

EAST AYRSHIRE COUNCIL

CABINET – 21 JANUARY 2009

SUSTAINABLE DEVELOPMENT STRATEGY

Report by Executive Director of Neighbourhood Services

1. PURPOSE

- 1.1 To provide Cabinet with a progress report on the development of the East Ayrshire Sustainable Development Strategy (SDS) and to seek Cabinet's approval to adopt the finalised Sustainable Development Strategy and to approve proposals for publication of the finalised Sustainable Development Strategy.

2. BACKGROUND

- 2.1 In September 2006, the Corporate Management Team identified the requirement for East Ayrshire Council to develop a Sustainable Development Strategy, which will promote an integrated approach to sustainability across all Council Departments.
- 2.2 Corporate Management Team identified that key themes to be incorporated within the Sustainable Development Strategy are Waste, Energy Efficiency, Sustainable Procurement and Biodiversity.
- 2.3 A Sustainable Development Working Group (SDWG) was established and tasked with developing the Sustainable Development Strategy. All Council Departments were represented in the structure of the working group.
- 2.4 The SDWG identified that as the Sustainable Development Strategy will directly impact environmental considerations, the requirement to complete a Strategic Environmental Assessment (SEA) as per the Environmental Assessment (Scotland) Act 2005 was required.
- 2.5 In full compliance with the requirements of the Environmental Assessment (Scotland) Act 2005, screening and scoping exercises were instructed pre the development of the draft Sustainable Development Strategy and Environmental Report.
- 2.6 At its meeting on 27th August 2008, Cabinet granted approval to proceed with a period of public consultation for the draft Sustainable Development Strategy and accompanying Environmental Report. The consultation period ran from 22 September 2008 until 2nd November 2008.

3. DISCUSSION

- 3.1 The three Consulting Authorities, namely Historic Scotland, The Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage each submitted comments on the draft Environmental Report. No comments were received on the draft Sustainable Development Strategy. The wider public consultation did not generate any comments.
- 3.2 As required by section 18 (1) (a)(iii) of the Environmental Assessment (Scotland) Act 2005, Council is required to publish a “statement” (hereinafter referred to as an Strategic Environmental Assessment Statement) to accompany the adopted Sustainable Development Strategy as soon as reasonably practical after the adoption of the Sustainable Development Strategy. The contents of the Strategic Environmental Assessment Statement are specified by Section 18(3) of the Act, which are as follows:
- (a) how environmental considerations have been integrated into the plan or programme
 - (b) how the environmental report has been taken into account
 - (c) how the opinions expressed in response to the invitations mentioned in Section 16 have been taken into account
 - (d) how the results of any relevant consultation under regulation 14 of the Environmental Assessment of Plan and Programmes Regulations 2004 (SI 2004/1633) have been taken into account
 - (e) the reasons for choosing the plan or programme as adopted, in light of the other reasonable alternatives considered; and
 - (f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme
- 3.3 The results of the Strategic Environmental Assessment, which are detailed in the Environmental Report, are required to be taken account when finalising the Sustainable Development Strategy. However, it should be noted that although the environmental assessment must be taken into account when making the decision on the final content of the Sustainable Development Strategy, the Sustainable Development Strategy does not necessarily need to take on board any of the recommendations that have been made in the Environmental Report or during the consultation process. However, it is vital that Council show how the Environmental Report and consultation responses have been taken into consideration even if they do not lead to any changes in the Sustainable Development Strategy.
- 3.4 The Sustainable Development Strategy Strategic Environmental Assessment Statement outlines the consultation responses and the environmental considerations which have been taken into account during the development of the finalised Sustainable Development Strategy.
- 3.5 Once adopted, the implementation of the Sustainable Development Strategy and Action Plan will be assigned to the SDWG. The intention is to reform this Group as soon as is practically possible following adoption of the Sustainable

Development Strategy and the group will be tasked with reporting progress to Corporate Management Team on a regular basis thereafter.

3.6 As a signatory to the Scottish Climate Change Declaration, East Ayrshire Council has a range of requirements to fulfil, such as the development of an Action Plan and the publication of an annual monitoring statement. All Climate Change obligations will be fulfilled through the delivery mechanisms of the Sustainable Development Strategy.

3.7 Of key relevance to the development/adaptation of Council plans, programmes and strategies is the requirement for Council Services to undertake Strategic Environmental Assessment in order to comply with the requirements of the Environment Assessment (Scotland) Act 2005. Strategic Environmental Assessment is required if policy direction is likely to have a significant environmental impact. The Sustainable Development Strategy Action Plan highlights the requirement to develop specific guidance/training for Services in this respect.

4. POLICY IMPLICATIONS

4.1 The Sustainable Development Strategy will ensure that a consistent approach to sustainability will occur throughout Council operations. The Sustainable Development Strategy will strongly influence and be influenced by the Community Planning process and will impact on the core themes of the Community Plan and the Single Outcome Agreement for East Ayrshire. Adoption of the Sustainable Development Strategy, and the implementation/monitoring of its resultant actions will ensure that sustainability considerations are a prime motivator in Council activities.

5. LEGAL IMPLICATIONS

5.1 Nil

6. FINANCIAL IMPLICATIONS

6.1 Nil

7. CONCLUSIONS

7.1 Subject to Cabinet approval the Sustainable Development Strategy and Environmental Report shall be formally adopted by the Council. A Public Notice will be released in early February 2009 with hard copies of the documents being made available at Council Headquarters and at the Lugar Offices as well as being placed on the Council website. It is proposed to place the Public Notice within the Kilmarnock Standard, its associated publications and the Cumnock Chronicle.

8. RECOMMENDATIONS

8.1 The Cabinet is asked to:

- (i) approve the modifications to the finalised Environmental Report as highlighted in Appendix A;
- (ii) approve the responses to the comments received to the Consultative Draft Environmental Report , which are contained within the Strategic Environmental Assessment Statement in Appendix B;
- (iii) formally adopt the Sustainable Development Strategy and accompanying Environmental Report as amended by 8.1(i) above;
- (iv) approve the proposed publication details for the placing of a Public Notice in the local press and agree the lodgement of final documentation at Council offices and on the Council website, all in accordance with the advertising requirements of the Environmental Assessment (Scotland) Act 2005;
- (v) note the relevance and requirement for Strategic Environmental Assessment in future policy direction;
- (vi) otherwise note the content of this report.

William Stafford
Executive Director of Neighbourhood Services

6 January 2009
CMCA/DG/LS

LIST OF BACKGROUND PAPERS

1. East Ayrshire Sustainable Development Strategy
2. Sustainable Development Strategy Environmental Report
3. The Sustainable Development Strategy Strategic Environmental Assessment Statement

Any person wishing to inspect the background papers listed above should telephone 01563 554876 and ask for Chris McAleavey, Head of Housing.

Implementation Officer: chris.macaleavey@east-ayrshire.gov.uk

Appendix A

Modification Schedule for proposed changes to draft Environmental Report

Proposed Amendment	Justification
Appendix B: Scottish Planning Policy 23: Planning and the Historic Environment supercedes and consolidates National Planning Policy Guidelines NPPG18 : Planning and the historic Environment and NPPG5 : Archaeology and Planning	As advised by Historic Scotland ref Strategic Environmental Assessment 002 (i) in Strategic Environmental Assessment Statement 34
Baseline Data: Remove reference to “Outstanding” Conservation Areas as all Conservation Areas have same status for environmental assessment purposes. Amend 9 gardens to 8 gardens as Barskimming is not listed in the Inventory of Gardens and Designed Landscapes	As advised by Historic Scotland ref Strategic Environmental Assessment 002 (j) in Strategic Environmental Assessment Statement
Amend date detailed in section 1.8.2 to reflect date responses received by Consulting Authority to Scoping Report. Duly amended to 10 th December 2008	As advised by Historic Scotland ref SEA 002 (k) in Strategic Environmental Assessment Statement
Amend assessment methodology statement to reflect refined Strategic Environmental Assessment model as developed by East Ayrshire Council, and as agreed and submitted to Consulting Authorities as per the draft Leisure and Cultural Strategy and accompanying Environmental Report.	Clarification of assessment methodology statement requested by Historic Scotland as per Strategic Environmental Assessment 002 (o) in Strategic Environmental Assessment Statement. When the Sustainable Development Strategy and draft Environmental Report were submitted to the Gateway the assessment methodology applied was newly developed by East Ayrshire Council in order to deal with the assessment of “higher level” strategy development. As such the Consulting Authorities were invited to participate in and comment on refinements to this methodology assessment. This occurred subsequent to the Sustainable Development Strategy submission, and the finalised version is being substituted into the final Environmental Report.

APPENDIX B

**East Ayrshire Sustainable
Development Strategy**

**Strategic Environmental
Assessment**

SEA Statement

December 2008

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1. INTRODUCTION

- 1.1 This document is the Strategic Environmental Assessment Statement for the adopted East Ayrshire Council Sustainable Development Strategy. The Sustainable Development Strategy provides a focus to East Ayrshire Council's own economic, social and environmental performance; to provide leadership, commitment and direction to our partners, stakeholders, businesses and individuals regarding the integration of sustainable development through the principles of Best Value; and to ensure efficient and consistent deployment of resources through the actions associated with the four key themes as presented in the strategy.
- 1.2 Section 18(1)(a)(iii) of the Environmental Assessment (Scotland) Act 2005 requires the Council to publish a 'statement' (hereafter referred to as an SEA Statement) to accompany the adopted Sustainable Development Strategy, as soon as reasonably practical after adoption of the Sustainable Development Strategy. The contents of the SEA Statement are specified by Section 18(3) of the Act, which are as follows:
- (a) how environmental considerations have been integrated into the plan or programme;
 - (b) how the environmental report has been taken into account;
 - (c) how the opinions expressed in response to the invitations mentioned in section 16 have been taken into account;
 - (d) how the results of any relevant consultation under regulation 14 of the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633) have been taken into account.
 - (e) the reasons for choosing the plan or programme as adopted, in light of the other reasonable alternatives considered; and
 - (f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.
- 1.3 The structure of this SEA Statement has been developed to reflect the requirements of the Act and the format for the statement is as follows:
- **Background:** A summary of the development of the East Ayrshire Sustainable Development Strategy and the SEA process
 - **Environmental Considerations:** A description of how environmental protection objectives informed the Sustainable Development Strategy, how the environmental report was taken into account and how mitigation identified in the Environmental Report and during the finalisation of the Sustainable Development Strategy has been included to prevent, reduce or offset adverse impacts and to enhance positive impacts.
 - **Consultation:** How consultations responses were taken into account during the SEA process and during the finalisation of the Sustainable Development Strategy.
 - **Selecting the Plan:** How the Sustainable Development Strategy was adopted in light of reasonable alternatives.

- **Monitoring:** The measures that are to be undertaken to monitor the implementation of the Sustainable Development Strategy and any unforeseen environmental effects that it may have.

1.4 There was no transboundary consultation required under regulation 14 of the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

2. BACKGROUND

2.1 East Ayrshire Sustainable Development Strategy

2.1.1 The East Ayrshire Sustainable Development Strategy has been prepared by East Ayrshire Council in direct response to an action highlighted within East Ayrshire Council's Audit of Best Value and Community Planning in September 2006. This publication stated "Sustainability: better mainstream sustainable development across Council services to achieve required outcomes."

2.1.2 The main objective of the Sustainable Development Strategy is to develop a document which will provide the cohesive framework to deliver actions relating to the four key themes of sustainable procurement, energy efficiency, waste and biodiversity. The key themes are as identified by Corporate Management Team. The Sustainable Development Strategy and Environmental Report were adopted by East Ayrshire Council on 21 January 2009 and are available for viewing on the Council's website: www.east-ayrshire.gov.uk.

2.1.3 Through its action plan, the Sustainable Development Strategy establishes a series of baselines which will provide a focus for environmental considerations; aims to ensure consistency of approach across departments; and, will encourage cross –service consultation and discussion. These processes in line with the requirements of Best Value will ensure that all Services operate in a cohesive manner and deliver a co-ordinated approach to the sustainability agenda to achieve improved outcomes.

2.2 SEA Process

2.2.1 East Ayrshire Council, as a responsible authority, determined that the Sustainable Development Strategy would be subject to an SEA as it was likely to have significant effects on the environment. SEA is fundamental component of Sustainable Development and is highly focussed on protecting and enhancing the environment. It allows decision makers to take on board the likely significant environmental impacts of the Plan, Programme or Strategy (PPS) during the preparation of the PPS and before the adoption of the PPS. SEA also gives opportunities to the public to comment on the environmental impacts of the PPS thereby increasing transparency and openness in the decision-making process.

2.2.2 The SEA of the Sustainable Development Strategy fully complies with the provisions of the Environmental Assessment (Scotland) Act 2005. It also takes on board the guidance contained within the Scottish Governments SEA Toolkit.

2.2.3 The main components of SEA are obtaining baseline information; identifying the potential environmental impacts arising from the implementation of the Sustainable Development Strategy, identification of reasonable alternatives and their potential environmental impacts, propose mitigation measures for any adverse impacts; incorporation of consultation responses on scoping and on the draft Sustainable Development Strategy and the establishment of monitoring measures. The Environmental Report and this SEA Statement provide a written, transparent and open account of the process.

2.2.4 To date, the SEA of the Sustainable Development Strategy has included:

- Giving due consideration to the comments that the Consultation Authorities (SNH, SEPA and Historic Scotland) regarding the scope and level of detail of the information to be included in the Environmental Report;

- The preparation of an Environmental Report which provides a written commentary on the assessment process, which included:
 - Collation of baseline environmental data;
 - Establishment of the current state of the environment in East Ayrshire;
 - Links between the Sustainable Development Strategy and other relevant PPS, policies and taking into account the environmental protection objectives established at international, European and National levels;
 - Identification of existing environmental issues and problems;
 - Identification and assessment of reasonable alternatives;
 - Assessment of the Sustainable Development Strategy;
 - Identification of mitigation measures to prevent, reduce or offset any adverse environmental impacts;
 - Establishment of monitoring measures to ensure that any unforeseen environmental impacts are identified and mitigated if necessary.

- Consultation on the draft Sustainable Development Strategy and Environmental Report;
- Taking account of the findings of the Environmental Report and consultation responses when making the final decision on the content of the Sustainable Development Strategy
- Providing a commitment to monitor the significant environmental impacts of the implementation of the Sustainable Development Strategy

3 Environmental Considerations

3.1 The core purpose of SEA is to take due cognisance of the environmental impacts of the PPS during the decision-making process. The SEA Statement is required by Sections 18(3) (a) and (b) of the Act to demonstrate how environmental considerations have been integrated into the Sustainable Development Strategy and how the Environmental Report has been taken into account. Therefore, this section of the SEA Statement details how the environmental information that has been gathered and used in the assessment process and how the results of the assessment, as presented in the Environmental Report, have been used to inform the adopted Sustainable Development Strategy.

3.2 Addressing the Environmental Considerations

3.2.1 The SEA process is an iterative process which allows the Council to highlight and address environmental considerations throughout the SEA process, but especially at scoping, Environmental Report and prior to adoption. After the preferred option for the PPS has been selected from the reasonable alternatives, the SEA process directly informs the development of the PPS by: setting the SEA environmental objectives and during the environmental assessment of the PPS.

3.2.2 Furthermore, SEA allows for the identification of international, European and national environmental protection objectives at an early stage in the development of the PPS. The difference between the environmental protection and objectives and the SEA objectives is that the SEA objectives are developed to provide a basis against which the environmental impacts of the PPS will be assessed against. Along with the establishment of baseline environmental data and a detailed understanding of the current state of the environment, the SEA objectives provide a benchmark or aspiration for the Sustainable Development Strategy to achieve. The SEA process allows for the PPS in question to be developed and where necessary revised, to enable it to achieve the SEA objectives.

3.2.3 Therefore, the environmental assessment undertaken on the draft Sustainable Development Strategy is an open, transparent and objective method to demonstrate how environmental considerations have been integrated into the plan, and identifies and addresses the environmental impacts that have been identified for the draft Sustainable Development Strategy. The significance of these impacts is a professional judgement based on the SEA objectives, baseline environmental data and the current state of the environment. As previously mentioned, the environmental assessment of the Sustainable Development Strategy should, where necessary and appropriate, indicate where mitigation measures are needed to prevent, reduce or offset any adverse impacts that the implementation of the Sustainable Development Strategy may have.

3.2.4 The results of the environmental assessment, which are detailed in the Environmental Report, are required to be taken into account when finalising the Sustainable Development Strategy. However, it should be noted that although the environmental assessment must be taken into account when making the decision on the final content of the Sustainable Development Strategy, the strategy does not necessarily need to take on board any of the recommendations that have been made in the Environmental Report or through the consultation process. However, it is vital that the Council show how the Environmental Report and consultation responses have been taken into consideration even if they do not lead to any changes in the plan.

3.2.5 Table 1 below sets out how the environmental considerations and assessment results, populated under the environmental issues that were scoped into the assessment process, have been taken into account in the adopted Sustainable Development Strategy.

Table1: How the Environmental Considerations and Assessment Findings have been integrated in the Adopted Sustainable Development Strategy

Environmental Considerations and Findings From the Environmental Assessment	Integrated into plan	How integrated// taken into account or reason for not being taken into account.
Biodiversity, Flora and Fauna		
<p>The strategy places special emphasis on ensuring that the biodiversity of East Ayrshire are conserved and enhanced in line with the recommendations as detailed within the Ayrshire Local Biodiversity Action Plan (LBAP). The Sustainable Development Strategy seeks to ensure that there are no irreversible losses of designated sites or species within East Ayrshire.</p> <p>The implementation of the Sustainable Development Strategy will have a positive impact on biodiversity, natural heritage and landscape considerations within East Ayrshire</p>	Yes	<p>The development of a Biodiversity officer working group which will comprise suitable “expert” opinion across Council will ensure that biodiversity is a key consideration within Council activities. It is envisaged that this officer group will be led by the Council’s Countryside Development Manager.</p>
Population		
<p>The implementation of the Sustainable Development Strategy is not considered to have direct or significant impact on the overall quality of life for East Ayrshire’s population.</p>	No	<p>The Sustainable Development Strategy will not directly benefit the population of East Ayrshire, However, sustainable considerations and actions contained within a wide ranging of Council plans, programmes and strategies will influence the overall quality of life achieved.</p>
Human Health		
<p>Changes to air quality and to climate within East Ayrshire will impact upon human health. The Sustainable Development Strategy will have a major influence on the integration of air quality and climatic considerations into Council plans, programmes and strategies</p>	Yes	<p>The expansion of a Cabinet portfolio to include responsibility for sustainable development, the intention to reaffirm Council commitment to the Scottish Climate Change Declaration, and the inclusion of sustainability as a key consideration within Committee reporting formats will ensure that impacts upon human health and other key environmental attributes are considered in Council activities.</p>
Soil & Water		
<p>As it is not envisaged that there will be direct impacts on soil or water, potential impacts such as increased flooding risks or</p>	No	<p>Although the Sustainable Development Strategy will not directly impact upon soil and water, these environmental considerations will</p>

contaminated land are to be considered alongside climatic factors		feature within climatic assessment thereby ensuring that, appropriate sustainable recognition is contained within a wide ranging of Council plans, programmes and strategies.
Air & Climatic Factors		
<p>The Council's obligations as a signatory to the Scottish Climate Change Declaration will be implemented through the delivery of the Sustainable Development Strategy.</p> <p>The strategy will seek to reduce the amount of greenhouse gas emissions arising from Council activities and will endeavour to adapt and mitigate against greenhouse gas emissions.</p>	Yes	By extending the portfolio of a Cabinet member to include responsibility for sustainability; by ensuring that sustainability is a consideration in committee decisions; by increasing awareness, training and expertise in the implementation of Strategic Environment Assessment throughout Council operations, Council has clearly demonstrated its intention to place sustainability as a key consideration in its decision making.
Cultural Heritage & Landscape		
<p>Although sustainable considerations such as choice of materials to be used in conservation activity will be actioned or influenced by East Ayrshire Council both directly and indirectly, the strategy will not directly impact on the protection, enhancement or preservation of the cultural heritage of East Ayrshire.</p> <p>Impacts associated to cultural heritage and landscape will be assessed alongside biodiversity, flora and fauna and climatic factors.</p>	No	Although not included within the assessment model, it is to be expected that through lower tier plans, policies and strategies, any impacts either positive or negative on East Ayrshire's cultural heritage and landscape will be fully considered.
Material Assets		
The strategy will have direct impacts on cross Departmental activity and will have significant impact on future plan, policy and strategy development.	Yes	Performance indicators will be developed/utilise by the Sustainable Development Working Group to measure/monitor Council performance in this area.

4. Consultation

- 4.1 Public consultation is an important and integral part of the SEA process and Article 6(2) of the Directive 2001/42/EEC of the European Parliament and Council states that the public “shall be given an early and effective opportunity” for consultation. SEA, therefore, ensures transparency by taking into account and responding to comments received from the public and the Consultation Authorities.
- 4.2 Section 18(3)(c) of the Act requires the SEA Statement to demonstrate “how the opinions expressed in response to the invitations mentioned in section 16 have been taken into account”. Section 16 of the Act identifies the Environmental Report and the qualifying plan to which it relates, in this case the draft Sustainable Development Strategy, as the relevant documents to consult the Consultation Authorities and the public on.
- 4.3 The draft Sustainable Development Strategy and Environmental Report were subject to public consultation for a period of 6 weeks between 22 September and 2nd November 2008. This consultation period forms the consultation period required by Section 16 of the Act. No responses from the public in relation to either the draft Sustainable Development Strategy or to the Environmental Report were received. The report to the Cabinet on 21 January 2009 provides the Council’s responses to the issues raised by the Consultation Authorities on the Environmental Report.
- 4.4 The report to Cabinet also details the responses received in relation to the draft Sustainable Development Strategy itself and makes recommendations on how these comments should be incorporated into the final Sustainable Development Strategy. The comments received on the Environmental Report were also taken into account when deciding if modifications to the Sustainable Development Strategy were required.
- 4.5 Table 2 below sets out the comments made on the Environmental Report and the Council’s response on how these matters would be taken forward or require changes to the Sustainable Development Strategy and Environmental Report.

Table 2: Consultation responses received on the Environmental Report and how these have been taken into account when finalising the Sustainable Development Strategy

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	Scottish Environment Protection Agency, per Lorna McLean, Senior Planning Officer, SEPA Corporate Office, Erskine Court, Castle Business Park Stirling, FK9 4TR	
SEA 001(a)	I refer to your Environmental Report consultation submitted under the above Act in respect of the East Ayrshire Council Sustainable Development Strategy. This was received by SEPA via the Scottish Government SEA Gateway on 18 September 2008.	Noted.
SEA 001 (b)	SEPA is satisfied that the Environmental Report has in general taken into account the issues raised in SEPA's scoping response of 4 December 2007. It is understood that the assessment of the strategy has now changed and will use the method used to assess the East Ayrshire Open Space Strategy. The aim of the strategy is to achieve a sustainable community within East Ayrshire thus as shown in the assessment the strategy is expected to have an overall positive significant environmental impact. SEPA is satisfied with the revised approach to assessment and it is not expected that it will significantly alter the overall assessment results.	The comments of SEPA are welcomed and noted.
SEA 001 (c)	Please note this response is in regard to the adequacy and accuracy of the Environmental Report	Noted.

SEA 001 (d)	<p>As the Strategy is finalised, East Ayrshire 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 a "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.</p> <p>If you wish to discuss anything in this response please do not hesitate to contact me on 01355 574302 via SEPA's SEA Gateway at sea.gateway@sepa.org.uk.</p>	<p>The comments of SEPA are noted. Once the Sustainable Development Strategy has been adopted, the Council will produce a Post Adoption Statement/SEA Statement in line with the requirements of the Environmental Assessment (Scotland) Act 2005. The statement will be sent to SEPA via the SEA Gateway.</p> <p>Noted.</p>
SEA 002	<p>Historic Scotland, per Alistair McKenzie, Senior Strategic Environmental Assessment Officer, Longmore House, Salisbury Place, Edinburgh, EH9 1SH</p>	
SEA 002 (a)	<p>Thank you for consulting Historic Scotland on the East Ayrshire Council's Sustainable Development Strategy (SDS) which was received in the Scottish Government's SEA Gateway on 18 September 2008.</p>	Noted.
SEA 002 (b)	<p>I have reviewed the Environmental Report on behalf of Historic Scotland and should make clear that this response is in the context of the SEA Act and our role as a Consultation</p>	Noted.

	<p>Authority. It therefore focusses on the environmental assessment, rather than the contents of the strategy.</p>	
SEA 002 (c)	<p>General Comments</p> <p>I am largely content that the comments we provided on the Scoping Report on 28 November 2007 have been taken into account during the preparation of the Environmental Report. My focus in reviewing the Environmental Report is on the potential for significant environmental impacts on the historic environment that may arise from the strategy.</p>	Noted.
SEA 002 (d)	<p>The Environmental Report is well presented and clearly considers the environmental implications of the strategy. It provides a clear account of the steps undertaken during the environmental assessment process and presents these in a logical structure. I note that the historic environment was assessed alongside biodiversity, flora fauna and climatic factors and that the approach taken in the assessment differs to that as outlined at scoping. I am content with this and have set out some detailed comments on each section of the Environmental Report in an annex to this letter.</p>	The comments of Historic Scotland are welcomed and noted.
SEA 002 (e)	<p>None of the comments in this letter should be taken as constituting legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity building in SEA.</p>	Noted.
SEA 002 (f)	<p>Please do not hesitate to contact me on 0131 668 8924 should you wish to discuss this response.</p>	Noted.
	<p>Annex: Detailed comments on the Environmental Report</p>	

SEA 002 (g)	<p>For ease of reference, the comments in this annex follow the same order as the Environmental Report.</p> <p>Introduction</p>	Noted.
SEA 002 (h)	<p>I welcome the information provided in this section which clearly sets out the context for the strategy and complements that detailed on page 15 of the strategy itself.</p>	The comments of Historic Scotland are welcomed and noted.
SEA 002 (i)	<p>I am content with the information provided in relation to the review of other plans and programmes and the context of the strategy. For information Historic Scotland has recently launched Scottish Planning Policy 23: planning and the historic Environment (SPP 23). This policy statement supersedes and consolidates National Planning Policy Guidelines NPPG18: Planning and the Historic Environment and NPPG 5: Archaeology and Planning. It sets out the national planning policy for the historic environment and indicates how the planning system will contribute towards the delivery of Scottish Ministers' policies as set out in the current Scottish Historic Environment policy (SHEP – available at http://www.historic-scotland.gov.uk/shep.pdf)</p> <p>Baseline</p>	The comments of the Historic Scotland are duly noted and reference to SPP23 will be included before the report is adopted and published on the Council's website.
SEA 002 (j)	<p>I welcome the information provided for the historic environment in the environmental baseline. It should be noted in the past Historic Scotland have identified some Conservation Areas as Outstanding for funding purposes and that this no longer applies. All Conservation Areas should have the same status for environmental assessment purposes. Please note that our records indicate that there are 8 gardens</p>	The comments of the Historic Scotland are duly noted and amendments will be included before the report is adopted and published on the Council's website.

SEA 002 (k)	<p>and designed landscapes within East Ayrshire (Craignellan, Caprington Castle, Lanfine, Skeldon House, Dumfries House, Rowallan, Loudoun Castle and Carnell which is partly in South Ayrshire). Barskimming is not listed in the Inventory of Gardens and Designed Landscapes. .</p> <p>Scoping</p> <p>I note that the historic environment has been scoped out of the assessment and that this differs from the position at scoping stage, where it was scoped in. It would be useful if further reasoning was provided to explain why this decision has been made. Relevant issues for the historic environment arising from the strategy may include potential conflicts between the promotion of energy efficiency measures and microrenewables with protecting the character of historic buildings, or the enhancement of biodiversity. While I recognise that all aspects of the SDS may not affect the historic environment, the scope of the assessment could have been varied for each of the four broad themes.</p>	<p>The comments of the Historic Scotland are duly noted. As is stated within the Environmental Report, although scoped out, due recognition to the historic environment will be maintained through the implementation and delivery of actions contained within the SDS. It is the intention of the SDS working group to establish thematic officer groups to take forward the key themes of procurement, energy, waste and biodiversity. Each group will be tasked with ensuring that Departments embed environmental considerations within Council activities and PPS.</p>
SEA 002 (l)	<p>For information, the date detailed in section 1.8.2 should perhaps be December 2007. Our records indicate that Historic Scotland provided comments on the scope and level of detail on 28 November 2007.</p> <p>Alternatives</p>	<p>The comments of the Historic Scotland are duly noted and amendments will be included before the report is adopted and published on the Council's website.</p>
SEA 002 (m)	<p>I note that the approach to the assessment of alternatives and I am content with how this has been taken forward in the assessment.</p>	<p>Noted.</p>

SEA 002 (n)	<p>Assessment Methodology</p> <p>I note that the assessment approach taken for the SDS has changes with that outlined at scoping and I am content with this. I welcome the approach taken in Section 7 and agree that the assessment method should be commensurate with the level of PPS. As the historic environment has been scoped out, table 5 does not detail indicators or scales of importance for the historic environment. For information, if this table were to specify information for this topic, it would be useful to differentiate between National and regional levels for the historic environment. In a historic environment context, the National level would include scheduled monuments, listed buildings, and gardens and designated landscapes. The Regional level could include features such as conservation areas and unscheduled (Sites and monuments record) archaeology.</p>	The comments of Historic Scotland are welcomed and noted.
SEA 002 (o)	It would be helpful if the examples provided in Table 5 were supported with a list of definitions for the varying levels of significance (e.g. distinguishing between highly significant and very significant).	The draft Environmental Report as submitted to the Consulting Authorities in September 2008, was the Council's first assessment using this model. As such, and due to ongoing discussions with the Consulting Authorities the overall assessment model has been refined. The methodology which will be contained within the adopted Environmental Report is as per the draft East Ayrshire Council Leisure and Cultural Strategy as recently submitted to the Consulting Authorities.

SEA 002 (p)	<p>Mitigation and Monitoring I note the information provided on mitigation and monitoring and am content with this approach</p>	Noted.
SEA 003 SEA 003 (a) SEA 003 (b) SEA 003 (c)	<p>Scottish Natural Heritage, per Dorothy Simpson, Operational Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ</p> <p>I refer to your draft Environmental Report sent to the Scottish Government SEA Gateway on 18 September 2008. In accordance with Section 15(2) of the Environmental Assessment (Scotland) Act 2005, I have reviewed the report on behalf of Scottish natural heritage in its role as a Consultation Authority under the above Act. Our comments on the Environment are set out below.</p> <p>Allowing for the issues which have been scoped out, only some of the SNH's comments on the scoping report for this Environmental report have been addressed. The details of the remaining ones are appended to this letter. I note that the Environmental Report concludes that the environmental outcomes arising from the implementation of the SDS range from insignificant, through to very significant and that in no case are outcomes anticipated to generate a negative impact. We believe that the assessment would have greater accuracy if the issue relating to Protected Species in particular, had been addressed.</p> <p>I hope that our comments are of assistance to you. Please note that this response is in the context of the Environmental Assessment (Scotland) Act and our role as a Consultation</p>	<p>Noted.</p> <p>The comments of SNH are duly noted. With reference to environmental outcomes, as the Sustainable Development Strategy provides an overarching influence to Council plans, programmes and strategies (PPS), it is not envisaged that negative impacts will result. Negative impacts may well arise from specific/targeted PPS, and these will be accountable within the overall scope of the SDS and within the context of their individual development, which may or may not require assessment in line with the requirements of the Environmental Assessment (Scotland) Act 2005. Protected Species are discussed in detail at SEA 003 (f) and SEA 003 (g)</p> <p>The comments of SNH are duly noted. The cover letter issued to the SEA Gateway which accompanied the Environmental Report and Sustainable Strategy on the 18 September 2008 indicated that the</p>

SEA 003 (d)	<p>Authority. We understand that we will be separately consulted on our views regarding the Strategy.</p> <p>Should you wish to discuss these comments further, please do not hesitate to contact Jimmy Hyslop on 0141 951 0816 or via the SBH's SEA Gateway at sea.gateway@snh.gov.uk</p>	<p>consultation period related to both the Environmental Report and the SDS. There are further no plans to consult on the SDS.</p> <p>Noted.</p>
SEA 003 (e)	<p>Annex to letter East Ayrshire Council Sustainable Development Strategy Strategic Environmental Assessment (SEA) – Environmental Report</p> <p>Comments made by SNH at the Scoping stage, but not covered in the Environmental Report.</p> <p>Context of the Strategy</p>	
SEA 003 (f)	<p>SEA 003 (h) Scottish Natural Heritage's "Natural Heritage Futures" initiative promotes integrated management of the natural heritage providing assessments from national to local level. These documents provide a context for the important natural heritage aspects at a national and local level and are available on our website.</p>	<p>The comments of SNH are duly noted. As an active participant in the Ayrshire Biodiversity Action Plan Partnership, East Ayrshire Council recognises the Natural Heritage Futures initiative. Utilising information arising from the initiative aided the development of the revised Ayrshire LBAP, which was formally adopted in May 2008. East Ayrshire will be guided by the principles and actions contained within the Ayrshire LBAP.</p>
SEA 003 (g)	<p>SEA 003 (i) Protected Species, especially European Protected Species should be identified. The European guidance (available at http://europa.eu.int/comm/environemnt/eia/030923_sea_guidance.pdf) notes that any effects on protected sites and on selected species in accordance with the Habitats Directive</p>	<p>The comments of SNH are duly noted. East Ayrshire Council is an active member of the Ayrshire Biodiversity Action Plan Partnership and has been involved in the production of the revised Ayrshire LBAP which was formally adopted by all three Ayrshire Councils in May 2008. Within this framework, priority species have been identified within Ayrshire and action plans drawn up to offer maximum</p>

	<p>should be included within the Environmental Report. The guidance recommends that these effects might be described in a separate chapter as the findings on such effects are binding for the decision of the competent authorities on the plan or programme.</p>	<p>protection. In identifying these species, cognisance was taken of both the UK list of Priority Species and the species identified in the Scottish Biodiversity List. It is the intention of the SDS Working group to instigate the formation of a biodiversity working group within the Council. Membership of this group will comprise Council officers who have the necessary skills, knowledge and opportunity to ensure that the conservation and enhancement of habitat for protected species is given due consideration in all aspects of our Council's work.</p>
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5 SELECTION OF THE ADOPTED PLAN

5.1 SEA requires an assessment of the likely significant impacts of the draft Sustainable Development Strategy and its reasonable alternatives. Section 14(2) of the Act requires that likely significant environmental effects and the reasonable alternatives be identified, described and evaluated within the Environmental Report. Section 18(3)(e) requires the SEA Statement to provide the reasons for choosing the plan, programme or strategy as adopted, in light of other reasonable alternatives that were considered.

5.2 Alternatives to the Sustainable Development Strategy

5.2.1 The Environmental Report identified three alternative options for the implementation of the draft Sustainable Development Strategy. These were as follows:

- Option 1: Implement the SDS and its associated Action Plan
- Option 2: Rely on the Community Plan to further sustainability considerations; and,
- Option 3: Develop Department specific strategies to further sustainability considerations

5.2.2 The preferred option for the Council was to follow option 1 as the key differential was the ability to provide a cohesive, structured and managed framework within which Council believes the sustainable development agenda will thrive within east Ayrshire.

5.2.3 This conclusion was reached after the preferred option had been assessed against each of the environmental issues that had been scoped into the environmental assessment. Section 8.4 of the Environmental Report provides the full assessment and conclusions reached.

5.2.4 In summary, it was considered that option 1 which ensures the formation of a cross Council Officer Working Group, affords Council the best vehicle to deliver sustainability within the overall framework of Best Value. Whilst option 2 and option 3 would have generated positive environmental impacts the significant differentiating factor in the evaluation process was the fact that both option 2 and option 3 would have required that the various actions highlighted within the SDS to be incorporated within a wide range of PPS adopted by Council with no overarching framework provided.

6. MONITORING

6.1 Monitoring is an important part of the SEA process as it allows the implementation of the Sustainable Development Strategy to be monitored and any unforeseen impacts identified and mitigated if possible. Section 18(3)(f) of the Act requires the SEA Statement to detail the measures that are to be taken to monitor the significant environmental effects of the implementation of Sustainable Development Strategy.

6.2 Monitoring will be carried out by a cross Council officer led group entitled the Sustainable Development Working Group. This Group will report to Corporate Management Team on a quarterly basis and will be tasked with developing, adapting and/or utilising existing indicators to monitor and evaluate Council performance and progress against the four key themes contained within the SDS and which will fulfil the reporting requirements of the Scottish Climate Change Declaration Commitment.