



## SCOTTISH EXECUTIVE

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### Environment Group

Diane McPherson  
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### Environmental Futures

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18 December 2006

### 00054 Environmental report - Western isles council - Local plan

Dear Diane,

With reference to the Environmental Report you submitted to the SEA Gateway on 3 November 2006.

In accordance with Regulation 18, of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, 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 Regulations 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 1704.

Yours sincerely

Elaine McCall  
SEA Gateway Officer



*The Environment Group is part of the Scottish Executive Environment and Rural Affairs Department*

Kathleen Shirkie  
Comhairle nan Eilean Siar  
Council Offices  
Sandwick Road  
Stornoway  
HS1 2BW

Your Ref:

Our Ref: CNS/SEA  
DM/AT

Date: 15 December 2006

Dear Miss Shirkie

**ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES (SCOTLAND)  
REGULATIONS 2004.  
ENVIRONMENTAL REPORT FOR THE WESTERN ISLES LOCAL PLAN**

I refer to your draft environmental report on the strategic environmental assessment of the Finalised Western Isles Local Plan. I have reviewed the report on behalf of Scottish Natural Heritage in its role as a Consultative Authority under the above regulations. Our comments on the draft report are set out below.

During the scoping exercise we raised the issue of the relationship between the policies in the Structure Plan which flow into the Local Plan and suggested that these policies should also be assessed against the SEA environmental objectives and criteria.

The draft report clarifies the relationship between these policies and the decision to exclude the policies and proposals in the Structure Plan from the SEA process. This creates a difficulty in that the policies and proposals in the Local Plan regularly refer to, and are highly dependant on, the policies and proposals in the Structure Plan. As the majority of the policies that we would normally be seeking the SEA process to consider are contained in the Structure Plan rather than the Local Plan, the Draft Environmental Report cannot be considered to be a comprehensive consideration of the environmental impacts of the Local Plan on the Natural Heritage. We note that this has been identified as a weakness in the draft report and that your intention is to address this at a later stage once the Structure Plan and Local Plan are combined into one document.

Detailed comments on the assessment are in Annex A.

Yours sincerely



**DAVID MACLENNAN**  
Area Manager, Western Isles

## **Annex A**

Section 4.3: The list of bullet points in the third paragraph considers what was taken into account in the selection of sites for housing/building/industry. This could have included landscape capacity or settlement capacity.

Section 4.5: Key findings and proposed mitigation measures states that “ No significant negative effects on Natura Sites or species is anticipated as a consequence of implementing the Local Plan”, SNH would question this conclusion in light of the following comments regarding the Lochmaddy Pier proposal.

Section 4.5: Where there are negative assessment findings in this section we would seek clarification on how the policies are to be changed to mitigate against this.

Section 4.6: The reference to Proposal LP/ED11 Piers and Harbours states that reference should be made to the Marine SAC in relation to the Lochmaddy Pier but it doesn't state what the implications of this are. If a reference were included that it will be subject to the outcome of technical investigation and appropriate assessment of the marine SAC then SNH would support the above conclusion.

p105 Assessment of Proposal LP/ED11 Piers and Harbours – Objective No.6: SNH is of the opinion that the summary score could be ? unless the above wording is included. The assessment should also be reworded to reflect that the development needs to take account of the requirements of the Habitats Directive as well as the management plan as stated.

p29 Assessment of LP/DM4 Flooding – Objective No.6: SNH is of the opinion that there could be a possible negative impact depending on the design, location and materials used.

Our SEA/2006/0840/1  
Ref: SEA00060/sco

Attention: Diane McPherson

COMHAIRLE NAN EILEAN SIAR  
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18 December 2006

By email: [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

Dear Ms McPherson

**ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES (SCOTLAND)  
REGULATIONS 2004  
WESTERN ISLES LOCAL PLAN – ENVIRONMENTAL REPORT**

I refer to your Environmental Report (ER) in respect of the Western Isles Local Plan, submitted to SEPA via the Scottish Executive SEA Gateway on 3 November 2006.

SEPA considers that the ER is comprehensive and well presented. In summary, insofar as SEPA's interests are concerned, SEPA is content with the scope and level of detail of the assessment. However, there are a number of the assessments where SEPA questions the result; full details of these and other comments are given in the attached annex.

I hope that these comments are useful. If you wish to discuss any of the above I can be contacted on 01349 860359 or via SEPA's SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

SUSAN HASLAM  
SENIOR PLANNING OFFICER (SEA)  
PLANNING UNIT (NORTH REGION)

Copy: Stuart Baird, SEPA Stornoway

Enc: Annex

**Chairman**  
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## **Annex**

For ease of reference the comments in this annex follow the same order as the submitted ER.

### **Section 3**

Section 3.2: SEPA is satisfied that a suitable range of related plans programmes and strategies have been considered. It is noted that SEPA's suggestions at Scoping stage have been included.

Table 5: SEPA would have preferred to see information on background water quality presented here.

Table 5 / Section 3.4: As far as SEPA is aware all new significant development in the council areas have Sustainable Urban Drainage Systems (SUDS) of one type or another as when consulted on such planning applications SEPA would object to such developments if they did not include some form of SuDS. SEPA agrees that infiltration SuDS have probably not been utilised on a large number of developments as percolation is poor over much of the council area, however, non infiltration SuDS such as filter drains are widely used.

### **Section 4.1**

It would have been useful if more information had been provided on the expertise of those carrying out the assessment along with any resources used.

### **Section 4.3**

It is noted that alternative sites for allocation were considered as part of the plan preparation. However, these have not been identified, described and the likely significant effects on the environment evaluated as is required by Regulation 16(2) of the Regulations.

### **Section 4.4 / Appendix 4: Assessment outcomes**

In general SEPA considers that the assessment of likely significant effects on the environment of implementing the plan has been carried out conservatively, with fewer likely effects recorded against those aspects of the environment SEPA is specifically concerned with than SEPA would have expected. In relation to this it would have been useful if the 'reasoning for score' column in the matrix had been used more fully to explain the reasoning behind the individual assessments. Currently there are a number of individual assessments where it is not possible to determine how the 'summary score' was arrived at or, based on the information currently supplied, SEPA questions the assessment.

It is SEPA's understanding that 'minor' or 'insignificant' impacts described in the 'reason for score' comments column results in a summary score with no or neutral impact. SEPA accepts this approach and welcomes the identification and description of less significant impacts as part of the assessments. However, it was also noted that a positive or negative comment is sometimes still scored as neutral and the reasoning for this is not clear. In each case examined, on the basis of the information provided, SEPA would agree with the 'reason for score', rather than the 'summary score'. For example: Proposal LP/ED9 – SEA objective 9 (negative comment on increased car use, neutral effect in summary score); Proposal LP/ED10 – SEA objective 10 (negative comment on material consumption, neutral effect in summary score); and Proposal LP/HCL5 - SEA Objective 10 (positive comment on use of brown field site, neutral effect in summary score).

It is also noted that where a policy or proposal relates to a specific site or sites (for example, Proposals LP/HCL1 and LP/HCL6 which cover the allocation of all housing in the Plan area) it has been determined that they will have little or no impact on most if not all of the SEA objectives. While it is acknowledged that it may be difficult to determine the extent of likely effect there will no doubt be impacts on the environment due to these allocations. SEPA would suggest that impacts for these policies/proposals be reassessed taking into consideration the characteristics of the specific sites. For example, any allocation or collection of allocations on brown field sites may have significant effects against the SEA objectives relating to the water environment (reducing pollution) and sustainable resource use (material reuse or resource efficiency in relation to use of land).

For your information SEPA would expect a negative summary score to be assigned against any assessment which includes allocations within a flood risk area.

In addition to the above general comments SEPA also makes the following specific comments relating to the assessment of other individual policies and proposals.

- Policy LP/DM3 – SEA objective 7: SEPA acknowledges that the effect will be dependant on the implementation of the policy, however, SEPA would consider that the principle of a policy which seeks improvements to infrastructure provision and public investment would have a positive impact on protecting the water environment;
- Policy LP/ED4 – SEA objective 7: SEPA would consider that the principle of this policy, which requires the assessment of aquaculture proposals to consider design, biodiversity, pollution and restoration, would have positive effects on the water environment;
- Policy LP/STY3 – SEA objective 7: Do small scale commercial marine activities have the potential to cause pollution? Will any of the development be in a flood risk area? Will the proposal protect the marine and coastal environment or not? These may be reasons for a significant negative score;
- Policy LP/STY 7 – SEA objective 8: It is not clear why there might be a minor positive effect due to this policy;
- Proposal LP/RM5 – SEA objective 7: It is not clear why a minor positive impact is proposed;
- Proposal LP/ED4 – SEA objective 7: It is understood this site is in a flood risk area. If so SEPA would have expected a negative summary score to have been assigned.
- Proposal LP/ED5 – SEA objective 7: Any proposal for industrial development has the potential to have a negative effect on air quality. Proposals for coastal developments are unlikely in themselves to 'protect the marine and coastal environment'. SEPA would have expected an overall negative impact against this objective;
- Proposal LP/ED5 – SEA objective 9: Will the proposal to develop an industrial park and business park outside a settlement not result in greater travel by private car and limit the possibility of promoting walking and cycling? If so SEPA would have expected an overall negative impact against this objective;
- Proposal LP/ED6 – SEA objectives 7, 8, 9, 10: SEPA does not accept the assessment that development in and around the Stornoway airport is likely to have no significant impacts. A variety of minor impacts are suggested but no information is provided to indicate what these would be related to. Is it possible that this allocation will result in, for example, the clean up of land previously subject to contamination, be in a flood risk zone, cause pollution during construction, use ground or surface waters and result in the development of heavily polluting industries? If so significant impacts are likely.

- Proposal LP/ED 7 - SEA objective 10: It is noted that there will be benefits from developing a waste management centre therefore SEPA would have expected a positive summary score;
- Proposal LP/ED9 – SEA objectives 7 and 8: The regeneration of these sites may result in a clean up of land previously contaminated. This would result in a reduction of harmful pollutants and may improve local water quality and therefore could be considered as having a positive effect;
- Proposal LP/ED10 – SEA objective 7: It is not clear how this allocation will result in a ‘significant improvement of coastal sites’.
- Proposal LP/HCL 4 – SEA objectives 7 and 10: It is noted that there will be a positive effect due to the clean up of contaminated land and reuse of a brown field site and therefore SEPA would have expected positive summary scores against these objectives. However, in relation to objective 7 it is noted that flood risk may be an issue and this may have a negative effect; and
- Proposal LP/Trans 2 – SEA objective 10: The reason for the possible negative impact is not explained.

SEPA notes that the proposed modification to the Local Plan have not been subjected to the assessment.

In summary SEPA recommends that the individual assessments be revisited in view of the above.

### **Section 5.1**

It is currently unclear what proposals there are for monitoring the identified significant effects arising from implementing the plan and clarification on this would be appreciated. The new Scottish Executive SEA Toolkit suggests that monitoring measures should be “clearly linked to the SEA process, for example:

- The SEA objectives and indicators;
- The features of the environmental baseline that will indicate the effects of the PPS;
- The likely significant effects identified during the SEA; and
- Mitigation measures.”

SEPA recommends that you consult the new Scottish Executive SEA Toolkit for further advice on this issue.



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Our refs: AMA/30/W/6/JLC  
AMA/30/W/7

Your ref:

18 December 2006

Dear Ms McPherson

## **Western Isles Local Plan Proposed Modifications and Strategic Environmental Assessment**

Thank you for consulting Historic Scotland on the Proposed Modifications to the Finalised Western Isles Local Plan and the accompanying Environmental Report. For the avoidance of any doubt this response is set out in two parts: the first part provides our comments on the Proposed Modifications to the Local Plan, and the second part provides our comments on the Environmental Report.

### **Part 1: Finalised Western Isles Local Plan Proposed Modifications**

We note your intention to review your current supplementary planning guidance on renewable energy and we would wish to be consulted on this SPG. We have no further comments to offer on the Proposed Modifications to the Finalised Local Plan.

### **Part 2: Environmental Report**

The Environmental Report describes the limitations of carrying out an SEA on the Local Plan given the nature of its relation with the approved Structure Plan. My understanding is that the Local Plan does not repeat any of the policy areas in the Structure Plan unless there is an identified local need. I note that your council will consider combining these two plans in due course, and that an SEA will be undertaken at this point for the full suite of land use policies.

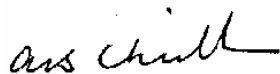
In general, the Environmental Report provides an overview of the environmental implications of the Local Plan. It sets out an account of the steps undertaken during the environmental assessment process, and describes the influence that the assessment has

had on the Local Plan. I am broadly content with the assessment of impact on the historic environment and have set out more detailed comments in the annex to this letter. I note that the assessment has identified a few policies and proposals where mitigation measures will be required to avoid significant adverse effects on the historic environment. My understanding is that amendments will be made to the Local Plan to take account of these issues.

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 should you wish to discuss this response. If contacting me via email please do so through HS's SEA gateway at [HSSEA.gateway@scotland.gsi.gov.uk](mailto:HSSEA.gateway@scotland.gsi.gov.uk)

Yours sincerely



Amanda Chisholm  
Strategic Environmental Assessment Team Leader

## **Annex: Detailed comments on the Environmental Report**

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

### **Introduction**

1. Section 2.2 describes the sites that are designated in the Western Isles for their natural and cultural heritage interests. Our records show that there are 213 scheduled ancient monuments and 270 listed buildings in the Western Isles Council area rather than the figures given in the list. I note that the source of this data is listed as HS's spatial data warehouse, however we have checked that the information in the spatial data warehouse is correct and it is in agreement with the figures given above.
2. Sections 2.3, 2.4 and Appendix 1 are helpful in setting out the activities undertaken as part of the SEA, and how they have been integrated with the Local Plan process.

### **Finalised Western Isles Local Plan and its context**

3. I am content with the plans, programmes, strategies and policies that are reviewed in Appendix 2 and summarised in section 3.2.
4. Section 3.3 sets out the baseline information and I note that your Council and Community Planning partners are currently preparing a state of the environment report. As noted in point 1 above, our records indicate that there are 213 scheduled ancient monuments and 270 listed buildings in the Western Isles. I am otherwise content with the baseline data for the historic environment and the description provided in Appendix 3.
5. Table 5 summarises the baseline information and notes that 19% of listed buildings in the Western Isles are classified 'at risk'. It would be useful to provide the source of this information. Please note that one of the key functions of the Buildings at Risk Register maintained by the Scottish Civic Trust is to assist the sale or lease of historic buildings in need of rescue, by publishing details of them from its database to a wide range of potential restoring purchasers or tenants. It may not include all of the buildings that are potentially at risk in a particular area.

### **Assessment of effects and proposed mitigation**

6. Section 4.3 explains how alternatives were considered during the plan preparation process. It is noted that alternative locations for development sites were considered and that environmental factors were taken into account in the selection of the preferred sites. I note that potential impacts on scheduled ancient monuments, listed buildings and conservation areas were considered as part of the site selection process. Potential impacts on gardens and designed landscapes and impacts on the setting of scheduled ancient monuments and listed buildings should also have been included in this process.
7. I note that the Local Plan's aim, policies and proposals have been assessed against ten SEA objectives and that the assessment was undertaken by staff from a range of

disciplines. I largely agree with the results of the assessment of impact of the plan's policies and proposals on the historic environment provided in Appendix 4 and have set out comments below:

- LP/DM5 sets out criteria for considering the development of telecommunications equipment. The impact of this policy on the historic environment is assessed as no or minimal effect. The policy does not include any criteria for the avoidance of potential impacts on the historic environment. New radio masts and telecommunications equipment may affect historic environment features depending upon their location, and I suggest that the impacts of this policy on the historic environment would be better assessed as uncertain. The assessment might also have identified that Structure Plan policies RM 13-15, which provide for the protection of the historic environment, could act to mitigate potentially adverse effects.
- LP/RM3 provides for the protection and management of trees and woodland. The assessment of impact on the historic environment is no or minimal effect. The assessment should recognise that there may be conflicts between new planting and historic environment features depending upon the location, for example, new planting can adversely affect archaeological remains through damage from root action. The impact would be more accurately assessed as uncertain or potentially negative.
- LP/STY3 provides the context for the regeneration of the Stornoway harbour area. I note that section 4.5 identifies that implementation of this policy may have significant effects on the historic environment, and I agree with this assessment. I note that it is proposed to amend the policy to acknowledge the importance of the historic environment of the harbour. This intention is welcomed. The detail of the amendment to take account of historic environment interests is not provided and I would be grateful for further information on this point.
- Proposal LP/RM3 provides for the further development of the current woodland centre site, which is within the Lews Castle designed landscape. The assessment of impact on the historic environment is uncertain, as it is noted that the end use and design of the site is not yet known. How do your Council intend to avoid (i.e. mitigate) potentially adverse effects on the historic environment as this proposal is developed?
- Proposal LP/ED4 provides for the redevelopment of the former Bus Station and I agree that the development has the potential to adversely affect the historic environment. As with Proposal LP/STY3 the intention to amend the proposal is welcomed, however it is not entirely clear how the proposal will be amended and I would be grateful for further information on this point. The same is true for Proposal LH/HCL3 Bayhead Estuary.
- Proposal LP/HCL6 provides for housing sites outwith Greater Stornoway. My understanding from the commentary accompanying the assessment is that potential impacts on the historic environment will be mitigated through the application of Local Plan policies. I would also expect the Structure Plan policies for the protection of the historic environment to be relevant.



- Proposal LP/Trans3 proposes to identify land for an airstrip for Barra. I agree that potential impacts on the historic environment can be considered in an EIA given that potential sites have not yet been identified. I would expect the EIA to assess the potential impacts of alternative locations for the airstrip and its associated facilities.

### **Monitoring and next steps**

8. I note that the environmental effects of the Local Plan will be monitored using the baseline information, objectives, targets and indicators developed for the SEA. The Environmental Report does not provide any information on proposed indicators. For the historic environment, you may wish to consider monitoring the number of planning applications which affect historic environment features and the number of listed or historic buildings re-used as a result of the plan. I would be happy to discuss this further if you would find it helpful.

