

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 28 JUNE 2005**

### **ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN**

#### **STRATEGIC ENVIRONMENTAL ASSESSMENT**

##### **Report by Director of Development Services**

## **1. PURPOSE OF REPORT**

1.1 To update the Committee on progress regarding the Strategic Environmental Assessment of the Alteration to the East Ayrshire Local Plan; to seek Committee approval of a Scoping Report outlining the issues and methodology to be adopted in the Strategic Environmental Assessment of the local plan; to seek authorisation for the approved Scoping Report to be the subject of appropriate consultation; to seek authorisation for appropriate alterations and amendments to be made to the Scoping Report, if required, as a result of the consultation exercise carried out; to seek authorisation for the formation of a dedicated scrutiny group of Council officers and external agencies, as appropriate, to assess, in environmental terms, the aims / visions / objectives / policies and proposals of the Local Plan Alteration; and to seek authorisation to appoint an external scrutineer to supervise and direct the overall scrutiny process.

## **2. BACKGROUND INFORMATION**

2.1 On the 20 June 2004, the Environmental Assessment of Plans and Programmes (Scotland) Regulations came into force, requiring Strategic Environmental Assessment (SEA) to be undertaken of plans and programmes which are required by legislative, regulatory or administrative means, including the preparation of Local Plans. The Regulations are therefore considered to be applicable to the preparation of the Council's Alteration of the East Ayrshire Local Plan, work on which is currently underway.

2.2 As an initial part of the environmental assessment process, the Council is required to consult a number of appointed Consultation Authorities (Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Scotland) to determine whether a Strategic Environmental Assessment requires to be produced in respect of any plan or programme that the Council intends to prepare. In this regard, a Screening Report relating to the Alteration of the East Ayrshire Local Plan was sent to the Consultation Authorities on 20 December 2004 and confirmation was subsequently received that an environmental assessment of the local plan alteration will, indeed, be required. In accordance with the Regulations, this Screening Decision was advertised in the local press on the 4 and 11 February 2005 and made available for public viewing at the Planning, Development and Building Standards Offices and on the East Ayrshire Council website.

2.3 This report is concerned with a subsequent, secondary stage in the Strategic Environmental Assessment process which relates to the scoping of the Environmental Report that requires to be prepared in terms of the Regulations.

### **3. SCOPING**

3.1 As a prerequisite to preparing an Environmental Report which will identify and detail the impact that the strategies / aims / objectives / policies and proposals of the Local Plan Alteration are likely to have on the environment, the Regulations specify that the Council must consult with the Consultation Authorities on the scope and level of detail to be included in the Environmental Report and the length of any consultation period that requires to be set aside for representations to be made on the report. This process is commonly known as 'Scoping'.

3.2 In this regard, a Scoping Report has been prepared for submission to the Consultation Authorities outlining the proposed format of the Environmental Report, the assessment methodology and issues to be addressed in the assessment process. The Council is required by the Regulations to take into account any views expressed by the Consultation Authorities at this stage, when preparing the Environmental Report.

3.3 The Regulations specify that it is only the Consultation Authorities that require to be consulted on the Scoping Report. However, in order to add value to the process and enable wider participation, it is considered that additional consultation should take place with appropriate environmental bodies and interested members of the public, prior to the Scoping Report being formally submitted to the Consultation Authorities. It is suggested that an agreed period of four weeks should be set aside for representations to be submitted to the Council for consideration. It is also suggested that informal preliminary consultation should take place with the Consultation Authorities on the scoping report during this consultation period, before the report is formally submitted to them for consideration, in terms of the Regulations. This will allow any initial concerns that the Consultation Authorities may have on the scoping report to be addressed and remedied before the document is formally submitted and make the scoping process more transparent, open, accessible and robust.

3.4 Copies of the Scoping Report, prepared by the Head of Planning, Development and Building Standards, have been placed in the Members Lounge for the information of the Committee and other Local Members.

### **4. SCRUTINY**

4.1 An important element of the SEA process in relation to the Alteration to the East Ayrshire Local Plan is the assessment of the various strategies / aims / objectives / policies and proposals it contains. In order to assist and

inform the assessment process, it is considered that, once a preliminary assessment has been made of these aspects of the local plan alteration, a dedicated group should be convened to scrutinise the assessment processes and methodologies utilised, as well as any environmental impacts identified and conclusions reached.

4.2 It is considered that any scrutiny group to be formed should include representatives from other appropriate Council Departments and interested external environmental bodies, thus bringing a range of resources and specialised expertise, not otherwise available to the Planning, Development and Building Standards Division, to the assessment process. This approach would also bring impartiality to the process, making the results of the assessment credible, transparent and robust. It is recommended that the scrutiny group should comprise representatives from the Development Promotion Section of the Planning, Development and Building Standards Division, as well as representatives from the Council's Roads and Transportation Division, the Education Department, and the Housing, Leisure Services and Protective Services Divisions of the Department of Neighbourhood Services. External environmental bodies such as the Forestry Commission, the Royal Society for the Protection of Birds, the West of Scotland Archaeological Services, the Scottish Wildlife Trust, Scottish Water and any other environment bodies that will add value and expertise to the assessment process should also be co-opted onto the scrutiny group, as required. It is also strongly recommended that the whole scrutiny process should be directed and overseen by a facilitator appointed by, but independent of, the Council. Officers from the Planning Division's Policy and Projects Section would be attached to the group purely in an advisory capacity, and would not form part of the scrutiny group itself. Once established, it is considered that the scrutiny procedures described above could be used as a model for any Strategic Environmental Assessments that may require to be carried out by other Council departments at a future date.

## **5. FINANCIAL / PERSONNEL IMPLICATIONS**

5.1 There may be financial and personnel implications for various Council Departments and Divisions as a result of forming a dedicated scrutiny group, in terms of staff time and resources. The costs involved in obtaining the services of, and engaging, an independent external facilitator to supervise and direct the overall scrutiny process would also have financial implications for the Council.

## **6. LEGAL IMPLICATIONS**

6.1 There are no legal implications as the proposals comply with the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 and are judged to meet the provisions of the forthcoming Environmental Assessment (Scotland) Bill.

## **7. RECOMMENDATIONS**

**7.1 It is recommended that Committee agrees:**

- (i) to note the contents of this report;**
- (ii) to approve the Scoping Report accompanying this report for consultation purposes;**
- (iii) to authorise the Head of Planning, Development and Building standards to carry out any appropriate alterations and amendments to the Scoping Report, if required, as a result of the consultation exercise to be carried out;**
- (iv) to authorise the Head of Planning, Development and Building Standards to convene a Scrutiny Group made up of representatives of the Departments and external environmental bodies as described in Paragraph 4.2 above;**
- (v) to authorise the Head of Planning, Development and Building standards to appoint an external facilitator to supervise and direct the overall scrutiny process; and**
- (vi) to authorise the Head of Planning, Development and Building Standards to alter the composition of the scrutiny group, as considered appropriate, in order to best address the particular issues being addressed.**

**James Lavery**

**Executive Director of Development and Property Services**

17 June 2005 (AMcG/JL/SA)

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## **BACKGROUND PAPERS**

- (i) The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004.**
- (ii) Scottish Executive Development Department Interim Planning Advice Note: Environmental Assessment of Development Plans;**

**(iii) Scottish Executive Development Department Circular 2/04: Strategic Environmental Assessment for Development Planning: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004.**

**(iv) Scottish Executive Draft Environmental Assessment (Scotland) Bill.**

Anyone wishing to inspect the background papers please contact Antony McGuinness, Planning Officer on (01563) 576757.

***Implementation Officer: Alan Neish***