

Our Ref: SEA00217/Scr/  
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13 August 2007

Dear Mr Urquhart

**Environmental Assessment (Scotland) Act 2005  
Clackmannanshire Council Sustainability Strategy - Scoping Report**

I refer to your Scoping consultation submitted under the above Act in respect of the Clackmannanshire Council Sustainability Strategy. This was received by SEPA via the Scottish Executive SEA Gateway on 09 July 2007. As required under Section 15(2) of the Act, SEPA has considered the document submitted and comments as follows in respect of the scope and level of detail to be included in the Environmental Report.

Generally, the scoping report provides clear and detailed information on the proposed scope and level of detail of the assessment and covers most of the aspects that SEPA would wish to see addressed at this stage. SEPA has made some specific comments on the content of the report which can be found as an Annex to this letter. The Scottish Executive SEA Toolkit (available for download at: [www.scotland.gov.uk/Publications/2006/09/13104943/0](http://www.scotland.gov.uk/Publications/2006/09/13104943/0)) provides guidance to Responsible Authorities about the type of information that is expected to be provided at each SEA stage. SEPA has used the toolkit to inform this scoping response which is attached as Annex 1.

On completion, the Environmental Report and the plan to which it relates should be submitted to the Scottish Executive SEA Gateway ([sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)) which will forward it to the Consultation Authorities. Please note that at the Environmental Report stage, SEPA would prefer to receive paper copies of the report and the Sustainability Strategy, both of which should be sent via the Scottish Executive Gateway in line with the procedures set out in the Scottish Executive SEA Toolkit. SEPA notes the intention to consult on the Environmental Report for 6 weeks. This time period is satisfactory.

If you wish to discuss any of the content of this response, please do not hesitate to contact me on 0131 4497296 or via SEPA's SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely,



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## **Annex 1: Comments on the Scoping Report**

### **1. General Comments**

Generally, the scoping report provides clear and detailed information on the proposed scope and level of detail of the assessment and covers most of the aspects that SEPA would wish to see addressed at this stage.

### **2. Detailed Comments**

#### **1. Introduction, 2. Key facts and 3. Description of Strategy Contents**

SEPA found the information provided in these sections useful in relation to the background to the Clackmannanshire Council Sustainability Strategy. SEPA notes the intention to consult on the Environmental Report for 6 weeks and considers that this time period is satisfactory.

#### **4. Context of the Sustainability Strategy**

##### **Relationship with other plans, programmes or strategies (PPS) and environmental objectives**

A comprehensive list of the plans, programmes and strategies to be analysed for their relationship with the Sustainable Strategy has been provided in the scoping report (Appendix 3). In relation to the Area Waste Plan, it may be more appropriate to refer to the Forth Valley Area Waste Plan.

The Council may also wish to consider whether the following SEPA's policies and guidance are relevant to the plan: Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements (Policy 55) and Groundwater Protection Policy for Scotland (Policy 19) available on SEPA's website: <http://www.sepa.org.uk/policies/index.htm>; SEPA's Position Statement on Culverting available on [http://www.sepa.org.uk/pdf/wfd/guidance/engineering/positionstate\\_culvertingwatercourses.pdf](http://www.sepa.org.uk/pdf/wfd/guidance/engineering/positionstate_culvertingwatercourses.pdf).

##### **Scoping in/out of SEA issues**

The scoping report proposes that the SEA addresses all the criteria in Schedule 3 of the Act and SEPA supports this approach.

##### **Relevant aspects of the current state of the environment**

In relation to the baseline data for "Water and soil", it may be appropriate to include data on waste water treatment capacity for the strategy area and areas of prime agricultural land. For information on soils please refer to the "Land Capability for Agriculture Maps" produced by the Macaulay Institute for Soil Research. Greenfield land can include high quality soil resources such as prime agricultural land, areas of peatland important for carbon storage and poorer quality soils that may however be important in terms of habitat.

In relation to the objective "Maintain and restore key ecological processes (e.g. hydrology, water quality, coastal processes)" please note that under the Water Framework Directive (WFD) there is a requirement to prevent deterioration and enhance the status of the water environment (under WFD water environment includes surface waters, transitional waters, coastal waters and groundwater) and to achieve "good ecological status". Good ecological status includes not only water quality but also water quantity, ecology & habitat and morphology/physical impacts (such as culverts or engineering works on waterbodies). The other objectives of WFD are to reduce pollution, promote sustainable water use and contribute to the mitigation of floods and draughts.

The Water Framework Directive also requires the production of River Basin Management Plans (RBMP) for each river basin district identified. SEPA is the authority to lead and co-ordinate, through Area Advisory Groups, the river basin planning process in Scotland. SEPA intends to publish a draft RBMP for the Scotland River Basin District for consultation in 2008 with environmental objectives for each

waterbody, to protect and improve the water environment; and a Programme of Measures to progress towards achieving these environmental objectives.

In relation to waste arisings and waste data please note that data referring to 2005/2006 is now available on SEPA's website: <http://www.sepa.org.uk/publications/wds/index.htm>.

In terms of areas of flood risk please note that the factors that contribute to the areas adjacent to the Forth Estuary being at risk from tidal flooding are caused by a combination of sea level rise, high tides, storm surge and high winds. Flooding can also occur in smaller catchments (including higher areas) as burns overtop their banks, due to heavy rainfall and localised blockages. For further baseline data on flood risk please refer to the Indicative River and Coastal Flood Map (Scotland) which provides an indication of the 1 in 200-year (0.5% annual probability) return period flood extent for both riverine and coastal flooding, available on SEPA's website <http://www.sepa.org.uk/flooding/mapping/index.htm>.

Further data on Climatic Factors is available in SNIFFER's recently published handbook of climate trends across Scotland which provides data setting out recorded climate patterns from 1961 to 2004/05 and provides a benchmark against which future climate change can be measured. This is available at: [www.sniffer.org.uk/climatehandbook/](http://www.sniffer.org.uk/climatehandbook/).

The scoping report should also include the likely evolution of the environmental baseline without the implementation of the strategy.

## **5. Scope and level of detail proposed for the environmental assessment**

SEPA supports the development of SEA objectives. Please note that SEPA supports the use of objectives which largely have a positive or negative aspect to them, e.g. "increase" or "decrease" as this allows them to be more effectively linked to monitoring indicators and targets. Some of the objectives detailed in Appendix 4 include words such as ensure, promote etc. Consideration should be given to rewording the objectives to make them more robust and measurable although it is accepted that some flexibility – which words like this afford - is sometimes required.

In relation to the proposed assessment methodology, it is proposed to carry out the assessment of the strategy and its alternatives with specific reference to the impacts of each strategic action. SEPA supports the use of a matrix type approach for the assessment of the plan against the stated SEA objectives. SEPA also welcomes the use of comments/ justification column and the link between predicted impacts and mitigations measures. Schedule 3 of the Act requires that measures are identified to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the Plan. These should follow the mitigation hierarchy: avoid, reduce, remedy or compensate for negative effects. SEPA welcomes proposals for enhancement where appropriate.

SEPA also welcomes proposals for the assessment of cumulative, synergistic and secondary effects and the possible short, medium, long-term, temporary or permanent nature of the impacts.

The ER should describe the measures envisaged to comply with the monitoring requirements of the Act. The ER sets the framework for monitoring by identifying the likely significant environmental effects of the Strategy. SEPA welcomes the early consideration of indicators provided with the SEA objectives in Appendix 4. Monitoring measures are ideally linked to targets, objectives and indicators.