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12 November 2009

Dear Mr Dean

**Environmental Assessment (Scotland) Act 2005
Clackmannanshire Council – Outdoor Access Strategy
Scoping Report**

Thank you for consulting Historic Scotland on the scoping report for the environmental assessment of the above plan received by the Scottish Government's SEA Gateway on 20 October 2009.

This letter contains the views of Historic Scotland on the scope and level of detail of the information to be included in the Environmental Report (part 1), and the duration of the proposed consultation period (part 2). I have also provided detailed comments to the scoping report in the annex to this letter.

1. Scope of assessment and level of detail

- 1.1 The scoping report provides a clear outline of the proposed approach to the environmental assessment of the plan and, subject to the specific comments set out below and in an appendix, I am content with the scope and level of detail proposed for the environmental assessment.
- 1.2 My understanding is that the Outdoor Access Strategy has been prepared in order to provide a framework for the future management and delivery of plans for outdoor access in Clackmannanshire.
- 1.3 I note that cultural heritage is scoped in to the environmental assessment and I am content. You may wish to use the term "historic environment" to ensure that all of the features of the historic environment are considered in the assessment. Simply for information, Scottish Historic Environment Policy (SHEP) provides a useful definition of

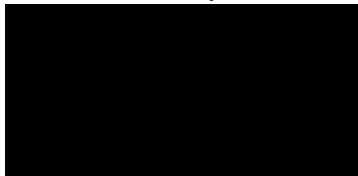
the historic environment. It defines that the historic environment encompasses built heritage features (ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, parks, gardens and designed landscapes, as well as marine heritage) and the context or setting in which they sit, and the patterns of past use, in landscapes and within the soil, and also in our towns, villages and streets. It also recognises that the historic environment has less tangible aspects including the historical, artistic, literary, linguistic and scenic associations of places and landscapes.

2. Consultation period for the Environmental Report

- 2.1 I am content with the 6 week period proposed for consultation on the Environmental Report. For administrative purposes, Historic Scotland consider that the consultation period commences on receipt of the relevant documents by the SEA Secretariat.
- 2.2 At the Environmental Report stage, I would prefer to receive paper copies of the report and the programme, both of which should be sent via the Scottish Government Gateway in line with the procedures set out in the SEA Tool Kit (available at www.scotland.gov.uk/Publications/2006/09/13104943/45).

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 do not hesitate to contact me on 0131 668 8744 should you wish to discuss this response.

Yours sincerely



Hannah Garrow
Senior Development Assessment Officer

Annex: Detailed comments on the Scoping Report

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

Key facts on the Strategy

1. This section offers a clear overview of the strategy, its context, aim and draft objectives.

Alternatives

2. I note that alternative approaches will be considered as part of the Environmental Report. My understanding is that the alternatives assessed will be those identified as an integral part of the planning process (rather than identified as part of the SEA process). I welcome the fact that the Scoping Report identifies where alternatives to the delivery of the strategy have been constrained by higher-level strategies.

Relationship with other plans, programmes or strategies (PPS)

3. Table 1 reviews International, European, national and other strategic plans, programmes and policies to identify relevant environmental protection objectives. Please note that there is a framework of legislation and policy in place to protect the historic environment that is relevant to the environmental assessment of the Outdoor Access Strategy. This legislation comprises:
 - The Ancient Monuments and Archaeological Areas Act 1979
 - The Protection of Wrecks Act 1973
 - The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
4. I note that NPPG 18: Planning and Historic Environment and NPPG 5: Archaeology and Planning have been included in the table. However, for clarification I would draw your attention to the following changes in the policy background.
 - **SPP23: Planning and the Historic Environment** superseded and consolidated National Planning Policy Guidelines NPPG18: Planning and the Historic Environment and NPPG 5: Archaeology and Planning. It sets out the national planning policy for the historic environment and indicates how the planning system will contribute towards the delivery of Scottish Ministers policies as set out in the current Scottish Historic Environment Policy (SHEP).
 - **Scottish Historic Environment Policy (SHEP):** This outlines Scottish Ministers policies on the Historic Environment. It is produced by Historic Scotland and is available at <http://www.historic-scotland.gov.uk/shep-july-2009.pdf> . The SHEP has recently been updated to include policies on Historic Battlefields. Please note that SHEP now supersedes the policy elements of Passed to the Future.

Environmental baseline

5. Baseline data should be collated for each of the relevant features of the historic environment listed in table 2 of the scoping report. I am content that information will be provided on scheduled monuments, listed buildings, and gardens and designed landscapes. Historic Scotland can provide GIS datasets under licence for listed buildings, scheduled monuments and gardens and designed landscapes (contact hsgismanager@scotland.gsi.gov.uk). This information is also available to download from <http://hsewsf.sedsh.gov.uk/pls/htmldb/f?p=500:1:8448412299472048421>
6. Information on locally important conservation areas and archaeological sites should also be included when considering impacts of measures with more detailed locational information. This can be obtained from the Sites and Monuments Record of the relevant local authority or from the National Monuments Record for Scotland (NMRS).

Environmental problems

7. I welcome the identification in Table 3 of potential environmental problems arising from the strategy and their implications for its content. However, I do consider that the environmental report should also seek to identify the existing environmental problems in relation to the baseline and establish the likely future evolution of these without the implementation of the plan.

SEA Objectives

8. I would suggest that the SEA Objective for the historic environment: “promote access to the historic environment” is an objective of the strategy rather than an environmental protection objective for the historic environment. For clarity, I suggest amending this objective to “protect and, where appropriate, enhance the historic environment”. You may also consider an SEA objective “to promote the understanding and enjoyment of the historic environment”.
9. Assessment Criteria Indicators are used to aid the assessment of the strategy by asking questions about its likely environmental effects. The indicators should explore how the strategy contributes to the related SEA Objective. The indicator “Condition of the historic environment” does not link the plan to the environmental protection objective. Instead you may wish to consider indicators such as:
 - SEA Objective: Protect and, where appropriate, enhance the historic environment
 - Assessment Indicator: Will the plan protect the historic environment?
 - Assessment Indicator: Will the plan enhance the historic environment?

Assessment Method

10. I note and am content that the assessment will only be carried out on aspects of the strategy that are likely to result in significant environmental effects such as the objectives, actions or policies.
11. I note that a matrix approach is to be used in the assessment and I am content that the matrix enables the assessment of duration, magnitude and significance of the potential effects. The inclusion of comments on potential mitigation measures are particularly welcomed.
12. I also welcome the intention to assess the cumulative effects arising from the strategy however I note that the methods for assessing cumulative, synergistic and secondary effects are not explained in the report.

Mitigation and modification

13. As you have noted, mitigation may involve making changes to the plan and/or developing more detailed mitigation proposals to be implemented as the plan is delivered. It would be helpful in the Environmental Report to clearly describe any changes made to the plan as a result of the environmental assessment, and to clearly set out any recommendations or expectations for lower level plans, projects or activities that are identified as mitigation measures. It would also be helpful to identify in the report who will be responsible for ensuring that the mitigation measures are taken forward as the plan is implemented.

Monitoring the environmental effects of COAS implementation

14. Monitoring the effects of the strategy is an important part of the SEA process. To aid in this indicators should be chosen for the historic environment that reflect both the actions to be taken within the programme and the potential impacts identified in the course of the SEA. At the monitoring stage, you may wish to develop indicators that are closely related to the expected effects of the programme. I would be happy to discuss this with you as the assessment progresses.