

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8747
Direct Fax: 0131 668 8899
Switchboard: 0131 668 8600
HSSEA.gateway@scotland.gsi.gov.uk

Our ref: AMN/23/207/RJC
Your ref:

18 January 2008

Dear Mr Dean

**Environmental Assessment (Scotland) Act 2005
Clackmannanshire Council Core Paths Plan: Scoping Report**

Thank you for consulting Historic Scotland on the Scoping Report prepared for the environmental assessment of Clackmannanshire Council's Core Paths Plan, received by the Scottish Government's SEA Gateway on 17 December 2007.

I have reviewed the Scoping Report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act (Section 15). 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 on the Scoping Report in the annex to this letter.

Please note that this response is solely in the context of the SEA Act and our role as a Consultation Authority. Historic Scotland will respond separately to consultations on the Core Paths Plan and, for information, these should be addressed to Miriam McIver, Development Assessment Team, Room E3, Longmore House, Salisbury Place, Edinburgh EH9 1SH.

1. Scope of assessment and level of detail

1.1 My understanding from the Scoping Report is that the environmental assessment will assess:

- the Core Paths Plan objectives
- the Core Paths criteria
- the preferred Core Paths Plan
- the alternatives contained in the plan

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1.2 I note that the environmental assessment will not consider the effects of individual core paths, as significant effects are considered likely to occur cumulatively i.e. arising from the Core Paths network as a whole. I have some concerns about this approach. Potential impacts on the historic environment are likely to occur from the interaction of individual core paths with historic environment features, for example a path crossing an archaeological site may result in increased erosion to the site which requires to be managed to avoid adverse effect. It is not clear how cumulative effects on the historic environment will be identified if effects on individual features are not assessed. Accordingly, I consider that the effects of individual paths should be included in the assessment.

1.3 I note that the historic environment has been scoped in to the assessment. Simply for information, the “historic environment” is defined in Section 16(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 as “... any or all of the structures and places in Scotland of historical, archaeological or architectural interest or importance”. SHEP 1 (Section 2)¹ builds on this definition by identifying 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. The historic environment also has less tangible aspects recognised as the historical, artistic, literary, linguistic and scenic associations of places and landscapes.

I expect that the environmental assessment will take cognisance of these features, both in the collection of baseline data and in considering the likely impact of the plan on the historic environment.

1.4 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. Impacts on the historic environment should be considered in terms of the following:

- direct i.e. loss of and/or damage to a feature of the historic environment
- indirect e.g. effects on setting; changes to surface drainage patterns; removal of peat; etc

1.5 As you will be aware, when undertaking the environmental assessment, you may find that some impacts are uncertain at the strategic level. Where this is the case it is important to identify these issues and to be clear how they will be taken into account at lower levels (in this case the project level), and who will be responsible for following them through.

¹ Historic Scotland are developing a new series of policy documents (Scottish Historic Environment Policy (SHEP)) that both sets out Scottish Ministers’ vision and strategic policies for the wider historic environment, and provides greater policy direction for Historic Scotland. SHEP 1 was published in 2007 and is the overarching policy statement for the historic environment (<http://www.historic-scotland.gov.uk/shep1-6.pdf>).

2. Consultation period for the Environmental Report

2.1 I am content with the 12-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. I would be grateful if a copy of the draft Core Paths Plan could be included with the Environmental Report.

2.2 At the Environmental Report stage, I would prefer to receive paper copies of the report and the draft plan, 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. Should you wish to discuss this response please do not hesitate to contact Rosalind Campbell on 0131 668 8575 or by email through HS's SEA gateway at HSSEA.gateway@scotland.gsi.gov.uk.

Yours sincerely

Amanda Chisholm
Strategic Environmental Assessment Team Leader



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Annex: Detailed comments on the Scoping Report

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

Introduction and Description of PPS Content

1. I have no comments to offer on these sections.

Plan, Programme or Strategy of Context

Essential and Desirable criteria for a core path

2. I note that selection criteria have been developed to identify the core paths. You may wish to add a criterion for the historic environment that is similar to the biodiversity criterion e.g. is unlikely to affect the historic environment.

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

3. This section largely includes plans, programmes or strategies (at international, national and local or regional level) and environmental objectives that the plan will influence and is influenced by, and I note that these will be analysed in the Environmental Report. This list should also include PPS that contain environmental protection objectives for the historic environment, and I suggest the following documents:

- *Scottish Historic Environment Policy 1. Scotland's Historic Environment* (available at <http://www.historic-scotland.gov.uk/shep1-6.pdf>)
- *Scottish Historic Environment Policy 2. Scheduling: protecting Scotland's nationally important monuments* (available at <http://www.historic-scotland.gov.uk/shep2.pdf>)
- *NPPG5 Archaeology and Planning* at <http://www.scotland.gov.uk/Publications/1998/10/nppg5>
- *NPPG18 Planning and the Historic Environment* at <http://www.scotland.gov.uk/Publications/1999/04/nppg18>
- *Passed to the Future.* (available at <http://www.historic-scotland.gov.uk/pasttofuture.pdf>) (Please note that the policy elements of this document have been superseded by SHEP 1.)

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4. Guidance to support these policies is provided in the following documents:

- *Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland, 1998* (available at <http://www.historic-scotland.gov.uk/index/policyandguidance/memorandumofguidance.htm>)
- *PAN 42 Archaeology – The Planning Process and Scheduled Monument Procedures*

5. Simply for information, the Scottish Government is in the process of reviewing NPPGs 5 and 18 and will publish a revised version (SPP23) for consultation later this year (see <http://www.scotland.gov.uk/Resource/Doc/180957/0051347.pdf>).

6. In summary, the key environmental protection objective of the legislation and policy framework for the historic environment is ‘to protect and, where appropriate, enhance the historic environment’.

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Relevant aspects of the current state of the environment

7. I note that detailed baseline information is provided in Appendix 2 and that this section identifies the areas designated for their natural heritage interest in Clackmannanshire. In the Environmental Report, the summary of the environmental baseline should also include information for the historic environment.

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8. In Appendix 2 I suggest using the term ‘historic environment’ rather than ‘built heritage’ as this reflects not only built heritage features, but also the wider aspects of the historic environment that are described in point 1.3 of the accompanying letter.

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9. I note that for the historic environment information in Appendix 2 is provided on the following:

- Listed Buildings - both number and category A, B and C (S)
- Scheduled Ancient Monuments – both number and location

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10. I would also expect baseline information to be provided for the following features of the historic environment:

- Gardens and Designed Landscapes included in the Inventory of Gardens and Designed Landscapes
- locally important archaeological sites that are included on the Sites and Monuments Record (SMR)
- Conservation Areas

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11. Historic Scotland can provide GIS datasets under licence for scheduled ancient monuments, listed buildings, and gardens and designed landscapes (contact hsgmanager@scotland.gsi.gov.uk). This information is also available for downloading from <http://hsewsf.sedsh.gov.uk/pls/htmldb/f?p=500:1:8448412299472048421>).

12. Information on the SMR and Conservation Areas are available from Clackmannanshire Council.

13. I have checked Historic Scotland’s records and can confirm the following information:

- 301 Listed Buildings:
 - Category A: 17
 - Category B: 133
 - Category C(S): 151
- 17 Scheduled Ancient Monuments - 2 of which are Properties in Care (i.e. cared for by Historic Scotland on behalf of the Scottish Ministers)
- 1 Garden and Designed Landscape

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14. In the Environmental Report it would be helpful to provide a map that identifies historic environment features.

Environmental Problems

15. This section should identify that the historic environment may be vulnerable to development pressures. Windfarms, major developments and infrastructure may adversely affect historic environment features and their setting, in addition to the wider landscape character.

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16. Simply for information I have set out below a list of some of the potential impacts on the historic environment that may arise from activities associated with recreation and access:

- creation of new paths may result in loss or damage to archaeological sites and/or their setting
- widening of existing paths may result in loss or damage to archaeological sites and/or their setting
- upgrading and/or maintaining existing paths e.g. bridges, culverts, fences, handrails, benches may have implications for listed buildings and their setting as well as the setting of archaeological sites. Works on listed structures such as bridges are likely to require listed building consent.
- erection of new buildings/facilities may result in loss or damage to archaeological sites and/or their setting
- refurbishment of existing buildings may have positive effects if done appropriately
- erection of signs or interpretation boards may have implications for the setting of archaeological sites and/or listed features
- management of vegetation on or nearby paths may affect archaeological sites
- in general, increased human access may result in erosion of monuments and/or of vulnerable elements of historic landscapes

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Scope and Level of Detail Proposed for the Environmental Assessment

17. I note that the following will be assessed for the environmental effects in the environmental report:

- the core paths plan objectives
- the core paths criteria
- the core paths plan and its alternatives:
 - I. 'do nothing' option
 - II. preferred core paths plan
 - III. alternative core paths plan (i.e. those candidate paths that are not included in the preferred CPP)

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18. As noted in point 1.2 of the accompanying letter I also consider that the effects of individual paths should be addressed in the environmental assessment. I would be happy to discuss this further.



Scoping in/out of SEA issues

19. I am content that the historic environment has been scoped in to the assessment and that both positive and negative effects will be considered.

Methodology for assessing environmental effects

20. I note that a set of grouped SEA objectives will be used to assess the environmental effects of the plan, and that cultural heritage is grouped with landscape. While we encourage a holistic, landscape-scale approach to integrated land management, we consider that the effects on the historic environment should be assessed separately from those on landscape, as the conjoining of these in other Environmental Reports has made it difficult to differentiate the impacts on the historic environment from those on landscape.

21. The proposed SEA objective for the historic environment is 'preserve historic buildings, archaeological sites and other culturally important features'. It is not clear what is meant by the term 'other culturally important features' and I suggest that it would be clearer to reword the SEA objective to 'protect and, where appropriate, enhance the historic environment'. This would better reflect the definition of the historic environment provided in the accompanying letter.

22. I note that the impact assessment will be based on professional judgement to evaluate the positive or negative effects in the short, medium and long term, and that the results will be recorded and explained in a matrix as set out in Appendix 4. I am content with this approach. When documenting the environmental assessment, it would also be helpful to set out any assumptions that are made during the assessment

23. You may also wish to use GIS as a means of assessing proposals. For example, it might be useful to map the baseline data alongside the proposed paths. This will help you to identify any environmental constraints and to consider alternative options. It will also assist us in undertaking the review of the Environmental Report.

24. The Environmental Report should describe the measures proposed to mitigate the significant environmental effects of the plan. As you will be aware, 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 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 Core Paths Plan is implemented. I note that the matrix will include a commentary box and that mitigation or further improvement are included and welcome these.

25. One of the requirements of the SEA Act is to monitor the effects of the implementation of the plan. The Environmental Report should therefore contain information on your proposed monitoring strategy. Indicators chosen for the historic environment should

reflect both the actions to be taken within the plan and the potential impacts identified in the course of the SEA. The indicators provided in Appendix 3 for the historic environment (percentage of listed buildings/archaeological sites at risk) are unlikely to provide you with this information and should be more specific to monitoring the effects of the Core Paths Plan. I would be happy to discuss this further with you should you find it helpful.



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