

EAST AYRSHIRE COUNCIL

CABINET: 04 MARCH 2009

CUMNOCK TOWN CENTRE REGENERATION MASTERPLAN AND ENVIRONMENTAL REPORT

Report by Depute Chief Executive / Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** To inform Cabinet of the representations received from the consultation process on the draft versions of the Cumnock Town Centre Regeneration Masterplan and Environmental Report and to seek approval to progress this aspect of the Cumnock Town Centre Regeneration Project.

2. BACKGROUND INFORMATION

- 2.1** At the meeting on 17 December 2008, Cabinet approved a comprehensive report on the progress of the project, which included:

- development of the Masterplan;
- the results of the Strategic Environmental Assessment; and
- approval of Masterplan Option 2 as the best option in light of social, economic and environmental considerations.

- 2.2** As required by the Environmental Assessment (Scotland) Act 2005, the draft Cumnock Town Centre Masterplan and associated Environmental Report were subject to public consultation. Acknowledging the Christmas holiday period, the consultation ran longer than the statutory minimum period of 6 weeks and took place over an extended period of 8 weeks, from 28 November 2008 until 23 January 2009.

- 2.3** Copies of the Masterplan and Environmental Report have been placed in the Members Lounge and are referenced as Annex 1 to this report.

3. REPRESENTATIONS RECEIVED IN RESPECT OF THE MASTERPLAN AND ENVIRONMENTAL REPORT

- 3.1** A total of 4 representations were received by the Council in respect of the Cumnock Town Centre Regeneration Environmental Report, of which 3 were received from the Statutory Consultees, who are :

- Scottish Environmental Protection Agency (SEPA);
- Historic Scotland; and
- Scottish Natural Heritage (SNH).

One representation was received from the Ayrshire Rivers Trust.

- 3.2 SEPA also made a representation on the draft Masterplan itself.
- 3.3 No responses were received from members of the public on either the Masterplan or Environmental Report.
- 3.4 All of the points of representation received are detailed individually in the Representation Document (Appendix 1) which suggests an appropriate Council response to each representation.
- 3.5 Some minor changes to the Environmental Report are also suggested for consideration by Cabinet in a Schedule of Modifications (Appendix 2) as a means of addressing those representations which justify an appropriate amendment being made.

4 SUPPLEMENTARY PLANNING GUIDANCE AND THE SEA STATEMENT

- 4.1 To assist in the achievement of the aims and objectives of the Cumnock Town Centre Regeneration project, particularly in relation to the consideration and determination of planning applications, it is recommended that the Masterplan and Environmental Report are adopted as Supplementary Planning Guidance.
- 4.2 The next legislative requirement in progressing the Strategic Environmental Assessment to its conclusion, as required by Sections 18(1)(c),(2)(b) and 3 of the Environmental Assessment (Scotland) Act 2005, is for the Council to produce a 'statement' (hereinafter referred to as an SEA Statement), detailing how the SEA process has been taken into account in the preparation of the Cumnock Town Centre Regeneration Masterplan.
- 4.3 The contents of the SEA Statement are specified by Section 18(3) of the Act and has to include the following:
 - (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

- 4.4** The results of the SEA which are required to be taken into account when finalising the Masterplan. 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 Masterplan, the Masterplan 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.
- 4.5** The Cumnock Town Centre Regeneration Masterplan SEA Statement outlines the consultation responses and the environmental considerations which have been taken into account during the development of the Masterplan. The SEA Statement is attached as Appendix 3 to this Report.

5. NEXT STEPS

5.1 Sections 18(1)(a), (b) and (c) and 18(2)(a) and (b) of the Environmental Assessment (Scotland) Act 2005 require the following steps to be undertaken after the Masterplan has been adopted and the SEA Statement approved:

- To make a copy of the Masterplan, Environmental Report and SEA Statement available for inspection by the public, free of charge, at the Council's principal office;
- To place an advertisement in the local newspaper detailing that the Cumnock Town Centre Regeneration Masterplan has been adopted, the date of adoption, the address where the relevant documents may be inspected, the times at which inspection of the documents can be made, and that inspection may be made, free of charge;
- To display a copy of the relevant documents on the Council's website; and
- To inform the Consultation Authorities that the Masterplan has been adopted and to send them a copy of the adopted Masterplan and SEA Statement.

5.2 The final stages of the process, required by Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005 are in relation to monitoring the significant environmental impacts of the implementation of the Masterplan, specifically:

- Section 19(1) places a specific duty on the Council to monitor the significant environmental effects that potentially will occur due to implementation of the Masterplan;
- Section 19(2) states that the Council will undertake monitoring measures in such a manner (which may comprise or include arrangements established otherwise than for the express purpose of compliance with Section 19(1)) which enables the Council to:

- (a) identify any unforeseen adverse effects at an early stage; and
- (b) undertake appropriate remedial action.

5.3 The SEA Statement contains the monitoring arrangements that will be undertaken to enable the Council to comply with the legislative requirements, the achievement of which will require the assistance of Countryside Services, Environmental Health and the Roads & Transportation services of the Council.

6 FINANCIAL AND PERSONNEL IMPLICATIONS

6.1 As a result of the legislative monitoring requirements, there may be a requirement for some financial and staffing resources, to ensure that the potential significant negative or negative environmental impacts are monitored effectively. These funding and staffing implications can be met from within existing service resources.

7 LEGAL IMPLICATIONS

7.1 Approval of the Cumnock Town Centre Regeneration Masterplan Environmental Report will require:

- the production of an SEA Statement in accordance with the provisions of Sections 18(1)(c), (2)(b) and 3 of the Environmental Assessment (Scotland) Act 2005 (as detailed in paragraphs 4.2 and 4.3 above); and
- the requirements to monitor the significant environmental effects of the implementation of the Masterplan, as required by Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005 (as detailed in paragraph 5.2 above).

8 POLICY IMPLICATIONS

8.1 The Masterplan, once approved as Supplementary Planning Guidance, will become a material consideration in the determination of planning applications within the Masterplan boundary. The assessment of any planning application(s) that are submitted will also have to ensure that the mitigation measures contained in the Environmental Report are integrated into the development(s).

9 COMMUNITY PLANNING IMPLICATIONS

9.1 The Masterplan is major component of the Cumnock Town Centre Regeneration project. The Cumnock Town Centre Regeneration Masterplan will, therefore, contribute to the achievement of the aims of the East Ayrshire Community Plan: Improving Opportunities and Improving the Environment

Themes. The Masterplan will also contribute towards meeting the draft aims and aspirations of the 'Delivering Community Regeneration' Action Plan which is currently being prepared.

10 RISK MANAGEMENT IMPLICATIONS

10.1 There are no immediate risk management implications arising from this report.

11 RECOMMENDATIONS

11.1 It is recommended that Cabinet:

- (i) approves the Representations Document and the Schedule of Modifications accompanying this report (Appendices 1 and 2);**
- (ii) approves the Cumnock Town Centre Masterplan and Environmental Report as modified;**
- (iii) approves the SEA Statement and authorises the Head of Planning and Economic Development to undertake the publication and advertisement requirements outlined in paragraph 5.1;**
- (iv) adopts the Cumnock Town Centre Masterplan as Supplementary Planning Guidance; and**
- (v) instructs the Countryside Services, Environmental Health and Roads and Transportation sections of the Council to assist with and undertake the monitoring arrangements contained in the SEA Statement in order to comply with Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005.**

ELIZABETH MORTON

Depute Chief Executive / Executive Director of Corporate Support

20 February 2009 (AMcG/JRS/SJ)

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LIST OF APPENDICES

Appendix 1: Representations received on the draft Cumnock Town Centre Masterplan and Environmental Report (includes the Council's responses);

Appendix 2: Environmental Report Schedule of Modifications

Appendix 3: SEA Statement

LIST OF ANNEXES (Available in the Members' Lounge)

Annex 1: Cumnock Town Centre Regeneration Masterplan and Environmental Report

LIST OF BACKGROUND PAPERS

- (i) Cabinet Report : 17 December 2008 - 'Cumnock Town Centre Regeneration'.

For further information, please contact Antony McGuinness, Planning Officer, on (57) 6757 or John Spooner, Business Development and Tourism Manager, on (57) 6143.

Implementation Officer: Alan Neish, Head of Planning and Economic Development on (57) 6767.

EAST AYRSHIRE COUNCIL

APPENDIX 1

CUMNOCK TOWN CENTRE REGENERATION MASTERPLAN

ENVIRONMENTAL REPORT

**REPRESENTATIONS RECEIVED ON THE DRAFT CUMNOCK TOWN
CENTRE MASTERPLAN AND ENVIRONMENTAL REPORT**

MARCH 2009

CUMNOCK TOWN CENTRE REGENERATION MASTERPLAN– STRATEGIC ENVIRONMENTAL ASSESSMENT

Consultation Authority Responses Received in Response to Consultation on the Environmental Report and the Councils Observations and Recommended Course of Action

List of Respondents

Name and Address of Respondent	Representation
Scottish Environment Protection Agency, per Lorna McLean, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP	SEA 001
Historic Scotland, per Andrew Stevenson, Senior Strategic Environmental Assessment Officer, Longmore House, Salisbury Place, Edinburgh, EH9 1SH	SEA 002
Scottish Natural Heritage, per Dorothy Simpson, Operational Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ	SEA 003
Ayrshire Rivers Trust, per Brian Shaw, Senior Biologist, Donald Hendrie Building, Auchincruive, Ayr, KA6 5HW	SEA 004

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	<p>Scottish Environment Protection Agency, per Lorna McLean, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP</p> <p>I refer to your Environmental Report consultation submitted under the above Act in respect of the Cumnock Town Centre Regeneration Masterplan. This was received by SEPA via the Scottish Government SEA Gateway on 28 November 2008.</p> <p>SEPA has used its Scoping consultation response of 13 September 2007 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, a copy of SEPA's response to the Masterplan itself is included in appendix 2.</p> <p>As the Masterplan 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 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.</p>	<p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are duly noted. The SEA Statement will be fully compliant with the requirements of Section 18(a)(iii) and 18 (3) of the Environmental Assessment (Scotland) Act 2005. For the information of the respondent, there is no requirement for the Council to publish an SEA Statement in the format advocated in the SEA Templates and/or Toolkit. The only requirement is to comply with the provisions of the Act.</p>

	<p>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 574 302 via SEPA's SEA Gateway at sea.gateway@sepa.org.uk .</p> <p>Appendix 1: Comments on the Environmental Report</p> <p><u>1. General Comments</u></p> <p>In general SEPA is satisfied that its comments on the Scoping report have been taken into account and a reasonable level of assessment of the Masterplan has been carried out. However, even though the ER states that the actual preferred option has not been decided it would appear from the Masterplan itself that Masterplan Option 2 has been put forward as the preferred option. If the chosen Masterplan option has already been chosen it would have been useful if the ER provided an outline of the reasons why the alternatives had been eliminated especially since the option chosen was not the one identified in the assessment as the best option in environmental terms.</p> <p><u>2. Detailed Comments</u></p> <p>Appendix C – Main Plans, Programmes, Strategies (PPS's) and Guidance used in the Preparation of the Masterplan</p> <p>East Ayrshire Council may also find the following PPS's relevant; the EU Floods Directive 2007/60/EC, and as well as SEPA's Policy on Culverting of Watercourses (Policy 26) SEPA has a position statement on culverting of watercourses which takes account of SEPA's new duties and responsibilities</p>	<p>Noted.</p> <p>Noted</p> <p>The comments of the respondent are duly noted. The Environmental Report was used as a decision-making tool, in terms of the environmental impacts that could occur from the implementation of any of the four alternatives. The Environmental Report assessed the four options as statutorily required and put forward a preferred option in environmental terms. The Environmental Report does not need to justify why an option, which may be the best in environmental terms, is not ultimately chosen as this is the purpose of the 'post-adoption/SEA statement'. The preferred option was based on social, economic and environmental issues and the reasons for this decision will be detailed in the post-adoption/SEA statement.</p> <p>Noted.</p>
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	<p>under the Water Environment (Controlled Activities) (Scotland) Regulations 2005, this can be found on SEPA's website at; http://www.sepa.org.uk/about_us/policies.aspx.</p> <p>Environmental Baseline Data</p> <p>As has been noted in Appendix C River Basin Management Plans (RBMP's) are a requirement of the EU Water Framework Directive. One element of the draft RBMP's which are now out for consultation is a web base interactive map (http://www.sepa.org.uk/water/river_basin_planning.aspx) which provides information on the condition of each water body and the proposed environmental objectives for that water body. The new waterbody classification system has been used to assess the condition of each water body. This system is in line with the requirements of the Water Framework Directive and uses an approach to reflect the overall water environment rather than a more limited quality approach and therefore should provide a better source of information for the SEA process in the future.</p> <p>Mitigation measures</p> <p>It is noted from the assessment of the 4 Masterplan options that whichever option is chosen there are likely to be negative impacts. SEPA would strongly endorse the recommendation contained in the SEA that flood alleviation measures incorporated into the design of the diverted watercourse should not materially increase the risk of flooding at the site or elsewhere.</p> <p>It is acknowledged that as the development of the individual components of the Masterplan have not been finalised the ER has only suggested general mitigation measures and more detailed mitigation is to be detailed in the EIA if required. If an EIA is not required detailed mitigation should be included with the planning applications for the site.</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted and will be incorporated into the final design of the diverted watercourse.</p> <p>The comments of the respondent are duly noted. If an EIA is not required then the Joint Venture Companies will include, as required, detailed mitigation measures within the planning applications for the site.</p>
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	<p>Appendix 2</p> <p>Thank you for your consultation on 28 November 2008 on the Cumnock Town Centre Masterplan and the SEA Environmental Report of the Masterplan.</p> <p>The comments below relate to the preferred Masterplan Option.</p> <p>SEPA has reviewed the information provided in this consultation and it is noted that, based upon information contained within the Indicative River and Coastal Flood Map (Scotland), the application site (or parts thereof) lie within the 1 in 200 year (0.5% annual probability) flood envelope and is therefore at medium to high risk of flooding. Scottish Planning Policy 7: Planning and Flooding states, in paragraphs 16 and 17 respectively, that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year” and “Built development should not therefore take place on the functional flood plain.”</p> <p>SEPA has a record of flooding in the area of the proposed development site but it is recommended that contact be made with the Roads Department of East Ayrshire Council who, as Flood Prevention Authority, should be able to provide further information regarding flooding and flood alleviation in the area.</p> <p>It is noted that Masterplan Option 2 has selected by East Ayrshire Council as the preferred option for the regeneration of the Cumnock Town Centre which involves diverting the Glaisnock Water and providing a bridge across the rerouted watercourse to provide access between the two parts of the development.</p>	<p>Ref: East Ayrshire</p> <p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are duly noted.</p> <p>Noted.</p> <p>The comments of the respondent are correct and accurate.</p>
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	<p>Diversion of the Glaisnock Water is an integral part of the preferred Masterplan Option. This will change the nature of the channel in terms of hydraulics, roughness values and conveyance of flood flows. It should be demonstrated at the appropriate point in the development process that this will have a neutral or better effect on flood risk in the area. SEPA would also strongly endorse the recommendation contained in the SEA that flood alleviation measures incorporated into the design of the diverted watercourse should not materially increase the risk of flooding at the site or elsewhere.</p> <p>It is recommended that all the developments proposals contained within the Masterplan meet the principles of SPP7: Planning & Flooding.</p> <p>SEPA is aware of a Flood Risk Assessment and other preliminary detailed planning drawings having been submitted as part of pre-planning discussions primarily linked with Phase 1 (Office Development) of the Regeneration Plan.</p> <p>Engineering Works</p> <p>The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) were implemented on 1 April 2006. These regulations cover all engineering, building or other works in inland waters or in the vicinity of inland surface waters and wetlands. The diversion of the watercourse will require authorisation under these regulations. The applicant should contact SEPA's local EPI team based in our Ayr office to discuss this issue. Further details on this matter can be found on our website www.sepa.org.uk.</p> <p>Additional Information for Applicant & Caveats</p> <p>The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied</p>	<p>The comments of the respondent are noted and these issues will be taken into consideration.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p>
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	<p>methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_map.aspx.</p> <p>SEPA wish to refer the Applicant to the document entitled: “<i>Technical Flood Risk Guidance for Stakeholders</i>”. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/flood_risk.aspx. Please note that this document should be read in conjunction with Annex B in SEPA Policy 41: “<i>Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol</i>”, available from the same web page.</p> <p>Please note that SEPA is reliant on the accuracy and completeness of any supplied information by the Applicant in undertaking its review, and can take no responsibility for incorrect data or interpretation made by the authors.</p> <p>The advice contained in this letter is supplied to you by SEPA in terms of Section 25 (2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to East Ayrshire Council as Planning Authority in terms of the said Section 25 (2).</p>	<p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p>
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<p>SEA 002</p>	<p>Historic Scotland, per Andrew Stevenson, Senior Strategic Environmental Assessment Officer, Longmore House, Salisbury Place, Edinburgh, EH9 1SH</p> <p>Thank you for consulting Historic Scotland on the Environmental Report for East Ayrshire Council's Cumnock Town Centre Regeneration Masterplan which was received in the Scottish Government's SEA Gateway on 28 November 2008.</p> <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 Authority. It therefore focuses on the environmental assessment, rather than the contents of the masterplan.</p> <p>General Comments</p> <p>I welcome that the comments provided on the scoping report on 11 September 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 masterplan.</p> <p>The Environmental Report is well presented and clearly considers the environmental implications of the masterplan, as well as the alternatives to it. It provides a clear account of the steps undertaken during the environmental assessment process and presents these in a logical structure. I am content with the assessment and have set out some detailed comments on some sections of the Environmental Report in an annex to this letter.</p> <p>None of the comments in this letter should be taken as constituting legal interpretation of the requirements of the SEA</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are duly noted.</p>
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	<p>Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity building in SEA.</p> <p>Please do not hesitate to contact me on 0131 668 8960 should you wish to discuss this response.</p> <p>Annex: Detailed comments on the Environmental Report</p> <p>For ease of reference, the comments in this annex follow the same order as the Environmental Report.</p> <p>Non-Technical Summary</p> <p>1. I found the non-technical summary to be clear and welcome the summary tables which demonstrate the outcomes of the assessment.</p> <p>Methodology for the Environmental Report</p> <p>2. I welcome the brief summary of the methodology for the report and agree that the format of the report provides a clear and transparent way in which to communicate the process of the assessment and the findings. I also welcome the provision of Appendix D which details your response to consultations on the scoping report.</p> <p>Context for the Cumnock Town Centre Regeneration Masterplan</p> <p>3. This section provides a helpful summary of the background behind the need for the masterplan, as well as clearly defining the key objectives the masterplan aims to deliver.</p>	<p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p>
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	<p>Baseline Information</p> <p>4. I welcome the information provided for the historic environment in the environmental baseline and can confirm its accuracy.</p> <p>Scoping</p> <p>5. I welcome the responses in Appendix D in relation to our questions at scoping and Table 4 which helpfully indicates the reasoning behind the scoping in/out of the Schedule 3 environmental issues.</p> <p>Alternatives</p> <p>6. I note the approach to assessment of alternatives and I am content with how this has been taken forward.</p> <p>Assessment Methodology</p> <p>7. The SEA objectives and criteria are well laid out and offer a clear understanding of the mechanisms that underlie the assessment. In relation to the objectives and criteria for the historic environment I am content that this is an appropriate approach to the assessment.</p> <p>8. The colour coding enables the findings of the assessment to be more readily understood and interpreted.</p> <p>Assessment Results</p> <p>9. The assessment results, as expanded on in Appendix G of the ER, are clearly laid out and easy to follow.</p>	<p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p>
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	<p>Mitigation and Monitoring</p> <p>10. I welcome the suggested mitigation measures for archaeology as outlined in Table 9. I consider these to be robust and comprehensive.</p> <p>Appendix B: Masterplan and Historic Environment Features Map</p> <p>11. While welcoming this map defining the boundary of the conservation area you may find it beneficial to add the other historic features in the vicinity of the masterplan area, particularly those sites from the SMR that lie within the boundary of the masterplan.</p> <p>Appendix C: Main Plans, Programmes, Strategies and Guidance in the Preparation of the Masterplan</p> <p>12. I welcome the inclusion of SPP 23 in this section. I note that Passed to the Future has been included in this list however, for information, Scottish Historic Environment Policy (SHEP) now supersedes the policy elements of this document.</p>	<p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are duly noted. Further consideration will be given to the points that Historic Scotland raise.</p> <p>The comments of the respondent are noted. The Council welcomes the clarification from Historic Scotland on the status of the document entitled: Passed to the Future. This will now be removed from Appendix C.</p>
SEA 003	<p>Scottish Natural Heritage, per Dorothy Simpson, Operational Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ</p> <p>I refer to your Environmental Report submitted on 28 November 2008 via the Scottish Executive SEA Gateway in respect of the above plan. Scottish Natural Heritage has reviewed the report, in its role as a Consultation Authority under the above Act. Our comments on the Environmental Report are set out below.</p> <p>SNH is generally content with the level of detail in the</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted. The Glaisnock Water</p>

	<p>Environmental Report (ER). We are disappointed that the Glaisnock Water is not recognised as an asset, an integral part of Cumnock and incorporated into the master planning process in a sensitive way.</p> <p>We do not consider that Options 2, 3 and 4 are reasonable options.</p> <p>As noted at the Scoping stage, a key semi-natural feature runs through the site, the Glaisnock Water, and the site also contains mature trees. These features, trees and the water course, even in an urban setting, are capable of hosting important features of the natural heritage. European protected species such as otters and bats may use such features and water voles, protected by domestic legislation could also use the water course.</p>	<p>is recognised as an asset, however, due to the aim of regenerating the area and the social and economic benefits that will arise from the regeneration project; the diversion of the watercourse is unavoidable. However, the masterplan has attempted to minimalism the diversion of the watercourse and the environmental impacts that this may have while providing the optimum developable area in order to achieve the regeneration of the area.</p> <p>The comments of the respondent are duly noted. The Council disagrees with the respondent that Options 2, 3 and 4 are not viable alternatives. The options put forward for assessment were considered to be viable options for the regeneration of the area, taking on board social and economic factors, while trying to protect and enhance the environmental characteristics of the area. The assessment process concluded that Options 1 and 2 were the best options in terms of environmental impact and this was taken on board by the Joint Venture Company when making the final decision on the preferred option for the Masterplan.</p> <p>It is not disputed that the Glaisnock Water is a key semi-natural feature, however, it should be recognised that this particular stretch of the Glaisnock Water is currently set within a context of concrete riverbanks and gabion baskets. The ecology survey, undertaken by the Countryside Services Section of the Council concluded that otters and water voles are not present in this section of the watercourse. The report also noted that a number of Natterer and Pipistrelle bats were feeding along the watercourse with a Natterer Roost recorded under the bridge on Glaisnock Street. The Environmental Report recognised the potential for disturbance to the roost and put mitigation measures in place to reduce the risk of any potential disturbance to the bat population contained within this particular roost.</p>
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	<p>Rivers and streams are an Ayrshire Local Biodiversity Action Plan (LBAP) habitat, with water vole being an LBAP species and otter a key species in several LBAP habitats. East Ayrshire Council is a signatory to the Ayrshire LBAP.</p> <p>As a result we suggested the following be included in the assessment,</p> <p><u>“SEA Objective</u> Protect and enhance biodiversity, particularly the water course and dependant wildlife such as European protected species, otters.</p> <p><u>SEA criteria</u></p> <ul style="list-style-type: none"> - Does the masterplan protect the natural heritage? - Will the masterplan lead to fragmentation of wildlife corridors? - Does the masterplan create opportunities for enhancing biodiversity?” <p>The Objectives included in Table 5 of the ER are much narrower in scope and omit the specific importance of the river.</p> <p>“To protect and enhance biodiversity, flora and fauna. To ensure that there is no detrimental impacts on (statutorily) protected species and habitats.” The criteria listed omits the possible fragmentation of wildlife corridors.</p>	<p>The comments of the respondent are duly noted and not disputed. As previously stated, the diversion of the watercourse is unavoidable and the masterplan has attempted to minimalism the diversion of the river while providing the optimum developable area in order to achieve the regeneration of the area. The Ecology Report, which is the major source of baseline data relating to biodiversity, flora and fauna, concluded that water voles and otters were not using this stretch of the Glaisnock Water to live or feed; therefore, the diversion of the watercourse will not affect the water vole or otter population in the area.</p> <p>The comments of the respondent are duly noted. As stated in the responses to SNH’s comments at the scoping stage, the Council took on board the suggested objective and criteria. The Council is of the opinion that the objectives and criteria contained within the Environmental Report are appropriate and commensurate with the level of baseline information used in the assessment process, which has allowed for an objective, robust and transparent assessment of the masterplan and its reasonable alternatives.</p>
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	<p>We do not consider that Options 2, 3 and 4 are reasonable options. All of them involve needlessly diverting the watercourse and two of them compound this by proposing to culvert a section of it, severing the existing habitat connectivity. This runs contrary to good practice in the management of watercourses.</p> <p>None of the four options enhances the biodiversity of the area.</p> <p>Although this is one of the SEA criteria, the only opportunity for enhancing biodiversity is the proposed removal of Japanese Knotweed. Management of Japanese Knotweed is only likely to be worthwhile if it is pursued along the full length of the affected watercourse.</p>	<p>The comments of the respondent are duly noted. As previously stated, the Council disagrees with the respondent that Options 2, 3 and 4 are not viable alternatives. The options put forward for assessment were considered to be viable options for the regeneration of the area, taking on board social and economic factors, while trying to protect and enhance the environmental characteristics of the area. The assessment process concluded that Options 1 and 2 were the best options in terms of environmental impact and this was taken on board by the Joint Venture Company when making the final decision on the preferred option for the Masterplan. Moreover, the Ecology Report has demonstrated that the existing habitat will not be severed and the potential disturbance to the bat roost has been mitigated. The Council is of the opinion that as the watercourse is set within an urban environment incorporating a concrete riverbank and gabion baskets there is the potential, as a result of the comments provided by SNH, to remove the concrete and gabion baskets and introduce natural features to enhance the setting of the watercourse. As the design of the diversion has not been finalised, further biodiversity enhancements may still be incorporated into the diverted watercourse.</p> <p>The comments of the respondent are duly noted. However, it should be noted that the masterplan will create a biodiversity habitat to the east of the office development, as well as, removing Japanese Knotweed. As stated above, the design of the diverted watercourse has not been finalised and it is the intention of the Joint Venture Company to remove the hard urban edges and revitalise the riverbank by introducing a natural environment in order to make a feature of the watercourse, while still achieving social and economic regeneration.</p> <p>While, it is recognised that the removal of Japanese Knotweed along the full length of the watercourse would be desirable, this is outwith the remit of the masterplan and the regeneration project. For the information of the respondent, the purpose of SEA is to assess the</p>
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	<p>Flooding</p> <p>The report recognises that the Masterplan involves development on a floodplain and that, “mitigation measures will need to be implemented to ensure that this Masterplan option does not contribute to flooding within the site or downstream. Consideration should be given to land raising or other flood prevention measures to ensure that that flood risk is not exacerbated.” To ensure all environmental impacts are identified, the impact of land raising should also be taken into account both in the immediate area of the land raising and how this could affect both down and upstream flood risk. No alternative flood attenuation measures are presented at this stage other than up raising. SNH believes without information on flood attenuation proposals and its effect on the environment on site indirectly off site, important effects of the proposals on the environment will be overlooked.</p> <p>Appendix G</p> <p>The boundary of the project in Option 2 varies from the other three, in that</p> <ul style="list-style-type: none"> - the spur for office parking shown in the other options is cut off - the Glaisnock Street part of the junction with Greenholm Street is included <p>and it is this map which is used in the 5 page executive summary document. Presumably the Appendix B map should</p>	<p>likely significant impacts that the Masterplan could have on the environment and the level of assessment has to be commensurate with the Plan, Programme or Strategy it is assessing. There is no requirement for the Masterplan to deal with environmental issues which are outwith its scope and control.</p> <p>The comments of the respondent are duly noted. The consideration of detailed flood prevention and attenuation measures and their alternatives is not considered in the Environmental Report as this is a detailed, project level consideration which will be taken forward through the planning and EIA processes. The purpose of SEA is to assess the impact that the masterplan may have on flooding and to go beyond this into the realm of EIA would not be appropriate. The EIA, if required, will provide the detailed information on flood attenuation proposals (including the issues of land raising) and its effect on the environment on site and surrounding environment to ensure that the detailed impacts are assessed and mitigated if necessary.</p> <p>The comments of the respondent are duly noted. The Joint Venture Company, after consideration of the Environmental Report, determined that Option 2 was the preferred option for the regeneration project. As a result, further work was undertaken on this masterplan to illustrate how the area would be developed for public consultation purposes. The boundary of the Option 2 masterplan area is therefore different from the other reasonable alternatives that were considered.</p> <p>The 5 page document is not an executive summary but actually the Cumnock Town Centre Regeneration Masterplan document, which</p>
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	<p>be used for the executive summary.</p> <p>Appendix C</p> <p>SNH referred to the Ayrshire Local Biodiversity Action Plan in its previous response, but it is not included in the list of Plans, Policies and Strategies listed as being considered.</p> <p>There is an inconsistency in the “Environmental Protection Objectives/Targets” column where, ten pages in, from Planning Advice Notes (page 65) downwards, the report starts to mention that the Masterplan takes some of these into account. The implication is that it does not take the others into account, such as</p> <ul style="list-style-type: none"> - a wide-ranging duty on Scotland’s public sector to conserve biodiversity and protect Scotland’s natural heritage. - to conserve and where practicable to enhance species, habitats and natural and managed ecosystems that are characteristic of local areas and the biodiversity of natural or semi-natural habitats where this has been diminished over recent past decades. - encourage the management and safeguarding of features of the landscape of major importance for nature conservation or amenity, including field boundaries, woodlands, trees, lochs, ponds, watercourses and other wetlands; 	<p>explains the background to the project, its aims and details the masterplan itself. Therefore it would be incorrect to use the map contained in Appendix B as this only illustrates the masterplan and Conservation Area boundaries and would not illustrate how the area will be developed.</p> <p>The comments of the respondent are duly noted. The omission of Ayrshire Local Biodiversity Action Plan in this Appendix was an oversight and will be added to this appendix. It should be noted that although the document was not mentioned in this appendix, it was used as one of the primary sources of information on biodiversity.</p> <p>The comments of the respondent are duly noted. However, the Council does not agree with them. All relevant environmental protection objectives and targets have been taken into account when developing the masterplan. However, the regeneration of the masterplan area means that some of these objectives cannot be achieved as the need for social and economic growth and regeneration outweighs the environmental objectives. Where this is the case, mitigation measures have been put in place to offset the potential environmental impacts. It should also be recognised that the masterplan will lead to enhancements to biodiversity. The previous responses, detailed above, show that further enhancements to biodiversity may still occur once the design for the diverted watercourse is finalised.</p>
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	<ul style="list-style-type: none"> - protection and enhancement of open space of natural heritage value - restore and enhance biodiversity in all our urban, rural and marine environments through better planning, design and practice. <p>Please note that this response is in the context of the Environmental Assessment (Scotland) Act 2005 and our role as a Consultation Authority. We understand that we will be separately consulted on our views on the Masterplan.</p> <p>Should you wish to discuss this response, please do not hesitate to contact Jimmy Hyslop on 0141 951 0816 or via SNH 's SEA Gateway at sea.gateway@snh.gov.uk</p>	<p>The comments of the respondent are duly noted. The cover letter issued to the SEA Gateway which accompanied the Environmental Report and Cumnock Town Centre Regeneration Masterplan indicated that the consultation period related to both the Environmental Report and the Masterplan. There are no further plans to consult on the Cumnock Town Centre Regeneration Masterplan. However, SNH will be able to comment on the proposed developments when the planning applications are submitted</p> <p>Noted.</p>
<p>SEA 004</p>	<p>Ayrshire Rivers Trust, per Brian Shaw, Senior Biologist, Donald Hendrie Building, Auchincruive, Ayr, KA6 5HW</p> <p>On behalf of Ayrshire Rivers Trust (ART) I would like to make the following comments:</p> <ol style="list-style-type: none"> 1. The Masterplan provides an excellent opportunity for implementing improvements within the Cumnock Town Centre. This is acknowledged in the report in Para 1.7.1, it is stated that environmental improvements would not be created in the absence of the Regeneration Plan. East Ayrshire Council therefore have a duty towards its constituents to ensure that opportunities for improvements are maximised. 2. Para 1.2.6. ART agree that Option 1 is the acceptable 	<p>Noted.</p> <p>The comments of the respondent are duly noted. The Council will, as far as possible, ensure that opportunities for improvements are maximised.</p> <p>The comments of the respondent are duly noted. For the avoidance of</p>

	<p>option. The Glaisnock Water is already highly urbanised and any further modifications are likely to result in significant negative impacts.</p> <p>3. Para 5.2.1. ART hold data on fish populations in almost every watercourse in Ayrshire, including the Glaisnock Water in Cumnock and its tributaries. An examination of fish data from the area would have added considerably to the breadth of the report. It is hoped that this omission will be addressed if an EIA is produced as recommended for the retail development.</p> <p>4. Section 5, it was disappointing to see that fish population were not mentioned other than one anecdote regarding ART in Para 5.2.6.</p> <p>5. Para 5.2.4 mentions the presence of Japanese Knotweed (JK) within the study area. ART have recently completed a survey of Invasive Weeds in the Ayr Catchment and found that JK was present in dense stands within Cumnock but was present, in lower densities, as far upstream as Glaisnock House. ART would like to suggest that the proposed removal of JK from within the Masterplan area should be expanded in scope to include the treatment of all JK within the Glaisnock Water otherwise there will be a continual re-infestation within Cumnock. Para 11.2 recommends that JK should be removed from the site and disposed of. This type of treatment is likely to be expensive, difficult and ineffective. During the invasive weeds survey in Cumnock, JK plants were recorded growing out of walls etc where removal would not be an option. It is recommended that other treatment options such as chemical spraying or stem injection are investigated as part of a Glaisnock Water catchment eradication project. This is the only sustainable way of removing the problem from the town.</p>	<p>doubt, the Environmental Report stated that Options 1 and 2 were the best in terms of minimising environmental impacts.</p> <p>The comments of the respondent are duly noted. It is considered that fish data may have improved the baseline data but this was not included on the advice of the Countryside Services Manager as it was her opinion that there was nothing of notable interest, in terms of protected fish species, in that part of the Glaisnock Water which meanders through the site. The use of fish data, in terms of any EIA, will be given due consideration by the consultant undertaking the EIA if one is required.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The diversion of the watercourse will remove any Japanese Knotweed from the stretch of the Glaisnock Water which meanders through the site. However, the removal of Japanese Knotweed from the entire stretch of the Glaisnock Water is outwith the scope of the Regeneration project; therefore, the Council will not be able to tackle this issue at this present moment. The suggested removal method will be given due consideration through the planning process and in the EIA, if one is required.</p>
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	<p>6. The high risk of flooding in the Glaisnock Water corridor is mentioned in Para 6.2. Reference to SEPA's flood map shows that extensive parts of Cumnock are considered to be at risk of flooding. This issue should perhaps be given more emphasis in the report.</p> <p>7. Para 6.2. There is no mention of litter, or invasive weeds such as JK, in the summary of existing environmental issues and problems in the Masterplan area. Litter is one of the biggest issues in East Ayrshire but it is not referred too at all within the Masterplan.</p> <p>8. Para 9.4.2, Table 5. The question is posed "Does the Masterplan create opportunities for enhancing biodiversity?" In addition to the points made in the report ART would like to highlight the opportunity that exists for the re-establishment of a spawning population in salmon in the Glaisnock Water. Monitoring by ART has found a complete absence of salmon in the Glaisnock Water during several surveys. This is surprising given the size of the burn and the fact that the Lugar Water itself supports an excellent salmon population in its upper reaches. The recent success of the re-establishment of salmon in the Burn Anne in Galston following the installation of a fish pass at the confluence with the River Irvine highlights the potential for significant biodiversity enhancement. ART would like to add that the reasons for the absence of salmon from the Glaisnock are not understood and there are likely to be a number of causes rather than a simple explanation such as an obstruction to migration.</p> <p>9. ART cannot agree with the conclusions of PARA 10.4.3., where it is stated that the water and biodiversity quality of the watercourse would return to normal following diversion. This is</p>	<p>The comments of the respondent are duly noted. The issue of flooding in the area has been given significant emphasis within the report and the Council do not consider it necessary to make any further changes to the Environmental Report in this regard.</p> <p>The comments of the respondent are duly noted. Litter is a generic issue common to all local authority areas and was not considered to be a significant environmental issue, within the Masterplan area, to warrant a thorough assessment. It is agreed that Japanese Knotweed should have been mentioned in the summary of the existing environmental issues and problems and this will be rectified before the Masterplan and Environmental Report are adopted by the Council as Supplementary Planning Guidance.</p> <p>The comments of the respondent are duly noted. The re-establishment of salmon population in the Glaisnock Water will be given due consideration by the Council and may involve further discussions with ART on how this could be achieved. It should be further noted that the masterplan will create a biodiversity habitat to the east of the office development. Also, as the design of the river diversion has not been finalised, further biodiversity enhancements may still be incorporated into the diverted watercourse.</p> <p>The comments of the respondent are duly noted. The Environmental Report states that the diversion of the watercourse should not lead to any medium to long term degradation of the watercourse or loss of</p>
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	<p>unlikely to be the case as there will almost certainly be a reduction in habitat diversity in any diverted watercourse. The proposed diversion will result in a shortening of the watercourse, leading to an increase in gradient. This may have unforeseen impacts such as increased erosion or flood risk downstream.</p> <p>10. Para 14.4., ART agree that an EIA should be required to accompany any proposals for a retail development within the Masterplan area.</p> <p>11. Appendix C. There is no mention of the Ayrshire Biodiversity Action Plan in the list of documents consulted in the preparation of the Masterplan. This is a surprising omission considering the East Ayrshire Council were one of the key partners involved in the development of the plan.</p> <p>12. Appendix D. ART were pleased to see that SNH had quite rightly highlighted the biodiversity importance of the Glaisnock Water, and that their intervention had resulted in the “scoping in” of biodiversity within the report.</p> <p>ART feel that the Masterplan presents an excellent opportunity to enhance the natural environment within Cumnock for the benefit of the whole community, although does not consider that this has been fully grasped. The Glaisnock Water should be one of the main assets within Cumnock and as such should be the focus of regeneration within the Masterplan. This will require a change in attitude and the focus should be on the opening up of the burn, removal of litter, creation of burn side walks and biodiversity improvements along the riparian corridor.</p> <p>I hope these comments are useful. Please get in touch if you require any clarification.</p>	<p>biodiversity quality and that the EIA, if required, should put stringent mitigation measures in place to ensure that this does not occur. Therefore, the Council disagrees with the respondents view and is advised that the ecological quality of the watercourse will return to normal after diversion. For the information of the respondent, SEPA have not raised any issues in this regard.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The omission of Ayrshire Local Biodiversity Action Plan in this Appendix was an oversight and will be added to this appendix. It should be noted that although, the document was not mentioned in this appendix it was used as one of the primary sources of information on biodiversity.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The Council agree that the Glaisnock Water should be made a key feature of the regeneration project. The views expressed by the respondent will be taken on board during the design process for the river diversion.</p> <p>Noted.</p>
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EAST AYRSHIRE COUNCIL

APPENDIX 2

CUMNOCK TOWN CENTRE REGENERATION MASTERPLAN

ENVIRONMENTAL REPORT

SCHEDULE OF MODIFICATIONS

MARCH 2009

CUMNOCK TOWN CENTRE REGENERATION MASTERPLAN: STRATEGIC ENVIRONMENTAL ASSESSMENT

SCHEDULE OF MODIFICATIONS

ENVIRONMENTAL REPORT: SUGGESTED MODIFICATIONS

	REF	DELETION	ADDITION / REPLACEMENT	REASON FOR CHANGE
1	Page 31		Insert 'Japanese Knotweed is present on the site' as the last bullet point in Paragraph 6.2.	To further highlight the environmental issues and problems within the Masterplan area.
2	Page 65	Delete reference to the document entitled 'Passed to the Future' contained within Appendix C		Historic Scotland advise that the document has been superseded and reference to it should be removed.
3	Page 67		Insert reference to the 'Ayrshire Local Biodiversity Action Plan' within Appendix C	To properly reflect the documents that have been used to inform the environmental objectives within the Environmental Report

APPENDIX 3

Cumnock Town Centre Regeneration Masterplan

Strategic Environmental Assessment

SEA Statement

March 2009



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1. INTRODUCTION

1.1 This document is the Strategic Environmental Assessment Statement for the adopted Cumnock Town Centre Regeneration Masterplan.

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 accompanying the adopted Cumnock Town Centre Regeneration Masterplan, as soon as reasonably practical after adoption of the Masterplan. 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 in to 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 Cumnock Town Centre Regeneration Masterplan and the SEA process
 - **Environmental Considerations:** A description of how environmental protection objectives informed the Masterplan, how the environmental report was taken into account and how mitigation identified in the Environmental Report and during the finalisation of the Masterplan has been included to prevent, reduce or offset adverse impacts.
 - **Consultation:** How consultations responses were taken into account during the SEA process and during the finalisation of the Masterplan.
 - **Selecting the Plan:** How the Masterplan was adopted in light of reasonable alternatives.
 - **Monitoring:** The measures that are to be undertaken to monitor the implementation of the Masterplan and any unforeseen environmental effects that it may have.
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- 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 Cumnock Town Centre Regeneration Masterplan

2.1.1 The purpose of the Cumnock Town Centre Regeneration Masterplan is to provide a development framework for the regeneration of Cumnock Town Centre. To meet the key objectives for the regeneration of Cumnock Town Centre, the Masterplan will provide the following:

- Provision of a new supermarket;
- Modernise and extend Glaisnock Shopping Centre;
- Development of town centre offices for EAC and other agencies to deliver services locally;
- Improve town centre access, traffic flows, parking and pedestrian movements;
- Enhance the public realm and appearance of the town centre.

2.1.2 The main objective of the Cumnock Town Centre Masterplan is to provide social and economic regeneration while making public realm and environmental improvements to a brownfield site within the town centre. The Masterplan and Environmental Report were adopted by East Ayrshire Council as Supplementary Planning Guidance on 4th March 2009 and are available for viewing on the Council's website: www.east-ayrshire.gov.uk.

2.2 SEA Process

2.2.1 East Ayrshire Council, as a responsible authority, determined that the Masterplan 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 Masterplan 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 Masterplan, identification of reasonable alternatives and their potential environmental impacts, assessment of the Masterplan to establish if there are any significant negative or positive impacts; propose mitigation measures for any adverse impacts; incorporation of consultation responses on scoping and on the draft Masterplan 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 Masterplan has included:



- Giving due consideration to the comments that the Consultation Authorities (SNH, SEPA and Historic Scotland) gave 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 Cumnock Town Centre;
 - Links between the Masterplan 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 various Masterplan options;
 - 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 Masterplan 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 Masterplan;
 - Providing a commitment to monitor the significant environmental impacts of the implementation of the Masterplan.
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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 Masterplan 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 Masterplan.

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 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 Masterplan 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 Masterplan 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. 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 Masterplan should, where necessary and appropriate, indicate where mitigation measures are needed to prevent, reduce or offset any adverse impacts that the implementation of the Masterplan may have or to identify measures which would lead to the positive enhancement of the area.

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 Masterplan. 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 Masterplan, the plan does not necessarily need to take on board any of the recommendations that have been made in the Environmental Report or as a result of 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 Masterplan



Table1: How the Environmental Considerations and Assessment Findings have been integrated in the Cumnock Town Centre Regeneration Masterplan

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>Construction of the development is likely to disturb breeding, feeding or hibernating species, some of which are protected, within the site or within the vicinity of the site. Negative impacts are likely to be experienced in this regard. It is also anticipated that diverting the Glaisnock Water will have negative impacts on the biodiversity content of the water body.</p> <p>There are positive significant impacts on biodiversity, as a result of this option, as a biodiversity habitat is being created within the site and Japanese Knotweed will be removed.</p>	Yes	<p>The mitigation measures that are required will ensure that sensitive construction of the site is undertaken to help minimise any disturbance to the protected species within or adjacent to the site boundary. A Bat Methodology Statement is also to be provided to ensure that these important and protected species are not disturbed and their habitat is not affected during and after construction of the site.</p> <p>Japanese Knotweed will be removed from the site and the watercourse and disposed of in an environmentally safe process.</p> <p>Further biodiversity enhancements will be made to the design of the diverted watercourse to ensure that natural features are introduced into the site, such a natural riverbank etc, to improve the setting of the watercourse and also to make it a central feature of the development.</p>
Population		
The Masterplan will protect and enhance the vitality and viability of the town centre, provide new jobs and provide a safe and useable urban environment	Yes	The Masterplan will lead to increases in the health of the population of Cumnock by providing jobs and public recreational open space, which will improve the health of the community and their quality of life.

Human Health		
<p>The Masterplan will create a new area of public open space and remove/remediate an area of contaminated land.</p> <p>However, the Masterplan will result in additional cars and delivery vehicles accessing the town centre and the site. In this instance, there is likely to be a reduction in the air quality of the area.</p>	Yes	<p>As above, the Masterplan will have positive benefits due to the increase in provision of public open space within the town centre for recreation and will remove any potential health issues arising from an area of contaminated land.</p> <p>The impact of increased traffic emissions will be closely monitored through annual monitoring of the whole of the site. Should the impacts begin to show dramatic increases which may exceed national air quality targets then detailed mitigation measures should be considered and implemented before the air quality targets are breached.</p>
Water		
<p>There are likely to be negative impacts associated with diverting the Glaisnock Water in terms of water quality, the actual watercourse and the biodiversity content of the watercourse.</p>	Yes	<p>The Environmental Report requires mitigation measures to be implemented to ensure that the construction works, in terms of the diversion of the watercourse, do not affect the quality of the water and will not lead to pollution or severe degradation of the water body.</p> <p>Monitoring measures will be put in place to monitor the ecological status of the watercourse using SEPA's Water Quality Assessments to ascertain that the diverted watercourse is not having a detrimental environmental impact, during and after construction, on the ecological status and quality of the watercourse.</p>

Climatic Factors		
<p>The Masterplan is likely to result in development within the flood plain and negative impacts could occur with out mitigation measures being implemented.</p> <p>There are also likely to be negative impacts experienced in terms of increased energy consumption due to the developments themselves and negative impacts in terms of greenhouse gas emissions into the atmosphere as a result of increased traffic emissions.</p>	<p>Yes</p>	<p>The design of the diverted watercourse will allow for compensatory flood prevention measures to be integrated into the new route of the watercourse therefore, potentially alleviating any flooding issues in the future. The Environmental Report further states that the design of the watercourse should not lead to flooding upstream or downstream of the watercourse.</p> <p>Increases in energy consumption are symptomatic of all new developments. By creating energy efficient design, building material etc into the development, energy consumption can be reduced. These factors will need to be taken on board during the construction phase of the development.</p> <p>The impacts of the Masterplan on air quality will be closely monitored through annual monitoring of the site. Should the impacts begin to show dramatic increases which may exceed national air quality targets then detailed mitigation measures should be considered and implemented before the air quality targets are breached.</p> <p>As the Masterplan area is centrally located it is accessible by public transport, walking and cycling. Increasing the use of other modes of transport outwith the private car will help to cut traffic emissions and encourage people to shop in the town centre rather than travelling to Ayr, Kilmarnock, Glasgow etc, which will also have a positive impact on the reduction on CO2 emissions. A Green Travel Plan will be required to be submitted with the planning application for the retail development.</p>

Material Assets		
<p>The Masterplan will create new areas of accessible public realm open space within the site and the retail and office developments are easily accessible by a range of transport modes</p>	<p>Yes</p>	<p>New areas of public realm open space will enhance the amount of open space available to the public within the town centre and encourage the community to make the best use of them.</p> <p>As the Masterplan area is centrally located it is accessible by public transport, walking and cycling. Increasing the use of other modes of transport outwith the private car will help to cut traffic emissions and encourage people to shop in the town centre rather than travelling to Ayr, Kilmarnock, Glasgow etc, which will also have a positive impact on reduction on CO2 emissions. A Green Travel Plan will be required to be submitted with the planning application for the retail development.</p>
Cultural Heritage		
<p>Development of the site is likely to negatively impact on archaeological resources within or adjacent to the site.</p>	<p>Yes</p>	<p>A full archaeological study of the area is required to be undertaken before any planning applications are lodged to pinpoint areas of archaeological sensitivities within the site. Development should avoid or not lead to any disturbance of archaeological remains within or adjacent to the site. A requirement for an archaeologist to be present on site during construction may be conditioned into any planning consent.</p>

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 Masterplan, as the relevant documents to consult the Consultation Authorities and the public on.
- 4.3 The draft Masterplan and Environmental Report were subject to public consultation for a period of 8 weeks between 28 November 2008 and 23 January 2009. This period forms the consultation period required by Section 16 of the Act. No responses from the public in relation to the Environmental Report were received. The report to Cabinet on 4th March 2009 provides the Council’s responses to the issues raised by the Consultation Authorities and the Ayrshire Rivers Trust on the Environmental Report.
- 4.4 The report to Cabinet also details the responses received in relation to the draft Masterplan itself and makes recommendations on how these comments should be incorporated into the finalised Masterplan. The comments received on the Environmental Report were also taken into account when deciding if modifications to the Masterplan were required.
- 4.5 Table 2 below sets out the comments made on the Environmental Report and Masterplan and the Council’s response on how these matters will be taken forward or if changes to the Masterplan and the Environmental Report are required to address the particular issues that have been raised.

Table 2: Consultation responses received on the Environmental Report and how these have been taken into account when finalising the Cumnock Town Centre Regeneration Masterplan.

Rep. No	Synopsis of Issue Raised	Council's Observations and Recommended Course of Action
SEA 001	<p>Scottish Environment Protection Agency, per Lorna McLean, Senior Planning Officer, East Kilbride Office, Redwood Crescent, Peel Park, East Kilbride, G74 5PP</p> <p>I refer to your Environmental Report consultation submitted under the above Act in respect of the Cumnock Town Centre Regeneration Masterplan. This was received by SEPA via the Scottish Government SEA Gateway on 28 November 2008.</p> <p>SEPA has used its Scoping consultation response of 13 September 2007 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, a copy of SEPA's response to the Masterplan itself is included in appendix 2.</p> <p>As the Masterplan 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 an "SEA Statement" similar to that advocated in the Scottish</p>	<p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are duly noted. The SEA Statement will be fully compliant with the requirements of Section 18(a)(iii) and 18 (3) of the Environmental Assessment (Scotland) Act 2005. For the information of the respondent, there is no requirement for the Council to publish an SEA Statement in the format advocated in the SEA Templates and/or Toolkit. The only requirement is to comply with the provisions of the Act.</p>

	<p>Government SEA templates and toolkit which is available at www.scotland.gov.uk/Publications/2006/09/13104943/13.</p> <p>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 574 302 via SEPA's SEA Gateway at sea.gateway@sepa.org.uk .</p> <p>Appendix 1: Comments on the Environmental Report</p> <p><u>1. General Comments</u></p> <p>In general SEPA is satisfied that its comments on the Scoping report have been taken into account and a reasonable level of assessment of the Masterplan has been carried out. However, even though the ER states that the actual preferred option has not been decided it would appear from the Masterplan itself that Masterplan Option 2 has been put forward as the preferred option. If the chosen Masterplan option has already been chosen it would have been useful if the ER provided an outline of the reasons why the alternatives had been eliminated especially since the option chosen was not the one identified in the assessment as the best option in environmental terms.</p> <p><u>2. Detailed Comments</u></p> <p>Appendix C – Main Plans, Programmes, Strategies (PPS's) and Guidance used in the Preparation of the Masterplan</p> <p>East Ayrshire Council may also find the following PPS's relevant; the EU Floods Directive 2007/60/EC, and as well as</p>	<p>Noted.</p> <p>Noted</p> <p>The comments of the respondent are duly noted. The Environmental Report was used as a decision-making tool, in terms of the environmental impacts that could occur from the implementation of any of the four alternatives. The Environmental Report assessed the four options as statutorily required and put forward a preferred option in environmental terms. The Environmental Report does not need to justify why an option, which may be the best in environmental terms, is not ultimately chosen as this is the purpose of the 'post-adoption/SEA statement'. The preferred option was based on social, economic and environmental issues and the reasons for this decision will be detailed in the post-adoption/SEA statement.</p> <p>Noted.</p>
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	<p>SEPA's Policy on Culverting of Watercourses (Policy 26) SEPA has a position statement on culverting of watercourses which takes account of SEPA's new duties and responsibilities under the Water Environment (Controlled Activities) (Scotland) Regulations 2005, this can be found on SEPA's website at; http://www.sepa.org.uk/about_us/policies.aspx.</p> <p>Environmental Baseline Data</p> <p>As has been noted in Appendix C River Basin Management Plans (RBMP's) are a requirement of the EU Water Framework Directive. One element of the draft RBMP's which are now out for consultation is a web base interactive map (http://www.sepa.org.uk/water/river_basin_planning.aspx) which provides information on the condition of each water body and the proposed environmental objectives for that water body. The new waterbody classification system has been used to assess the condition of each water body. This system is in line with the requirements of the Water Framework Directive and uses an approach to reflect the overall water environment rather than a more limited quality approach and therefore should provide a better source of information for the SEA process in the future.</p> <p>Mitigation measures</p> <p>It is noted from the assessment of the 4 Masterplan options that whichever option is chosen there are likely to be negative impacts. SEPA would strongly endorse the recommendation contained in the SEA that flood alleviation measures incorporated into the design of the diverted watercourse should not materially increase the risk of flooding at the site or elsewhere.</p> <p>It is acknowledged that as the development of the individual components of the Masterplan have not been finalised the ER has only suggested general mitigation measures and more</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted and will be incorporated into the final design of the diverted watercourse.</p> <p>The comments of the respondent are duly noted. If an EIA is not required then the Joint Venture Companies will include, as required, detailed mitigation measures within the planning applications for the</p>
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	<p>detailed mitigation is to be detailed in the EIA if required. If an EIA is not required detailed mitigation should be included with the planning applications for the site.</p> <p>Appendix 2</p> <p>Thank you for your consultation on 28 November 2008 on the Cumnock Town Centre Masterplan and the SEA Environmental Report of the Masterplan.</p> <p>The comments below relate to the preferred Masterplan Option.</p> <p>SEPA has reviewed the information provided in this consultation and it is noted that, based upon information contained within the Indicative River and Coastal Flood Map (Scotland), the application site (or parts thereof) lie within the 1 in 200 year (0.5% annual probability) flood envelope and is therefore at medium to high risk of flooding. Scottish Planning Policy 7: Planning and Flooding states, in paragraphs 16 and 17 respectively, that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year” and “Built development should not therefore take place on the functional flood plain.”</p> <p>SEPA has a record of flooding in the area of the proposed development site but it is recommended that contact be made with the Roads Department of East Ayrshire Council who, as Flood Prevention Authority, should be able to provide further information regarding flooding and flood alleviation in the area.</p> <p>It is noted that Masterplan Option 2 has selected by East Ayrshire Council as the preferred option for the regeneration of the Cumnock Town Centre which involves diverting the Glaisnock Water and providing a bridge across the rerouted</p>	<p>site.</p> <p>Ref: East Ayrshire</p> <p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are duly noted.</p> <p>Noted.</p> <p>The comments of the respondent are correct and accurate.</p>
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	<p>watercourse to provide access between the two parts of the development.</p> <p>Diversion of the Glaisnock Water is an integral part of the preferred Masterplan Option. This will change the nature of the channel in terms of hydraulics, roughness values and conveyance of flood flows. It should be demonstrated at the appropriate point in the development process that this will have a neutral or better effect on flood risk in the area. SEPA would also strongly endorse the recommendation contained in the SEA that flood alleviation measures incorporated into the design of the diverted watercourse should not materially increase the risk of flooding at the site or elsewhere.</p> <p>It is recommended that all the developments proposals contained within the Masterplan meet the principles of SPP7: Planning & Flooding.</p> <p>SEPA is aware of a Flood Risk Assessment and other preliminary detailed planning drawings having been submitted as part of pre-planning discussions primarily linked with Phase 1 (Office Development) of the Regeneration Plan.</p> <p>Engineering Works</p> <p>The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) were implemented on 1 April 2006. These regulations cover all engineering, building or other works in inland waters or in the vicinity of inland surface waters and wetlands. The diversion of the watercourse will require authorisation under these regulations. The applicant should contact SEPA's local EPI team based in our Ayr office to discuss this issue. Further details on this matter can be found on our website www.sepa.org.uk.</p>	<p>The comments of the respondent are noted and these issues will be taken into consideration.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p>
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	<p>Additional Information for Applicant & Caveats</p> <p>The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_map.aspx.</p> <p>SEPA wish to refer the Applicant to the document entitled: "<i>Technical Flood Risk Guidance for Stakeholders</i>". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/flood_risk.aspx. Please note that this document should be read in conjunction with Annex B in SEPA Policy 41: "<i>Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol</i>", available from the same web page.</p> <p>Please note that SEPA is reliant on the accuracy and completeness of any supplied information by the Applicant in undertaking its review, and can take no responsibility for incorrect data or interpretation made by the authors.</p> <p>The advice contained in this letter is supplied to you by SEPA in terms of Section 25 (2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is</p>	<p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p>
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	<p>intended as advice solely to East Ayrshire Council as Planning Authority in terms of the said Section 25 (2).</p>	
<p>SEA 002</p>	<p>Historic Scotland, per Andrew Stevenson, Senior Strategic Environmental Assessment Officer, Longmore House, Salisbury Place, Edinburgh, EH9 1SH</p> <p>Thank you for consulting Historic Scotland on the Environmental Report for East Ayrshire Council's Cumnock Town Centre Regeneration Masterplan which was received in the Scottish Government's SEA Gateway on 28 November 2008.</p> <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 Authority. It therefore focuses on the environmental assessment, rather than the contents of the masterplan.</p> <p>General Comments</p> <p>I welcome that the comments provided on the scoping report on 11 September 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 masterplan.</p> <p>The Environmental Report is well presented and clearly considers the environmental implications of the masterplan, as well as the alternatives to it. It provides a clear account of the steps undertaken during the environmental assessment process and presents these in a logical structure. I am content with the assessment and have set out some detailed</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are noted and welcomed.</p>

	<p>comments on some sections of the Environmental Report in an annex to this letter.</p> <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> <p>Please do not hesitate to contact me on 0131 668 8960 should you wish to discuss this response.</p> <p>Annex: Detailed comments on the Environmental Report</p> <p>For ease of reference, the comments in this annex follow the same order as the Environmental Report.</p> <p>Non-Technical Summary</p> <p>1. I found the non-technical summary to be clear and welcome the summary tables which demonstrate the outcomes of the assessment.</p> <p>Methodology for the Environmental Report</p> <p>2. I welcome the brief summary of the methodology for the report and agree that the format of the report provides a clear and transparent way in which to communicate the process of the assessment and the findings. I also welcome the provision of Appendix D which details your response to consultations on the scoping report.</p> <p>Context for the Cumnock Town Centre Regeneration Masterplan</p> <p>3. This section provides a helpful summary of the background behind the need for the masterplan, as well as clearly defining</p>	<p>The comments of the respondent are duly noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are noted and welcomed.</p>
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	<p>Mitigation and Monitoring</p> <p>10. I welcome the suggested mitigation measures for archaeology as outlined in Table 9. I consider these to be robust and comprehensive.</p> <p>Appendix B: Masterplan and Historic Environment Features Map</p> <p>11. While welcoming this map defining the boundary of the conservation area you may find it beneficial to add the other historic features in the vicinity of the masterplan area, particularly those sites from the SMR that lie within the boundary of the masterplan.</p> <p>Appendix C: Main Plans, Programmes, Strategies and Guidance in the Preparation of the Masterplan</p> <p>12. I welcome the inclusion of SPP 23 in this section. I note that Passed to the Future has been included in this list however, for information, Scottish Historic Environment Policy (SHEP) now supersedes the policy elements of this document.</p>	<p>The comments of the respondent are noted and welcomed.</p> <p>The comments of the respondent are duly noted. Further consideration will be given to the points that Historic Scotland raise.</p> <p>The comments of the respondent are noted. The Council welcomes the clarification from Historic Scotland on the status of the document entitled: Passed to the Future. This will now be removed from Appendix C.</p>
SEA 003	<p>Scottish Natural Heritage, per Dorothy Simpson, Operational Manager, Strathclyde and Ayrshire, 19 Wellington Square, Ayr, KA7 1EZ</p> <p>I refer to your Environmental Report submitted on 28 November 2008 via the Scottish Executive SEA Gateway in respect of the above plan. Scottish Natural Heritage has reviewed the report, in its role as a Consultation Authority under the above Act. Our comments on the Environmental Report are set out below.</p> <p>SNH is generally content with the level of detail in the</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted. The Glaisnock Water</p>

	<p>Environmental Report (ER). We are disappointed that the Glaisnock Water is not recognised as an asset, an integral part of Cumnock and incorporated into the master planning process in a sensitive way.</p> <p>We do not consider that Options 2, 3 and 4 are reasonable options.</p> <p>As noted at the Scoping stage, a key semi-natural feature runs through the site, the Glaisnock Water, and the site also contains mature trees. These features, trees and the water course, even in an urban setting, are capable of hosting important features of the natural heritage. European protected species such as otters and bats may use such features and water voles, protected by domestic legislation could also use the water course.</p>	<p>is recognised as an asset, however, due to the aim of regenerating the area and the social and economic benefits that will arise from the regeneration project; the diversion of the watercourse is unavoidable. However, the masterplan has attempted to minimalism the diversion of the watercourse and the environmental impacts that this may have while providing the optimum developable area in order to achieve the regeneration of the area.</p> <p>The comments of the respondent are duly noted. The Council disagrees with the respondent that Options 2, 3 and 4 are not viable alternatives. The options put forward for assessment were considered to be viable options for the regeneration of the area, taking on board social and economic factors, while trying to protect and enhance the environmental characteristics of the area. The assessment process concluded that Options 1 and 2 were the best options in terms of environmental impact and this was taken on board by the Joint Venture Company when making the final decision on the preferred option for the Masterplan.</p> <p>It is not disputed that the Glaisnock Water is a key semi-natural feature, however, it should be recognised that this particular stretch of the Glaisnock Water is currently set within a context of concrete riverbanks and gabion baskets,. The ecology survey, undertaken by the Countryside Services Section of the Council concluded that otters and water voles are not present in this section of the watercourse. The report also noted that a number of Natterer and Pipistrelle bats were feeding along the watercourse with a Natterer Roost recorded under the bridge on Glaisnock Street. The Environmental Report recognised the potential for disturbance to the roost and put mitigation measures in place to reduce the risk of any potential disturbance to the bat population contained within this particular roost.</p>
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<p>Rivers and streams are an Ayrshire Local Biodiversity Action Plan (LBAP) habitat, with water vole being an LBAP species and otter a key species in several LBAP habitats. East Ayrshire Council is a signatory to the Ayrshire LBAP.</p> <p>As a result we suggested the following be included in the assessment,</p> <p><u>“SEA Objective</u> Protect and enhance biodiversity, particularly the water course and dependant wildlife such as European protected species, otters.</p> <p><u>SEA criteria</u></p> <ul style="list-style-type: none"> - Does the masterplan protect the natural heritage? - Will the masterplan lead to fragmentation of wildlife corridors? - Does the masterplan create opportunities for enhancing biodiversity?” <p>The Objectives included in Table 5 of the ER are much narrower in scope and omit the specific importance of the river.</p> <p>“To protect and enhance biodiversity, flora and fauna. To ensure that there is no detrimental impacts on (statutorily) protected species and habitats.” The criteria listed omits the possible fragmentation of wildlife corridors.</p>	<p>The comments of the respondent are duly noted and not disputed. As previously stated, the diversion of the watercourse is unavoidable and the masterplan has attempted to minimalism the diversion of the river while providing the optimum developable area in order to achieve the regeneration of the area. The Ecology Report, which is the major source of baseline data relating to biodiversity, flora and fauna, concluded that water voles and otters were not using this stretch of the Glaisnock Water to live or feed; therefore, the diversion of the watercourse will not affect the water vole or otter population in the area.</p> <p>The comments of the respondent are duly noted. As stated in the responses to SNH’s comments at scoping, the Council took on board the suggested objective and criteria. The Council is of the opinion that the objectives and criteria contained within the Environmental Report are appropriate and commensurate with the level of baseline information used in the assessment process, which has allowed for an objective, robust and transparent assessment of the masterplan and its reasonable alternatives.</p>
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	<p>We do not consider that Options 2, 3 and 4 are reasonable options. All of them involve needlessly diverting the watercourse and two of them compound this by proposing to culvert a section of it, severing the existing habitat connectivity. This runs contrary to good practice in the management of watercourses.</p> <p>None of the four options enhances the biodiversity of the area.</p> <p>Although this is one of the SEA criteria, the only opportunity for enhancing biodiversity is the proposed removal of Japanese Knotweed. Management of Japanese Knotweed is only likely to be worthwhile if it is pursued along the full length of the affected watercourse.</p>	<p>The comments of the respondent are duly noted. As previously stated, the Council disagrees with the respondent that Options 2, 3 and 4 are not viable alternatives. The options put forward for assessment were considered to be viable options for the regeneration of the area, taking on board social and economic factors, while trying to protect and enhance the environmental characteristics of the area. The assessment process concluded that Options 1 and 2 were the best options in terms of environmental impact and this was taken on board by the Joint Venture Company when making the final decision on the preferred option for the Masterplan. Moreover, the Ecology Report has demonstrated that the existing habitat will not be severed and the potential disturbance to the bat roost has been mitigated. The Council is of the opinion that as the watercourse is set within an urban environment incorporating a concrete riverbank and gabion baskets there is the potential, as a result of the comments provided by SNH, to remove the concrete and gabion baskets and introduce natural features to enhance the setting of the watercourse. As the design of the diversion has not been finalised, further biodiversity enhancements may still be incorporated into the diverted watercourse.</p> <p>The comments of the respondent are duly noted. However, it should be noted that the masterplan will create a biodiversity habitat to the east of the office development, as well as, removing Japanese Knotweed. As stated above, the design of the diverted watercourse has not been finalised and it is the intention of the Joint Venture Company to remove the hard urban edges and revitalise the riverbank by introducing a natural environment in order to make a feature of the watercourse while still achieving social and economic regeneration.</p> <p>While, it is agreed that the removal of Japanese Knotweed along the full length of the watercourse would be desirable, this is outwith the remit of the masterplan and the regeneration project. For the</p>
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	<p>Flooding</p> <p>The report recognises that the Masterplan involves development on a floodplain and that, "mitigation measures will need to be implemented to ensure that this Masterplan option does not contribute to flooding within the site or downstream. Consideration should be given to land raising or other flood prevention measures to ensure that that flood risk is not exacerbated." To ensure all environmental impacts are identified, the impact of land raising should also be taken into account both in the immediate area of the land raising and how this could affect both down and upstream flood risk. No alternative flood attenuation measures are presented at this stage other than up raising. SNH believes without information on flood attenuation proposals and its effect on the environment on site indirectly off site, important effects of the proposals on the environment will be overlooked.</p> <p>Appendix G</p> <p>The boundary of the project in Option 2 varies from the other three, in that</p> <ul style="list-style-type: none"> - the spur for office parking shown in the other options is cut off - the Glaisnock Street part of the junction with Greenholm Street is included 	<p>information of the respondent, the purpose of SEA is to assess the likely significant impacts that the Masterplan could have on the environment and the level of assessment has to be commensurate with the Plan, Programme or Strategy it is assessing. There is no requirement for the Masterplan to deal with environmental issues which are outwith its scope and control.</p> <p>The comments of the respondent are duly noted. The consideration of detailed flood prevention and attenuation measures and their alternatives is not considered in the Environmental Report as this is a detailed, project level consideration which will be taken forward through the planning and EIA processes. The purpose of SEA is to assess the impact that the masterplan may have on flooding and to go beyond this into the realm of EIA would not be appropriate. The EIA, if required, will provide the detailed information on flood attenuation proposals (including the issues of land raising) and its effect on the environment on site and surrounding environment to ensure that the detailed impacts are assessed and mitigated if necessary.</p> <p>The comments of the respondent are duly noted. The Joint Venture Company, after consideration of the Environmental Report, determined that Option 2 was the preferred option for the regeneration project. As a result, further work was undertaken on this masterplan to illustrate how the area would be developed for public consultation purposes. The boundary of the Option 2 masterplan area is therefore different from the other reasonable alternatives that were considered.</p>
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	<p>and it is this map which is used in the 5 page executive summary document. Presumably the Appendix B map should be used for the executive summary.</p> <p>Appendix C</p> <p>SNH referred to the Ayrshire Local Biodiversity Action Plan in its previous response, but it is not included in the list of Plans, Policies and Strategies listed as being considered.</p> <p>There is an inconsistency in the “Environmental Protection Objectives/Targets” column where, ten pages in, from Planning Advice Notes (page 65) downwards, the report starts to mention that the Masterplan takes some of these into account. The implication is that it does not take the others into account, such as</p> <ul style="list-style-type: none"> - a wide-ranging duty on Scotland’s public sector to conserve biodiversity and protect Scotland’s natural heritage. - to conserve and where practicable to enhance species, habitats and natural and managed ecosystems that are characteristic of local areas and the biodiversity of natural or semi-natural habitats where this has been diminished over recent past decades. - encourage the management and safeguarding of features of the landscape of major importance for nature conservation or amenity, including field 	<p>The 5 page document is not an executive summary but actually the Cumnock Town Centre Regeneration Masterplan document, which explains the background to the project, its aims and details the masterplan itself. Therefore it would be incorrect to use the map contained in Appendix B as this only illustrates the masterplan and Conservation Area boundaries and would not illustrate how the area will be developed.</p> <p>The comments of the respondent are duly noted. The omission of Ayrshire Local Biodiversity Action Plan in this Appendix was an oversight and will be added to this appendix. It should be noted that although the document was not mentioned in this appendix it was used as one of the primary sources of information on biodiversity.</p> <p>The comments of the respondent are duly noted. However, the Council does not agree with them. All relevant environmental protection objectives and targets have been taken into account when developing the masterplan. However, the regeneration of the masterplan area means that some of these objectives cannot be achieved as the need for social and economic growth and regeneration outweighs the environmental objectives. Where this is the case, mitigation measures have been put in place to offset the potential environmental impacts. It should also be recognised that the masterplan will lead to enhancements to biodiversity. The previous responses, detailed above, show that further enhancements to biodiversity may still occur once the design for the diverted watercourse is finalised.</p>
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	<p>boundaries, woodlands, trees, lochs, ponds, watercourses and other wetlands;</p> <ul style="list-style-type: none"> - protection and enhancement of open space of natural heritage value - restore and enhance biodiversity in all our urban, rural and marine environments through better planning, design and practice. <p>Please note that this response is in the context of the Environmental Assessment (Scotland) Act 2005 and our role as a Consultation Authority. We understand that we will be separately consulted on our views on the Masterplan.</p> <p>Should you wish to discuss this response, please do not hesitate to contact Jimmy Hyslop on 0141 951 0816 or via SNH 's SEA Gateway at sea.gateway@snh.gov.uk</p>	<p>The comments of the respondent are duly noted. The cover letter issued to the SEA Gateway which accompanied the Environmental Report and Cumnock Town Centre Regeneration Masterplan indicated that the consultation period related to both the Environmental Report and the masterplan. There are no further plans to consult on the Cumnock Town Centre Regeneration Masterplan. However, SNH will be able to comment on the proposed developments when the planning applications are submitted</p> <p>Noted.</p>
<p>SEA 004</p>	<p>Ayrshire Rivers Trust, per Brian Shaw, Senior Biologist, Donald Hendrie Building, Auchincruive, Ayr, KA6 5HW</p> <p>On behalf of Ayrshire Rivers Trust (ART) I would like to make the following comments:</p> <p>1. The Masterplan provides an excellent opportunity for implementing improvements within the Cumnock Town Centre. This is acknowledged in the report in Para 1.7.1, it is stated that environmental improvements would not be created in the absence of the Regeneration Plan. East Ayrshire Council therefore have a duty towards its constituents to ensure that opportunities for improvements are maximised.</p>	<p>Noted.</p> <p>The comments of the respondent are duly noted. The Council will, as far as possible, ensure that opportunities for improvements are maximised.</p>

	<p>2. Para 1.2.6. ART agree that Option 1 is the acceptable option. The Glaisnock Water is already highly urbanised and any further modifications are likely to result in significant negative impacts.</p> <p>3. Para 5.2.1. ART hold data on fish populations in almost every watercourse in Ayrshire, including the Glaisnock Water in Cumnock and its tributaries. An examination of fish data from the area would have added considerably to the breadth of the report. It is hoped that this omission will be addressed if an EIA is produced as recommended for the retail development.</p> <p>4. Section 5, it was disappointing to see that fish population were not mentioned other than one anecdote regarding ART in Para 5.2.6.</p> <p>5. Para 5.2.4 mentions the presence of Japanese Knotweed (JK) within the study area. ART have recently completed a survey of Invasive Weeds in the Ayr Catchment and found that JK was present in dense stands within Cumnock but was present, in lower densities, as far upstream as Glaisnock House. ART would like to suggest that the proposed removal of JK from within the Masterplan area should be expanded in scope to include the treatment of all JK within the Glaisnock Water otherwise there will be a continual re-infestation within Cumnock. Para 11.2 recommends that JK should be removed from the site and disposed of. This type of treatment is likely to be expensive, difficult and ineffective. During the invasive weeds survey in Cumnock, JK plants were recorded growing out of walls etc where removal would not be an option. It is recommended that other treatment options such as chemical spraying or stem injection are investigated as part of a Glaisnock Water catchment eradication project. This is the</p>	<p>The comments of the respondent are duly noted. For the avoidance of doubt, the Environmental Report stated that Options 1 and 2 were the best in terms of minimising environmental impacts.</p> <p>The comments of the respondent are duly noted. It is considered that fish data may have improved the baseline data but this was not included on the advice of the Countryside Services Manager as it was her opinion that there was nothing of notable interest, in terms of protected fish species, in that part of the Glaisnock Water which meanders through the site. The use of fish data, in terms of any EIA, will be given due consideration by the consultant undertaking the EIA if one is required.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The diversion of the watercourse will remove any Japanese Knotweed from the stretch of the Glaisnock Water which meanders through the site. However, the removal of Japanese Knotweed from the entire stretch of the Glaisnock Water is outwith the scope of the Regeneration project, therefore, the Council will not be able to tackle this issue at this present moment. The suggested removal method will be given due consideration through the planning process and in the EIA, if one is required.</p>
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	<p>only sustainable way of removing the problem from the town.</p> <p>6. The high risk of flooding in the Glaisnock Water corridor is mentioned in Para 6.2. Reference to SEPA's flood map shows that extensive parts of Cumnock are considered to be at risk of flooding. This issue should perhaps be given more emphasis in the report.</p> <p>7. Para 6.2. There is no mention of litter, or invasive weeds such as JK, in the summary of existing environmental issues and problems in the Masterplan area. Litter is one of the biggest issues in East Ayrshire but it is not referred to at all within the Masterplan.</p> <p>8. Para 9.4.2, Table 5. The question is posed "Does the Masterplan create opportunities for enhancing biodiversity?" In addition to the points made in the report ART would like to highlight the opportunity that exists for the re-establishment of a spawning population in salmon in the Glaisnock Water. Monitoring by ART has found a complete absence of salmon in the Glaisnock Water during several surveys. This is surprising given the size of the burn and the fact that the Lugar Water itself supports an excellent salmon population in its upper reaches. The recent success of the re-establishment of salmon in the Burn Anne in Galston following the installation of a fish pass at the confluence with the River Irvine highlights the potential for significant biodiversity enhancement. ART would like to add that the reasons for the absence of salmon from the Glaisnock are not understood and there are likely to be a number of causes rather than a simple explanation such as an obstruction to migration.</p> <p>9. ART cannot agree with the conclusions of PARA 10.4.3.,</p>	<p>The comments of the respondent are duly noted. The issue of flooding in the area has been given significant emphasis within the report and the Council do not consider it necessary to make any further changes to the Environmental Report in this regard.</p> <p>The comments of the respondent are duly noted. Litter is a generic issue common to all local authority areas and was not considered to be a significant environmental issue, within the Masterplan area, to warrant a thorough assessment. It is agreed that Japanese Knotweed should have been mentioned in the summary of the existing environmental issues and problems and this will be rectified before the Masterplan and Environmental Report are adopted by the Council as Supplementary Planning Guidance.</p> <p>The comments of the respondent are duly noted. The re-establishment of salmon population in the Glaisnock Water will be given due consideration by the Council and may involve further discussions with ART on how this could be achieved. It should be further noted that the masterplan will create a biodiversity habitat to the east of the office development. Also, as the design of the river diversion has not been finalised, further biodiversity enhancements may still be incorporated into the diverted watercourse.</p> <p>The comments of the respondent are duly noted. The Environmental</p>
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	<p>where it is stated that the water and biodiversity quality of the watercourse would return to normal following diversion. This is unlikely to be the case as there will almost certainly be a reduction in habitat diversity in any diverted watercourse. The proposed diversion will result in a shortening of the watercourse, leading to an increase in gradient. This may have unforeseen impacts such as increased erosion or flood risk downstream.</p> <p>10. Para 14.4., ART agree that an EIA should be required to accompany any proposals for a retail development within the Masterplan area.</p> <p>11. Appendix C. There is no mention of the Ayrshire Biodiversity Action Plan in the list of documents consulted in the preparation of the Masterplan. This is a surprising omission considering the East Ayrshire Council were one of the key partners involved in the development of the plan.</p> <p>12. Appendix D. ART were pleased to see that SNH had quite rightly highlighted the biodiversity importance of the Glaisnock Water, and that their intervention had resulted in the “scoping in” of biodiversity within the report.</p> <p>ART feel that the Masterplan presents an excellent opportunity to enhance the natural environment within Cumnock for the benefit of the whole community, although does not consider that this has been fully grasped. The Glaisnock Water should be one of the main assets within Cumnock and as such should be the focus of regeneration within the Masterplan. This will require a change in attitude and the focus should be on the opening up of the burn, removal of litter, creation of burn side walks and biodiversity improvements along the riparian corridor.</p> <p>I hope these comments are useful. Please get in touch if you</p>	<p>Report states that the diversion of the watercourse should not lead to any medium to long term degradation of the watercourse or loss of biodiversity quality and that the EIA, if required, should put stringent mitigation measures in place to ensure that this does not occur. Therefore, the Council disagrees with the respondents view and is advised that the ecological quality of the watercourse will return to normal after diversion. For the information of the respondent, SEPA have not raised any issues in this regard.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The omission of Ayrshire Local Biodiversity Action Plan in this Appendix was an oversight and will be added to this appendix. It should be noted that, although the document was not mentioned in this appendix it was used as one of the primary sources of information on biodiversity.</p> <p>The comments of the respondent are duly noted.</p> <p>The comments of the respondent are duly noted. The Council agrees that the Glaisnock Water should be made a key feature of the regeneration project. The views expressed by the respondent will be taken on board during the design process for the river diversion.</p> <p>Noted.</p>
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	require any clarification.	
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5 SELECTION OF THE ADOPTED PLAN

5.1 SEA requires an assessment of the likely significant impacts of the Masterplan 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 Need for the Cumnock Town Centre Masterplan

5.2.1 The Environmental Report assessed the benefits of producing a Masterplan alongside two other reasonable alternatives, which were:

- Do nothing and rely on planning policy contained within the Development Plan for East Ayrshire to guide development in this area and
- Actively promote and pursue a single planning application from a developer/developers

5.2.2 The preferred option for the Council was to develop and adopt the Cumnock Town Centre Regeneration Masterplan as Supplementary Planning Guidance to provide a framework for development in the area. The Environmental Report concluded that the development of a Masterplan and adoption as Supplementary Planning Guidance was the best environmental option to ensure that the regeneration of Cumnock Town Centre takes place within acceptable environmental limits, while achieving regeneration of the Town Centre.

5.3 Reasonable Alternatives for the Cumnock Town Centre Regeneration Masterplan

5.3.1 The Environmental Report assessed the four alternative options that were chosen for assessment within the Environmental Report. Table 3 below summarises the options and the likely environmental impacts that they may have.

Masterplan Option Reference	Summary of Masterplan Option	Summary of Overall Environmental Impact
MP Option 1	River unchanged, provide bridges over Glaisnock Water to access car parking (working with the existing site constraints)	Significant Positive and Negative Impacts
MP Option 2	Divert river, open course, provide bridge access to car parking	Significant Positive and Negative Impacts
MP Option 3	Divert river, culvert, retain existing pedestrian footbridge	Significant Positive and Significant Negative Impacts
MP Option 4	Divert river, culvert, remove existing pedestrian footbridge and create new pedestrian access	Significant Positive and Significant Negative Impacts

- 5.3.2 From the assessment results, the Environmental Report advised that the best environmental option was **Masterplan Option 1**, with **Masterplan Option 2** being the second best environmental option. **Masterplan Options 3 and 4** are likely to have significant negative or negative environmental impacts on a host of environmental issues, namely: biodiversity, water, air quality and climatic factors.
- 5.3.3 Even though Masterplan Option 1 was the best in environmental terms, it was dismissed as a reasonable alternative due to the following issues:
- It would not give a sufficient developable area required to for the developments;
 - It would not have provide the required mitigation measures to alleviate potential flooding within the site,
 - It would not have achieved the aims of the Council for the Masterplan area.
- 5.3.4 Masterplan Options 3 and 4 were disregarded as they would have had significant negative and irreversible impacts on the ecology and biodiversity of the watercourse. These options were also not viable on an economic level.
- 5.3.5 Therefore, **the preferred option for the Masterplan was Option 2** as it would achieve the aims of the Council, allocates enough developable land to complete the project and stimulate regeneration and was the best environmental option after taking into account social and economic factors.

6. MONITORING

- 6.1 Monitoring is an important part of the SEA process as it allows the implementation of the Masterplan 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 the Masterplan. Monitoring will be carried out by various Council departments and the arrangements for monitoring are shown in the table below:

Masterplan Option Reference	Environmental Attributes to be Monitored	Monitoring Measures
MPOBJ 2	Biodiversity	Annual General Habitat Assessments for all Protected Species and Invasive Surveys will be required to be undertaken.
	Water	SEPA Water Quality Assessments will be used to ascertain if the quality of the watercourse is being affected.
	Air Quality	Annual Air Quality Monitoring
	Flooding	Annual Inspection of the Watercourse

	Archaeology	Maintain a record of the findings of archaeological assessment of the site.
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