

POST-ADOPTION SEA STATEMENT – COVER NOTE

PART 1

To: SEA.gateway@scotland.gsi.gov.uk

or

SEA Gateway
Scottish Executive
Area 1 H (Bridge)
Victoria Quay
Edinburgh EH6 6QQ

PART 2

A post-adoption SEA statement is attached for the PPS entitled:

Clackmannanshire Council Core Paths Plan

The Responsible Authority is:

Clackmannanshire Council

PART 3

Contact name Martin Dean

Job Title Access and Countryside Projects Officer

Contact address Clackmannanshire Council
Kilncraigs
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Alloa
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Signature & date Martin Dean 23rd July 2009

POST - ADOPTION SEA STATEMENT

Post-adoption SEA statement for:

Clackmannanshire Council Core Paths Plan

Adopted on:

4th June 2009

Responsible Authority:

Clackmannanshire Council

POST-ADOPTION SEA STATEMENT INTRODUCTION

This document (referred to here as the post-adoption SEA statement) has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

POST-ADOPTION SEA STATEMENT AVAILABILITY OF DOCUMENTS

WEBSITE

The full PPS as adopted, along with the Environmental Report and post-adoption SEA Statement are available on the Responsible Authority's website at:

<http://www.clacksweb.org.uk/environment/corepathsplan/>

OFFICE ADDRESS

The PPS, as adopted, along with the Environmental Report and post-adoption SEA Statement may also be inspected free of charge (or a copy obtained for a reasonable charge) at the principal office of the Responsible Authority:

Contact name, address and telephone number

Martin Dean
Access and Countryside Projects Officer
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

01259 452409

Times at which the documents may be inspected or a copy obtained:

9.00am - 5.00pm, Monday - Friday inclusive, except public holidays.

**POST-ADOPTION SEA STATEMENT
KEY FACTS**

Name of Responsible Authority	Clackmannanshire Council
Title of PPS	Clackmannanshire Council Core Paths Plan
Purpose of PPS	To draw up a plan for a system of core paths sufficient to provide reasonable public access throughout the area.
What prompted the PPS (e.g. a legislative, regulatory or administrative provision)	The Clackmannanshire Council Core Paths Plan has been prepared in response to Section 17 of the Land Reform (Scotland) Act 2003 which places a duty on local authorities to produce such a plan within 3 years of the Act coming into force.
Subject (e.g. transport)	Outdoor access.
Period covered	The Clackmannanshire Council Core Paths Plan was adopted on 4th June 2009.
Frequency of updates	Under Section 20 of the Land Reform (Scotland) Act 2003, local authorities have a duty to review the Plan for their area, either when they consider appropriate or by virtue of ministerial direction. It is intended that the first review will be in 2014.
Area of PPS (e.g. geographical area)	The Clackmannanshire Council local authority area.
Summary of nature/content of PPS	The Clackmannanshire Council Core Paths Plan comprises of a series of maps showing which paths have been designated as Core Paths in Clackmannanshire. It is accompanied by supporting text and a list which provides information on each core path.
Date adopted	The Clackmannanshire Council Core Paths Plan was adopted on 4th June 2009.

Contact name & job title
Address, email, telephone number

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Date

23rd July 2009

POST-ADOPTION SEA STATEMENT STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS

The Clackmannanshire Council Core Paths Plan has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and the Scottish Ministers (Historic Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report

- Preparing an Environmental Report on the likely significant effects on the environment of the draft Plan which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the Plan and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the Plan;
 - the Plan's likely significant effects on the environment (positive and negative);
 - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
 - an outline of the reasons for selecting the alternatives chosen;
 - monitoring measures to ensue that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken.

- Consulting on the Environmental Report

- Taking into account the Environmental Report and the results of consultation in making final decisions regarding the Plan

- Committing to monitoring the significant environmental effects of the implementation of the Plan. This will also identify any unforeseen adverse significant environmental effects and to enable taking appropriate remedial action.

**POST ADOPTION SEA STATEMENT
HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN
INTEGRATED INTO [THE PPS] AND HOW THE ENVIRONMENTAL
REPORT HAS BEEN TAKEN INTO ACCOUNT**

TABLE 1

ENVIRONMENTAL CONSIDERATIONS AND FINDINGS FROM ENVIRONMENTAL REPORT	INTEGRATED INTO PPS (YES/NO)	HOW INTEGRATED/ TAKEN INTO ACCOUNT OR REASON FOR NOT BEING TAKEN INTO ACCOUNT
Biodiversity (Flora and Fauna) - Promotion of core paths may result in increased use of path network and impact on environmentally sensitive areas.	Yes	Where paths pass through or adjacent to areas designated for their ecological importance, signage will be posted asking users to avoid sensitive areas to minimise the impacts that they have on the area.
Biodiversity (Flora and Fauna) - The potential for disturbance to European Protected Species such as otters and bats was recognised but, since no new paths will be created as part of the Plan and since there are no plans for major new infrastructure (such as bridges over watercourses) nor the removal of habitat or trees to make way for new paths, then no negative impacts were predicted.	No	Not taken into account because it was not predicted that the Plan will have any negative impacts on European Protected Species. Clackmannanshire Ranger Service undertake biannual monitoring for signs of otters at locations spread throughout the county.

<p>Biodiversity (Flora and Fauna) - No negative impacts on the SSSI at Gartmorn Dam were predicted by designating the water body as a core path. This is because it was recognised that the site is already well used by a variety of water based recreational user groups (canoeists, sailing dinghies and fishermen) and that signage highlights the sensitive areas and steers human activity away from these areas.</p>	<p>No</p>	<p>Not taken into account because no negative impacts are predicted.</p>
<p>Biodiversity (Flora and Fauna) - No significant effects were predicted on the Firth of Forth SPA from the proposed core paths on the banks of the estuary. This was because the routes have previously been in use as rights of way and as part of the National Cycle Network, and because there are no planned physical interventions to these paths. In light of this, it was determined there is no need for appropriate assessment under the Habitats Directive.</p>	<p>No</p>	<p>Not taken into account because no significant effects are predicted.</p>
<p>Population, Human Health and Air Quality - It was acknowledged that adoption of the Core Paths may result in greater participation in recreational activities and so bring associated benefits to health. It was also noted that improving and protecting the path network might improve the quality of life for those who do not have access to motorised transport.</p>	<p>No</p>	<p>The associated benefits are referred to in the Plan.</p>

<p>Soil, Land and Water - No significant impacts are predicted on soil quality.</p> <p>It was recognised that increased use of the paths could result in some soil erosion which could adversely affect water quality.</p>	<p>No</p>	<p>Monitoring of paths will assess the extent of any problems that may arise.</p>
<p>Soil, Land and Water - It was recognised that the Plan may lead to more litter which could impact on water quality.</p>	<p>Yes</p>	<p>Signage will be used to discourage user activities and behaviour that may adversely affect water quality.</p>
<p>Climatic factors and Air Quality - It was noted that the Plan may result in some transfer from motorised to non-motorised modes of transport.</p>	<p>No</p>	<p>It was not considered that this transfer from motorised to non-motorised modes of transport would have any significant impact in reducing emissions or altering existing air quality.</p>
<p>Material Assets - Mention was made of the fact that, should future path construction, modification and maintenance makes use of reused and recycled materials, then there will be a contribution to minimising potential waste materials and recovering and reusing them.</p>	<p>No</p>	<p>Any mode transfer from motorised to non-motorised transport would reduce energy consumption but, effects are considered unlikely to be significant across Clackmannanshire.</p>

<p>Cultural heritage and Landscape -</p> <p>The Plan does promote several paths that provide access to some of the towers, castles and ancient monuments within Clackmannanshire, but since all of the paths are based on existing rights of way and are already in active use, there are not predicted to be any adverse impacts on these historic monuments caused by the adoption of the Plan.</p> <p>The only exception to this was Clackmannan Tower, accessed by Core Path 99. The path has now been diverted around the tower so that the public would need to divert off the path to visit the tower. This action should, therefore, relieve any pressure on the monument from a possible increase in walkers and others, using the path.</p>	<p>No</p>	<p>No adverse impacts on historic monuments are predicted because the paths are based on existing rights of way and are already in active use.</p> <p>At Clackmannan Tower, accessed by Core Path 99, the path has been diverted around the tower.</p>
<p>Landscape - It was recognised that routes through visually sensitive areas such as the Ochil hills could have landscape impacts.</p>	<p>No</p>	<p>Because routes through sensitive areas follow existing paths and rights of way, and since there is no planned infrastructural work on these paths, it is not predicted that there will be any landscape impacts caused by the adoption of the Plan.</p>

<p>Cumulative effects - The very small magnitude of impacts predicted to arise from the development of the Plan is not likely to cause significant cumulative impacts following implementation.</p>	<p>No</p>	<p>The development and promotion of the Plan as a whole will increase awareness of the Clackmannanshire path and water route network and bring improvements in access to the whole of the Clackmannanshire area, whilst bringing support to other sustainable transport initiatives across the area. Because there are no construction elements to the proposed Plan, its adoption will not contribute to construction impacts of unrelated developments being implemented in the vicinity of the path network and therefore the potential for cumulative impacts with development proposals currently in the planning system is not considered further.</p>
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**POST ADOPTION SEA STATEMENT
HOW OPINIONS EXPRESSED DURING CONSULTATION HAVE
BEEN TAKEN INTO ACCOUNT (INCLUDING ANY
CONSULTATION REQUIRED WITH OTHER EU MEMBER STATES)**

**TABLE 2 –LISTS CONSULTATION RESPONSES AND SETS OUT HOW
THEY HAVE BEEN TAKEN INTO ACCOUNT**

CONSULTEE / RESPONDENT	SUMMARY OF COMMENTS	HOW THE COMMENT WAS TAKEN INTO ACCOUNT IN MAKING THE DECISION TO ADOPT THE FINAL PPS
Historic Scotland	Historic Scotland consider that the Core Paths Plan will create opportunities for greater public accessibility to, and promotion of, cultural heritage sites and feel that the core paths will contribute to positive management and stewardship of these sensitive sites.	Historic Scotland's comments were referred to in the report to Council.
	Comments on the Plan are set against the wider context of policy within the relevant Clackmannanshire Council Development Plan and national planning policy.	Noted.
	Details of Scheduled Ancient Monuments, Category A Listed Buildings, Properties in Care and Gardens and Designed Landscapes in Clackmannanshire were listed.	Noted.
	Impacts on historic environment features often depend on the land-take associated with infrastructure and supporting activities, and may be avoided through appropriate locational measures.	No infrastructure and supporting activities are planned for any historic environment features.

	Any works to maintain/upgrade paths which cross listed structures such as bridges may require Listed Building Consent (LBC).	Noted.
	Any works to maintain/upgrade paths or insert sign posts within a scheduled area will require scheduled monument consent (SMC).	Noted.
	Sign posts erected in the vicinity of scheduled monuments or listed buildings should be located in a position which does not impact upon the setting of the monument or listed building. These works may need consent under the GDPO.	Noted.
	HS should be consulted on any works to create/maintain/upgrade paths where they fall within the boundary of a garden or designed landscape included in the Inventory of Gardens and Designed Landscapes in Scotland.	Noted.
	The sensitivity of the historic environment as a whole should be taken into account in any assessment of environmental impacts associated with the creation and maintenance of core paths. Scottish Historic Environment Policy (SHEP) 1 explains what is meant by the term “historic environment”. It sets out Scottish Ministers’ vision for the future of the historic environment, the key principles and policies which apply, and the role of HS and others in delivering this vision.	Noted.

	Where new paths are proposed in the vicinity of scheduled areas we strongly advise that they are re-routed to avoid all such direct impacts.	Noted. Core path 99 was rerouted to avoid such direct impacts on Clackmannan Tower - a Scheduled Ancient Monument, Category A Listed Building and a Property in Care.
	Any works proposed to create new or improve existing paths through the legally protected area of a scheduled monument would require the prior written consent of Scottish Ministers (SMC) under Section 2 of the provisions of the Ancient Monuments and Archaeological Areas Act 1979.	Noted.
	Any works directly affecting a listed structure will require LBC. The planning authority should consult with HS on works affecting the setting of an A-listed structure.	Noted.
	In the case of paths which lie within or adjacent to properties in the care of Scottish Ministers we would recommend early discussion with HS on the content of signage referring to these monuments and their status.	Noted.
	Responsibility for assessing proposed signage works affecting listed buildings lies with Clackmannanshire Council.	Noted.

<p>Scottish Environmental Protection Agency</p>	<p>SEPA was of the opinion that, in a SEA context, the Plan was unlikely to have significant environmental effects in respect of SEPA's areas of competence: water, soil, air and climatic factors.</p>	<p>SEPA's comments were referred to in the report to Council.</p>
	<p>SEPA considers that the Environmental Report provides an adequate assessment of the potential significant environmental effects of the Clackmannanshire Council Core Paths Plan.</p>	<p>Noted.</p>
	<p>SEPA considers that relevant background information is presented in relation to the Core Paths Plan. The Environmental Report clearly states which environmental issues are scoped into the assessment and supports the decisions with adequate justification.</p>	<p>Noted.</p>
	<p>SEPA agrees with the summary of the assessment findings provided in Table 5.1 which describes as neutral the likely effects on soil and land, the water environment, air quality, climatic factors and waste from the proposals in the Core Paths Plan.</p>	<p>Noted.</p>
	<p>SEPA notes that it is proposed that particular attention is given to flood prevention in relation to ongoing maintenance of the path network and SEPA welcomes this.</p>	<p>Any maintenance that is due to take place will pay due regard to flood prevention..</p>

<p>Scottish Natural Heritage</p>	<p>SNH consider that overall their comments have been taken into account and are content that the Environmental Report (ER) has provided a satisfactory assessment of the potential significant effects.</p>	<p>SNH's comments were referred to in the report to Council.</p>
	<p>They comment that the section on the LBAP could be made more meaningful by providing contextual information on the relative value of Clackmannnshire's biodiversity – what elements are particularly important in a regional/national context, and what overall is the baseline position.</p>	<p>Noted.</p>
	<p>SNH note the environmental issues identified in Section 4.3, and the lack of information on European Protected Species (EPS). They comment that it is important to recognise that EPS species such as otter may be affected by increased usage/disturbance through access. In locations where the presence of EPA such as otters and bats is likely, then surveys prior to work commencing will be required.</p>	<p>The core paths follow existing routes.</p>
	<p>SNH note that all the proposed core paths are existing routes which provide reasonable access in their current condition.</p>	<p>Noted.</p>

	SNH welcome the section on Appropriate Assessment in the ER and consideration of potential impacts on the Firth of Forth SPA and note that an Appropriate Assessment will be required for constructing new paths etc.	Noted.
	SNH recognise that new development and increased population arising from residential development in particular may affect the Firth of Forth SPA. The Core Path Planning process can be used to help mitigate disturbance which may arise from this.	Noted.
	Signage to encourage responsible behaviour is supported and should help to manage existing use of paths.	Signage to encourage responsible behaviour will be installed and is referred to in the Plan.

POST-ADOPTION SEA STATEMENT

REASONS FOR CHOOSING THE [PPS] AS ADOPTED, IN THE LIGHT OF OTHER REASONABLE ALTERNATIVES

The Clackmannanshire Council Core Paths Plan was developed following guidance issued by the Paths For All Partnership and Scottish Natural Heritage. It was a stepped process which involved:

- Consultation with community groups, users and others to identify routes for consideration as core paths.
- The identification of essential and desirable criteria for core paths, with the assistance of the Clackmannanshire Access Forum.

- An initial assessment of the routes previously identified against the criteria, leading to the identification of Candidate Core Paths.
- Further consultation seeking comments from community groups, users and others on the Candidate Core Path.
- The production of a Final Draft Core Paths Plan for a formal consultation where interested parties were given the opportunity to comment and to formally object to the Plan.

Many of the paths proposed during the consultations have been included in the Plan, but a number were rejected because they did not meet all essential and the required number of desirable criteria. A small number of paths were discounted because of issues relating to land use and management, although the majority of concerns in this area were successfully addressed by amendments to initially proposed routes. Certain routes were also identified for consideration during future reviews of the plan as they are not suitable for designation at the present time.

Alternatives in relation to the overall level of path provision across the Clackmannanshire area were considered at each stage bearing in mind the statutory obligation to provide reasonable access throughout the area.

The core paths adopted by Clackmannanshire Council have therefore, undergone a rigorous process of checking against a number of criteria and of consultation and liaison with land managers, community groups, users and others.

The Plan meets the requirements of the Land Reform (Scotland) Act 2003, the objectives set by Clackmannanshire Council and the Clackmannanshire Access Forum for the development of a Core Paths Plan, and the objectives set out by the Environmental Assessment (Scotland) Act 2005.

POST-ADOPTION SEA STATEMENT

MEASURES THAT ARE TO BE TAKEN TO MONITOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PPS

Section 19 of the Environmental Assessment (Scotland) Act 2005 requires the Responsible Authority to monitor significant environmental effects of the implementation of the Plan. This must be done in such a way as to also identify unforeseen adverse effects and to take appropriate remedial action.

Monitoring of the effects of implementing the Clackmannanshire Council Core Paths Plan will be undertaken by regimes currently in place for local authority infrastructure and maintenance through routine monitoring by the Council's Ranger Service, Land Services and others.

Monitoring activities will include, but will not be restricted to:

- Monitoring of adopted core paths by Clackmannanshire Ranger Service and Volunteer Rangers. Timescale is currently being considered , but is likely to be on an annual basis.
- Monitoring of adopted core paths that follow roads or roadside footways by the Traffic and Transportation Department.
- Monitoring of adopted core paths that pass through parks by Land Services.
- Monitoring of rights of way, National Cycle Routes and other promoted routes by Clackmannanshire Ranger Service and Volunteer Rangers. Timescale is currently being considered , but is likely to be on an annual basis.
- Bridge surveys carried out by the Traffic and Transportation Department.
- Monitoring of the numbers of users using selected core paths by Clackmannanshire Ranger Service.
- SEPA will continue to monitor water quality and would report back to Clackmannanshire Council if the path network appears to be contributing to increased pollution.
- SNH has a responsibility to monitor and report on the condition of SSSIs and has a regime in place for monitoring the status of sites designated under the Habitats Directive, including Special Protection Areas (SPAs) and Special Areas for Conservation (SACs).
- Otter surveys by Clackmannanshire Ranger Service. These are undertaken biannually.
- Other relevant natural and cultural heritage surveys.

It will not be possible, or necessary, to monitor every core path in detail and may prove difficult to monitor the impact of the Plan against a rising awareness of outdoor access and a number of other initiatives to promote sustainable and active travel.

