

Our Ref: SEA00216/SG
00201/SB

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By email: sea.gateway@scotland.gsi.gov.uk

Dear Mr Dean

**Environmental Assessment (Scotland) Act 2005
Clackmannanshire Core Paths Plan – Scoping Consultation**

I refer to your Scoping consultation submitted under the above Act in respect of the Clackmannanshire Core Paths Plan. This was received by SEPA via the Scottish Government SEA Gateway on 17 December 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.

As you are aware 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. While SEPA is of the opinion that significant environmental effects are unlikely, comments have been provided below with a view to making the assessment as useful as possible. These comments can be found in Annex 1 to this letter. Generally, the scoping report provides clear and detailed information and covers most of the aspects that SEPA would wish to see addressed at this stage.

The Scottish SEA Toolkit (available for download at: 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.

On completion, the Environmental Report and the Plan to which it relates should be submitted to the Scottish Government SEA Gateway (sea.gateway@scotland.gsi.gov.uk) which will forward it to the Consultation Authorities. 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.

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. Further comments are provided below. For ease of reference we have used the same structure of the scoping report.

2. Detailed Comments

Introduction, Key facts and Description of PPS Content

SEPA found the information provided in this section useful in relation to the background to the Clackmannanshire Core Paths Plan and considers that all the relevant background information is presented.

Plan, Programme or Strategy Context

The scoping report provides a list of the plans, programmes or strategies and environmental objectives relevant to the preparation of the Plan. The relevant aspects of the current state of the environment and environmental problems are also described. The Environmental Report should also describe the likely change to the environment without the implementation of the Plan.

Scope and Level of Detail Proposed for the Environmental Assessment

It is noted that the assessment will include the Plan's objectives, Core Paths criteria and the Core Paths Plan and its alternatives.

At the screening stage, 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. The Responsible Authority has taken this into consideration and scoped out a number of SEA topics. SEPA notes that current proposals are to scope in the SEA issues water and climatic factors and SEPA does not question this decision and welcomes this precautionary approach. However, in the Environmental Report SEPA would welcome further justification/information on why the Plan is not likely to have significant effects on the SEA issue soil.

SEPA supports the development of SEA objectives and sub-objectives (Appendix 3) and the early consideration of indicators linked to these objectives. In relation to the objective for "water", please note the requirements of the Water Framework Directive to ensure no deterioration in the status of waterbodies, enhance the status of aquatic ecosystems (including surface waters, coastal waters, transitional waters and groundwater); promote sustainable water use; reduce pollution; and contribute to the mitigation of floods and droughts. Good ecological status includes water quality, water quantity, ecology & habitat and morphology/physical impacts (such as culverts or engineering works on waterbodies).

SEPA supports the use of the proposed assessment matrix (Appendix 4). It is particularly welcome the use of a commentary box providing justification/explanation for the identified effect and a link to mitigation measures. Please note that it is a requirement of the Act to assess cumulative, synergistic and secondary effects.

SEPA considers that mitigation measures are a crucial part of SEA in that they offer an opportunity to not only address potential adverse effects of a plan, but also to make a plan even more positive than it already may be. These should follow the mitigation hierarchy: avoid, reduce, remedy or compensate for negative effects, and enhance where appropriate for positive effects. It would be extremely helpful to set out all mitigation measures in a way that clearly identified: (1) the measures required, (2) when they would be required and (3) who will be required to implement them.

Next Steps

It is noted that a consultation period of 12 weeks is being proposed and SEPA is content with the proposed timescale.