

Appendix 1

Summary of Consultation Responses

Directorate for the Built Environment

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Date: 23 June 2010

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00230 Environmental report - Moray council - Local transport strategy 2

Dear Kim

With reference to the Environmental Report you submitted to the SEA Gateway on 30 April 2010.

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone
SEA Gateway Officer





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Our ref: AMN/23/237 HG
Our Case ref: 201000679

17 June 2010

Dear Mr Gerring,

**Environmental Assessment (Scotland) Act 2005
The Moray Council – Local Transport Strategy
Environmental Report**

Thank you for consulting Historic Scotland on the Moray Council Local Transport Strategy and its accompanying Environment Report (ER). The purpose of this letter is to provide comments on the ER which was received from the Scottish Government's SEA Gateway on 30 April 2010. I am providing this view on behalf of Historic Scotland in relation to our main area of interest for the historic environment.

Overall I found the ER to be clearly written and well laid out and I am generally content that the comments we provided at scoping have been taken into account during its preparation. I am concerned however that the assessment does not present an entirely accurate overview of the environmental implications of the strategy for the historic environment. In particular I note that many of the objectives and actions have been found to have uncertain effects for the historic environment. While it is difficult at a strategic level to predict the specific effects that will arise as a result of implementing the strategy it should be possible to anticipate where significant negative and positive effects might arise as a result of projects stemming from the objectives and actions. In my view it would have been more worthwhile to reflect this in the assessment scoring. I have provided some more detailed comments in the accompanying annex.

None of the comments contained in this letter should be construed as constituting a 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. Please contact me on 0131 668 8744 should you wish to discuss this response.

Yours sincerely

Hannah Garrow
Senior Development Assessment (SEA) Officer

Annex: Detailed comments on the Environmental Report

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

SEA Objectives

1. As noted at scoping I am content with the SEA objective for the historic environment. The objective for quality of life, which I note was not included in the scoping report, is in my view not an environmental protection objective. Quality of life, while having some integration with environmental considerations, is as much a measure of economic and social wellbeing. In fact an objective which might be considered as contributing to quality of life such as access to services by new roads could be detrimental to the environment. For this reason the inclusion of this topic in the SEA, which is intended to look solely at the environmental implications of implementing the strategy, could be seen as confusing and its results could overshadow the assessment of environmental effects.

Relationship with other plans, programmes and strategies

2. The relevant plans and programmes included in Table 7 of the Environmental Report are those which form part of the same plan hierarchy as the Local Transport Strategy. You should also have shown an awareness of plans which may not have directly influenced its preparation, but which may contain objectives or messages about environmental protection which are relevant to the implementation of the strategy. For example the recently consolidated Scottish Planning Policy (SPP) and the Scottish Historic Environment Policy (SHEP) contain important policies for the protection and enhancement of the historic environment which should be considered in your assessment. The key messages derived from your review of relevant plans should then inform your choice of SEA objectives. I'm disappointed given the list of relevant documents provided in the scoping report that a more comprehensive review has not been included in the ER.

Alternatives to the Current Local Transport Strategy

3. I welcome the approach you have taken to the assessment of alternatives which considers a number of scenarios for the focus of the strategy. I note that the findings as reported in Appendix 3 sometimes refer to economic and social considerations. As explained in paragraph 2 the assessment should on the environmental implications of the strategy.

SEA Assessment Findings

4. I am concerned that the assessment findings in this case do not present a comprehensive overview of the environmental implications of the strategy for the historic environment. I would suggest that the statement in Table 9 that there are no conflicts between the strategy and the protection of the historic environment is not completely accurate. For example objectives to maintain and improve the road network, ensure adequate car parking provision and support improvements to passenger and freight rail services and their associated actions could result in significant adverse impacts for the historic environment. While it is difficult at a strategic level to predict the specific effects that will arise it should be possible to anticipate the types of negative and positive effects which might result. In my view it would have been more worthwhile to reflect this in the assessment scoring. In particular it could help to signpost for those responsible for carrying forward lower level projects instances where mitigation will need to be considered in project level assessments.
5. The Environmental Report includes an assessment of a number of actions for developments which are already under construction or which have been established in

other strategies. It may have been possible to take a more proportional approach to the assessment. Where actions support projects which have already been through the planning process or which have been subject to assessment through other plans or programmes you might have considered 'screening' them out. This would have reduced the amount of information contained in the ER and focused the assessment on new objectives and actions and their reasonable alternatives.

Appendix 1: Scoping Responses

6. I am pleased that you have included details of how the comments we provided at scoping have been taken into account in the preparation of the ER. I found this appendix very helpful.

Our Ref: PCS107319/er/SH
SG Ref: SEA00230

Richard Gerring
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By email: sea.gateway@scotland.gsi.gov.uk

23 June 2010

Dear Mr Gerring

**Environmental Assessment (Scotland) Act 2005
Draft Local Transport Strategy – Environmental Report**

Thank you for your Environmental Report consultation submitted under the above Act in respect of the above Strategy. This was received by SEPA via the Scottish Government SEA Gateway on 19 March 2010.

We have used our Scoping consultation response of October 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. Nonetheless it should be read in conjunction with our response on the Strategy itself which is provided separately.

As the Strategy is finalised, the 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 Strategy, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government SEA templates and toolkit which is available at www.scotland.gov.uk/Publications/2006/09/13104943/13. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

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

Yours sincerely,



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Appendix: Comments on the Environmental Report (ER)

General comments

The ER is well laid out and easy to follow. We are please to note that most, if not all, of the comments we made at the scoping stage have been taken into consideration in the ER.

We are also generally satisfied with the assessments presented and as a result we have limited detailed comments to make, which are outlined below.

Detailed comments

1. Relationship with other plans, programmes and strategy (PPS) and legislation

- 1.1 We note that the list of relevant PPS and legislation provided in the ER is significantly shorter than that proposed at the scoping stage. It is not clear why this is the case and we would expect the finalised ER to include the full list of relevant PPS and legislation accompanied by an explanation of how objectives and environmental considerations have been taken into account during the preparation of the Strategy.
- 1.2 We suggest they also include those PPS we outlined at the scoping stage and:
 - The Environment Act 1995 which introduces the requirement to produce an air quality Strategy;
 - Air Quality Strategy for England, Scotland, Wales and Northern Ireland; and
 - Air Pollution: Action in a Changing Climate (Defra and the devolved administrations).

2. Baseline data

- 2.1 Baseline data is provided in table 8 and appendix 2. In relation to air quality, the aspect of the environment for which we are probably most interested in for a local transport strategy, it is very basic with no actual data provided.
- 2.2 For example, the text suggests that specifically as a result of congestion there are known hot spots within Elgin; but no data on this and how it is changing has been provided. We understand that the monitoring carried out by Moray Council has shows that levels of pollution in these areas are close to exceeding the annual mean air quality threshold value for nitrogen dioxide. We also understand relatively high levels have also been found in Fochabers (Update and Screening Assessment, Moray Council 2009).
- 2.3 We request that the finalised ER includes air quality data and information on trends.

3. SEA topics scoped in/out and SEA objectives

- 3.1 We note that an additional SEA topic and related objective has been scoped into the assessment; that of "quality of life". We would suggest that quality of life is only a SEA topic in so far as it relates to population and human health, and note that it is already covered in this way. As a result we consider the quality of life objective to be socio-economic strategy objective, rather than a SEA objective. We therefore request that it be removed from the final ER or that a justification for its inclusion as a SEA objective be outlined.

4. Assessments - general comments

- 4.1 We note that a significant proportion of the comments relate to social or economic issues; the assessment should concentrate on environmental issues only.
- 4.2 We would suggest that a number of the scenarios would have mixed, rather than no impacts.
- 4.3 We are pleased to note that you have assessed all aspects of the draft strategy and provided a summary of your assessments in the main text.

5. Assessment of alternatives

- 5.1 We are generally satisfied with the assessments of alternatives but provide the following suggestions and comments.
 - 5.1.1 As an example of the issue highlighted in section 4.2 above we would suggest that scenario 5 would have mixed impacts on the air quality SEA objective (perhaps even slightly positive) due to the potential to concentrate improvements into built-up areas where air quality is likely to be poorest.
 - 5.1.2 We note that scenario 4 would increase investment in the provision of facilities for cyclists and pedestrians, develop the public transport network and provide better transport information; as a result we would consider that it is likely to have a positive environmental impact on the material assets SEA objective, rather than the negative score given.
 - 5.1.3 We would suggest that a scenario that focused on increasing the capacity of existing roads, encouraging vehicle numbers, would likely have a negative impact against the air quality SEA objectives.
 - 5.1.4 We would suggest that generally the modal shift from cars to public transport may not bring the expected improvement in air quality. Local authority assessments have shown that whilst buses and HGVs account for a small percentage of the traffic, they can emit a disproportionately high level of nitrogen dioxide.
 - 5.1.5 We agree that none of the scenarios would have a significant effect on the water quality SEA objective.
- 5.2 **Assessment of the vision, objectives, sub-objectives and action plans**
 - 5.2.1 We agree that the vision should have a range of positive impacts against the SEA objectives. We also agree with your assessments of the objectives, which are mostly positive.
 - 5.2.2 We would suggest that the review of moray harbours (S4) would have an unknown impact on the population and human health and material assets SEA objectives; as the strategy does not make it clear what will result from this review.
 - 5.2.3 We do not agree with your assessment of S5 (providing adequate car parking provision). We would suggest that such an approach does not promote accessibility, health prosperity and quality of life benefits (population and human health SEA objective) and does not

minimise land take and promote sustainable transport land use planning (land-use SEA objective). We consider that these SEA objectives should be scored moderately negatively. Additional car parking space may encourage the use of private cars which will not protect and enhance the local air quality, nor contribute to a sustainable transport infrastructure. As a result we consider that these SEA objectives should be scored significantly negatively. We would encourage you to mitigate these significant effects by amending your sub-policy.

- 5.2.4 It is not clear how reducing additional transport costs (S7) will have positive impact on the air quality or climatic factors SEA objectives. Generally reduced costs result in increased uptake. We would suggest that these should be scored negatively.
- 5.2.5 We note a lack of justification for the assessment of the first three roads actions. We would suggest that there are likely to be a mixed range of effects against those aspects of the environment where we have an interest. In relation to air quality this would include, for example, positive impacts in relation to the Fochabers bypass.
- 5.2.6 We would suggest that any action which results in physical development is likely to have at least minor negative impacts on the water SEA objective.

6. Mitigation

- 6.1 We note that no modifications to the strategy are proposed as a result of the assessment.
- 6.2 We note that a number of general mitigation measures are outlined, all of which are welcomed but it is not clear how it will be ensured that will be implemented, and by who.

7. Monitoring

- 7.1 We request you consider the following when finalising your monitoring strategy.
 - 7.1.1 How will it be determined, and by who, that interventions have beneficial or adverse effects?
 - 7.1.2 What environmental information would the number of interventions requiring licensing under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) provide?
 - 7.1.3 In relation to climate change and new development, Scottish Planning Policy advocates the avoidance principle, therefore any related monitoring strategy should advocate avoidance, not mitigation. We suggest related monitoring of new development be based on number of interventions brought forward which were granted planning contrary to SEPA or Flood Prevention Authorities advice on flood risk.
 - 7.1.4 We note that there is proposed to be no air quality monitoring. In view of the fact that the strategy is hoped to have significant effects on air quality we request that this proposal be reviewed.
- 8. We welcome the inclusion of a summary of our comments at the scoping stage and how they have been addressed (Appendix 1) and consider this good practice.



Scottish Natural Heritage

All of nature for all of Scotland

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14 June 2010
Our ref: CNS/SEA/ 00230

Dear Mr Gerring

**SEA Environmental Report
Moray Council Local Transport Strategy**

Thank you for providing copies of the Draft Moray Local Transport Strategy (LTS) (April 2010) and the Draft Moray Local Transport Strategy Environmental Report (April 2010).

We are supportive of the LTS and the Environmental Report.

We have been involved in the development of the LTS for a number of years and have corresponded with the Council's consultant, Ironside Farrar, on several occasions to provide advice. Formally we commented on the SEA Scoping Report in October 2007.

We made a number of comments and suggestions at that stage and staff from Ironside Farrar have kept SNH updated as to how these comments are being taking forward. This has been a very helpful approach and I would like to thank staff at Ironside Farrar, in particular Kim McLaren, for their attention to our comments.

It is evident from the LTS and the Environmental Report that our comments have been taken on board. I believe that this will make the LTS a strategy that reaches into the future and will deliver the benefits that the objectives are designed to achieve.

The mitigation detailed within the LTS and Environmental Report will help ensure that the Council staff know where to find information and are aware of what sort of baseline information or survey work may be required before projects can proceed. It also makes clear the likely occasions where further assessment of the impacts is needed. It is clear when SNH staff should be consulted.

SNH is supportive of the Appropriate Assessment appraisal in appendix 4.

SNH, as an organisation, is adapting the way it works with its consultees. We will have to reduce the amount of time spent on individual cases and in turn put effort into providing more of our advice at a strategic level. For example we will concentrate more time on feeding our advice and suggestions into plans and strategies. Consultees can then be more confident of what may be expected and better able to address issues with a lesser need to refer so much to SNH on an individual case by case basis. We will still provide advice on individual cases especially where designated sites may be affected but it is



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hoped that greater involvement at a strategic level may help to reduce the time spent at the individual project level. We will also work closely with SEPA and other agencies to reduce any duplication of effort and increase the speed with which we can respond to individual consultations.

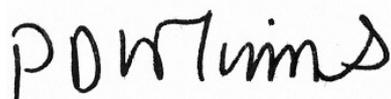
We have no further suggestions or comments to amend the current documents as we feel they comprehensively and accurately cover the issues and have addressed our original comments we made during the scoping stage.

Thank you for taking onboard our advice and we look forward to working with you in the future.

If you have any queries or would like to discuss anything further please do not hesitate to contact our Area Officer for Moray, Jennifer Heatley at;

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Yours sincerely



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