation of negative effects is very generic, and may need to be more specific with regard to new township developments, particularly where possible locations are being identified in the policy.

This paragraph is very short for what should be a key part of the SEA. It is agreed that Policies 1, 3 and 16 are the key policies to consider their environmental effects in more depth (including cumulatively – see general comments above) and to consider possible mitigation. More negative effects are considered likely, including where there may be negative/neutral/positive effects combined on particular SEA objectives. The mitigation that is suggested is not considered very realistic for houses in the countryside (walking/cycling/public transport as regards inaccessibility and recycling centres for waste management), while nothing is said about landscape character, local distinctiveness and biodiversity.

Assessment of Plan Allocations

This should be informed by a consideration of the various settlements, and their proposed boundaries and allocations. Alternatives should be considered where any conflicts are identified.

Future Development of the Local Plan and SEA

See general comments under “monitoring” above. This is not mentioned at all here, which is perhaps an error.

Also not mentioned here, is a proposed Action Programme (see foot of Contents page of Draft Local Plan). This is an omission. Clarification is required on whether the Action Programme will require a separate SEA or whether this SEA will cover it.

Appendix 1 – Relevant Plans, Programmes and Strategies

Although the list is comprehensive, there are still some omissions, e.g. –

Conservation (Natural Habitats &c) Regulations 1994 (as amended) – in particular the introduction of Part IVA with regard to the appropriate assessment of land use plans

European Landscape Convention

Natural Heritage Futures – SNH documents

Wildness in Scotland's Countryside – SNH policy paper (although covered to a degree by proposed Remote Landscapes of Value for Recreation)

Scotland's Scenic Heritage – NSA qualities and objectives – to be updated shortly with new SNH work – refer also to NSA requirements as introduced by Planning Etc (Scotland) Act 2006

Community Plans for Lochaber and Skye & Lochalsh

The Rum Village Development Plan

European Protected Species document – this refers to licence requirements, but this should be a last resort, with other mitigation sought first in order to avoid the need for a licence

Habitats and Birds Directives – the wording is not correct with regard to the requirements of the Conservation (Natural Habitats &c) Regulations 1994 as amended – need to ascertain that there will not be any adverse effect on the integrity of European sites – this can be indirect as well as direct – see suggested policy wording in Local Plan for Policy 4.3

UK BAP – the last column needs to be reflected in the Local Plan through appropriate policies and cross-references

Land Reform (Scotland) Act – the Plan should have more regard to access, e.g cross references to Core Path Plans and additional general policy for access

Scotland's Biodiversity Strategy - the last column needs to be reflected in the Local Plan through appropriate policies and cross-references

Scottish Executive Locational Framework for Fish Farms – the last column does not really capture the Local Plan requirements for fish farming now under SPP 22 and this needs to be referred to in the Local Plan, with cross references to Aquaculture Framework Plans

NPPG 6 – now replaced by SPP 6; important consequences in terms of the need for a spatial framework for windfarms >20 MW

NPPG 10 – now replaced by SPP 10

NPPG 11 – now replaced by SPP 11; need to reflect in terms of audit and strategy for open space

NPPG 13 – last column – coastline classification has not, it is understood, been included in the Deposit Local Plan. There is a need to make reference to this in the context of the forthcoming Highland-wide Local Development Plan

NPPG 14 – Draft SPP 14 has not yet been published

SPP 11 – last column – to what extent has the Deposit Local Plan taken into account the guidance of this SPP in terms of open space provision and protection?

Highland Renewable Energy Strategy – the last column does not seem to accurately encapsulate what HRES means for Local Plan policy – it offers a spatial strategy for some renewable energy technologies with policies against which actual proposals will be assessed

Core Path Plans – do the Local Plans pick up what is said in the last columns? More cross-referencing to Core Path Plans is recommended.

Glen Nevis Partnership Strategy – clear cross reference needed in Local Plan to this

Aquaculture Framework Plans - clear cross reference needed in Local Plan to these

Local Biodiversity Action Plans - clear cross reference needed in Local Plan to these

The Nevis Strategy - clear cross reference needed in Local Plan to this

Landscape Character Assessments - clear cross reference needed in Local Plan to these

Council's Responses to Opinions of Consultation Authorities on Deposit Draft 2007 and Pre-Deposit Draft 2008

ENVIRONMENTAL REPORT (ER) - STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

Policy or Text	Council's "Decision"
General	ADD more "plain English" commentary and graphics to better explain SEA and Plan decision making process to lay person especially how seemingly better (in SEA terms) sites have not always been preferred over others. Specifically, ADD reasoning for new community site selection. AMEND Plan timetable and process including reference to new documents such as Action Programme. All the above will make the Environmental Report a more readable and understandable document.
General	ADD clarification that SEA addresses built and cultural heritage as well as natural heritage. This will reflect the spirit and detail of SEA legislation.
Purpose and Local Plan Context	Confirm ADDITION of references to other plans and landscape character assessments. The section has already been updated for the augmented ER that accompanied the Pre-Deposit Draft but further updates will be included as available.
SEA Site Matrices	Confirm ADDITIONS and ADD new factual corrections where environmental impacts missed. ADD new matrices for new sites. REJECT suggestion for matrices for LT sites. These changes will be consistent with the approach followed to date. LT sites are not intended for development within the current Plan period and have therefore not been given developer requirements. Planning applications for their development within the Plan period would not be welcomed by the Council. They are shown merely to ensure that potential servicing and other connections to them are not prejudiced in the short term.
Appendices	Confirm ADDITIONS and ADD to update references to related policy, guidance and advice - e.g. Memorandum of Guidance and SEPA letter of 24 November 2006. The section has already been updated for the augmented ER that accompanied the Pre-Deposit Draft but further updates will be included as available.
Screening	Confirm DELETION of references to screening. The legislative requirement has now been dropped.
Table 4.1 Matrix of Plan Objectives to SEA Objectives	ADD list of assumptions made in scoring - e.g. that the Plan's policies will be implemented and that "average current practice" developer mitigation will be secured. ADD explanation that enhanced mitigation will be sought as a result of SEA and examples of that mitigation. AMEND scoring so that: positive or negative scores are attributed to "Infrastructure" Plan objective for SEPA SEA objectives; positive scores are recorded for the "Environmental Limits" objective; positive scores are recorded for the "Directing development" objective; positive score is

	<p>recorded for “sustainability and innovation” for natural heritage; negative score for “renewables” for natural heritage; neutral score for “flood risk avoidance” for natural heritage, and; neutral score for “promote other plans” for natural heritage.</p> <p>REJECT suggestion that concentrating development in accessible locations does not benefit human health.</p> <p>The above changes have been raised by the consultation authorities and would reflect a more accurate scoring assessment.</p>
SEA of Strategy/Vision	ADD new/updated SEA site matrices for confirmed major proposals - e.g. Torlundy, Leanachan and Kilbeg. These significant proposals require a justification that has been tested through the SEA process.
Baseline Data	ADD/AMEND data or links to data where updates available. ADD AGLVs and landscape character assessments to baseline data. ADD cross reference to better mapping of features within Plan documentation. It is appropriate to include or cross-reference new and/or relevant data when it becomes available or known to the Council.
Strategic Alternatives	Confirm ADDITION of site matrices within and rejected from previous Plan drafts. ADD matrices for newly rejected sites. Confirm and update ADDITION of expanded commentary. Further augmentation is appropriate.
SEA Site Matrix Questions	Confirm DELETION of social and economic questions but REJECT further suggested changes. The questions need to be applied consistently through the process and therefore changes mid-process would not be appropriate. It may be possible to refine questions for future plans. The suggested deletion of the “wild land” question would downgrade the importance of the topic and remove its potential relevance to future plan allocations. The suggested addition of a loss of good croft land question would only blur the distinction between environmental, social and economic issues.
Matrices of General Policies to SEA Objectives	AMEND scoring to reflect how consideration of the environmental effects of the draft general policies has led the Council to recommend/make changes to offer better mitigation of those effects. ADD fuller summary of scoring and mitigation assumptions. ADD examples of mitigation that will be incorporated in changes to the Pre-Deposit Draft. It is accepted that a listed set of assumptions and mitigation will make the matrices more meaningful.
Monitoring	ADD reference to monitoring data and indicators if/when provided by consultation authorities.
SDA SEA Matrices	REJECT suggestion. The large number of SDAs and the potential variety of development proposals and locations that could be supported within them makes assessment impracticable. However, additional consideration of cumulative effects and mitigation is recommended below.

Paragraph 4.12 - Social and Economic Considerations	DELETE reference to balancing social and economic factors in para. 4.12.
Cumulative and Residual Effects	ADD paragraph on consideration of cumulative and residual effects. Highlight policies and proposals most likely to generate negative cumulative effects and proposed mitigation. List likely residual effects. REJECT suggestion that cumulative impact on the trunk road network of further development is a local plan SEA issue. Any cumulative impact of new trunk road accesses is more closely connected to road safety than environmental considerations.
Badenoch and Strathspey	Confirm ADDITION of references to Badenoch and Strathspey area.