

TAYSIDE & CLACKMANNANSHIRE

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Our ref: PF 195/07-08 (CNS/SEA/Scopingreports07/08)

17 January 2008

Dear Sir

**Environmental Assessment (Scotland) Act 2005
Clackmannanshire Council Core Path Plan scoping report**

I refer to your scoping report, sent to the Scottish Executive SEA Gateway on 17 December 2007. In accordance with Section 15(2) of the Environmental Assessment (Scotland) Act 2005, Scottish Natural Heritage has considered the report in its role as a Consultation Authority under the above Act. Our comments on the scope and level of detail to be included in the Environmental Report and on the duration of the proposed consultation period are set out below. Detailed comments are provided in the Annex to this letter.

Scope of assessment and level of detail

Subject to the specific comments set out below and in the Annex, SNH is content with the scope and level of detail proposed for the Environmental Report.

Consultation period for the environmental report

SNH notes that a period of 12 weeks is proposed for consultation on the Environmental Report and is content with this timescale.

Concluding remarks

I hope that these points are of assistance to you. 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 regarding the Environmental Report and on the Core Path Plan itself.

Yours sincerely



Denise Reed (Mrs)
Operational manager

Enc. Annex – SNH response to Clackmannanshire Council Core Path Plan SEA Scoping Report PF 195/07-08

cc SNH SEA Gateway:

sea.gateway@snh.gov.uk

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SEPA SEA Gateway:
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Annex – SNH response to Clackmannanshire Council Core Path Plan SEA Scoping Report PF 195/07-08

11 January 2008

General Approach

We support the general approach as outlined in the scoping report. We would expect the SEA to consider the potential impact of routes on designated sites and species in some detail.

Relationship with other plans, programmes or strategies

The scoping report provides a comprehensive list of plans, programmes and strategies which may influence or be integrated with the Core Path Plan. We welcome the inclusion of the Nature Conservation (Scotland) Act 2004, EU Birds and Habitats Directives. We support the intention to consider cross-boundary effects with neighbouring authorities; integration with neighbouring draft Core Paths Plans which may influence this plan is essential.

We also recommend the Council considers the following in preparing the Core Path Plan:

- NPPG 14 'Natural Heritage'
- SPP11 Open Space and Physical Activity.
- PAN 65, linking access routes to the quality and accessibility of open space.
- The emerging Scottish Rural Development Programme 2007-2013 is also likely to be a significant influence.
- 'Designing Places: a policy statement for Scotland' (Scottish Executive).
- 'European Protected Species, Development Sites and the Planning System; interim guidance for local authorities on licensing arrangements' (October 2001) provides guidance where European Protected Species (including bats and otter) are present.
- SNH's Natural Heritage Futures prospectus "Eastern Lowlands" (under revision).
- The Council's Outdoor Access Strategy.

Current state of the environment - baseline information

Schedule 3 of the Environmental Assessment (Scotland) Act 2003 sets out the information to be included in the Environmental Report. It should also include a description of the likely evolution of the environment without the plan to provide a frame of reference for the assessment of the plan.

We note the scoping report contains a draft Current State of the Environment report in Appendix 2, and lists natural heritage designations within Clackmannanshire. However, we note the lack of natural heritage information and we would expect to see appropriate information on the baseline in the Environmental Report. This will help understanding of the current natural heritage characteristics of the area. Data can be obtained by accessing SNH's Natural Spaces system on our website (www.snh.org.uk). This aims to help with provision of information for SEA and other requirements by giving access to SNH's data holdings.

Datasets can be searched for local authority areas, and through three broad dataset categories: Habitats and Species; Landscape, Open space and Access and Protected Areas.

Further information which may be helpful can be found by going to www.snh.org.uk and clicking on the SNHi icon on the right hand side. Specifically, SiteLink aims to provide easy access to data and information about sites designated for their natural heritage value across Scotland. The information displayed about each site comes from our corporate databases.

Other baseline information such as existing signposted or waymarked paths, or any data on current paths usage or path condition would be useful.

Environmental Problems:

Biodiversity, flora and fauna

We agree with the environmental problems that the scoping report identifies for biodiversity, flora and fauna. The decline of biodiversity and associated habitats is a key issue for Clackmannanshire, particularly through development pressure, land management practices and intensification of farming.

Significant habitat losses have occurred in relation to native woodlands, species rich grassland and hedgerows.

Attention should be given to protected species, designated sites and nationally and internationally protected areas in considering specific environmental problems relevant to biodiversity. For instance, the impacts of disturbance to birds should be considered when identifying paths or key access points along the Firth of Forth SPA and Ramsar site. There is the potential for increased usage per se to affect sensitive natural heritage interests. Where there are any potential significant effects on Natura sites it should be noted that these would be required to be subject to an Appropriate Assessment.

It would be helpful to identify any entirely new routes within the core path plan and those likely to see a significant change in use due to new promotion or an upgrade. We recommend the identification of opportunities to alleviate detrimental impacts on the natural heritage arising from existing access routes.

Designated sites, the reason for their designation and comments on any likely effects of the CPP should be noted. Any potential threats / benefits of the CPP's activities to named species should also be noted. The issues of habitat networks, wildlife corridors and the importance of non-protected biodiversity should also be given attention as should matters relating to landscape. It is possible that significant effects in relation to locally valued landscape and wildlife sites may also be identified. Many of these are also locations which are most likely to be desired for access related development, such as upland areas and stretches of river/water bodies such as Gartmorn Dam.

The European Guidance notes that any effects on protected sites and on selected species in accordance with the Habitats Directive should be part of the Environmental Report. The guidance recommends that these effects might be described in a separate chapter as the findings on such effects are binding for the decision of the competent authorities on the plan or programme. We recommend specific reference to European Protected Species such as otters and bats, to maintaining links between features (in accordance with Article 10 of the Habitats Directive) and to national and local BAP species and habitats.

We also recommend that reference be made to the Scottish Biodiversity List (as described in Section 2(4) of the Nature Conservation (Scotland) Act 2004) and to the statutory duty on all public bodies to further the conservation of biodiversity.

Water and soil

We would add development pressure along watercourses and within floodplains, and the need for sustainable flood alleviation schemes. The spread of non-native invasive species along watercourses is also an issue for Clackmannanshire. Specific attention should be given to the Firth of Forth SPA and Ramsar site.

Cultural heritage and landscape

We recommend reference to the Areas of Great Landscape Value (AGLV) in Clackmannanshire, access and the developing Access Strategy. Inappropriately sited/designed development can impact negatively on the landscape and also on historic settlement patterns such as in the hillfoot villages.

Scoping of issues

We support the scoping in of biodiversity, flora and fauna, soils, landscape, population and human health. We would highlight that the inter-relationship between these issues should be considered.

SEA objectives

We welcome the consideration of SEA objectives for assessing the potential environmental effects in Clackmannanshire arising from the implementation of the plan.

We suggest adding a more specific objective to avoid adverse affects on the integrity of the Firth of Forth Natura site.

A more specific objective could also be devised for European Protected Species such as “maintain and enhance the populations of European Protected Species, including protection of their resting places.”

Assessment Methodology

We note the intention to assess the impacts of the strategic action on each objective, but it would be helpful to clarify what aspects of the CPP will be assessed and the level of detail of the assessment if individual routes are not to be assessed. In particular, how it is intended to assess effects on designated sites and protected species.

We welcome the inclusion of a column in the matrix to include comments and justification for the predicted impact; this is important in ensuring the adequate detail of the assessment is recorded and in demonstrating a transparent process. This may also be useful in identifying particular issues with routes for example potential effects on the Firth of Forth SPA and Ramsar site.

We would expect the assessment to also include synergistic and secondary effects. The proposals may also have cumulative effects, for example proposals which consist of linear paths along sensitive watercourses can be detrimental cumulatively.

Monitoring is a requirement of the Act, and we support the inclusion of indicators which will help to measure progress towards or away from the objectives. We refer to our comments under SEA objectives above; We suggest an appropriate indicator for the Natura site would be the percentage of proposals which demonstrate that they do not adversely affect the integrity of the site.

Alternatives and mitigation

SNH supports the approach you are taking in considering alternative path options, although it is not clear what level of detail this will be carried out at. We will also be happy to comment in due course on the proposed approach.

You might wish to consider alternative path options where there are potential negative environmental impacts – both at a more strategic network approach level and regarding deleting or changing particular routes.