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Appendix 1 – Copies of the Consultation responses to the Environmental Report from the Consultation Authorities (SEPA and SNH)
1.0 Introduction

The Moray Council have prepared a Core Paths Plan for the Moray Council area. The Plan area excludes that part of Moray within the Cairngorms National Park, which has a dedicated Core Paths Plan. Moray council have been working in partnership with local community access groups and other agencies to plan for, develop and manage Local Path Networks since 2000.

The Core Paths Plan has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005.

1.1 Purpose of this Report

Production of the SEA Statement (this report) is a statutory requirement under Section 18 of the Environmental Assessment (Scotland) Act 2005.

This report explains how the Environmental Report and consultations responses, both from statutory consultees and the public, have been taken into account and what amendments have made as a result of the responses.

1.2 Key Facts

Table 1: Key Facts

<table>
<thead>
<tr>
<th>Name of Responsible Authority</th>
<th>The Moray Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason for Strategy</td>
<td>The Moray Council has prepared a draft Core Paths Plan for the Council area, to meet the requirements of the Land Reform (Scotland) Act 2003</td>
</tr>
<tr>
<td>Plan Subject</td>
<td>Provision of a basic framework of routes giving the public a reasonable level of access within the Moray area.</td>
</tr>
<tr>
<td>Period Covered by Plan</td>
<td>The Moray Core Paths Plan sets out the vision for the 5 years following adoption i.e. 2011-2016.</td>
</tr>
<tr>
<td>Frequency of Updates</td>
<td>Interim Monitoring Report and full review after 5 years</td>
</tr>
<tr>
<td>Plan Area</td>
<td>The plan covers the Moray Council local authority administrative area but does not include the area within the Cairngorms National Park Authority which is covered by a separate Core Paths Plan.</td>
</tr>
<tr>
<td>Plan Purpose</td>
<td>The Core Paths Plan identifies a sufficient and integrated network of “core paths” as a framework providing for all forms of recreational access including walking, cycling, horse riding, canoeing etc within the Moray Area</td>
</tr>
<tr>
<td>Key Contact</td>
<td>Ian M Douglas</td>
</tr>
<tr>
<td></td>
<td>Moray Outdoor Access manager</td>
</tr>
<tr>
<td></td>
<td>Environmental Services</td>
</tr>
<tr>
<td></td>
<td>Ashgrove Depot</td>
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<td></td>
<td>Ashgrove Road</td>
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<tr>
<td></td>
<td>Elgin</td>
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<td></td>
<td>IV30 1UU</td>
</tr>
</tbody>
</table>
2.0 **SEA Activities to Date**

The development of the adopted Core Paths Plan has gone through a number of stages to date. The timeline for SEA activities undertaken are provided in Table 2 below.

<table>
<thead>
<tr>
<th>Table 2: SEA Activities Undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SEA Activity</strong></td>
</tr>
<tr>
<td>Production of Initial CPP Consultative Draft</td>
</tr>
<tr>
<td>Requirement for SEA Established.</td>
</tr>
<tr>
<td>Approval of Environmental Services Committee</td>
</tr>
<tr>
<td>Launch of Core Paths Plan Consultative Draft</td>
</tr>
<tr>
<td>Period of Public Consultation</td>
</tr>
<tr>
<td>Updating the Draft Core Paths Plan</td>
</tr>
<tr>
<td>SEA Scoping Produced</td>
</tr>
<tr>
<td>Consultation on SEA Scoping</td>
</tr>
<tr>
<td>Drafting of Environmental Report</td>
</tr>
<tr>
<td>Final Draft of Core Paths Plan &amp; Environmental Report to The Moray Council Environmental Services Committee</td>
</tr>
<tr>
<td>Submission of Final</td>
</tr>
</tbody>
</table>

IronsidesFarrar
## SEA Activity | Date | Comments
--- | --- | ---
Finalised Version of the Moray Core Paths Plan produced and submitted to Scottish Government | Dec 2009 | During the twelve week formal public consultation period on the Plan, fifty-nine comments and twenty-nine formal objections were received. As a result of negotiations, thirteen of these objections were formally withdrawn on the basis of changes to the Plan. Sixteen objections remained outstanding. The Finalised Version of the Moray Core Paths Plan and sixteen outstanding objections was submitted to the Scottish Government along with the Council’s statements of response.
Local Inquiry Hearing and subsequent reporters recommendations | April 2011 | Scottish Government Inquiry report recommendations received by The Moray Council and amendments made to the Core Paths Plan
Adoption | 28th June 2011 | The Core Paths Plan was formally adopted by The Moray Council with two amendments:
- the deletion of core path EG32 (North Spynie Path, Elgin)
- the correction of the text in page 13 of the Plan (relating to the River Spey) – minor amendment with no material change to Plan.
Post-Adoption SEA Statement | This report | The SEA Statement sets out the changes made to the Core Paths Plan as a result of the environmental assessment and subsequent review by Scottish Government. This SEA Statement outlines any monitoring of the Core Paths Plan post adoption.

### 2.1 Availability of SEA Documents

The Moray Council Core Paths Plan as adopted, along with the Environmental Report and Post-Adoption SEA Statement is available on the Moray Council website with paper copies of all reports are available from Ian Douglas, Access Officer on request:

Ian Douglas  
Moray Council Access Manager  
Ashgrove Depot  
Ashgrove Road  
Elgin  
IV30 1UU

**Tel:** (01343) 557049  
**Email:** morayaccess@moray.gov.uk  
**Website:** [http://www.moray.gov.uk](http://www.moray.gov.uk)
3.0 Alternatives Considered

It is a statutory requirement of SEA to consider alternatives to achieve the strategic vision and objectives of the Moray Core Paths Plan. Section 14(2) of the Environmental Assessment (Scotland) Act 2005 states that 'the report shall identify, describe and evaluate the likely significant effects on the environment of implementing …b) reasonable alternatives to the plan or programme taking into account the objectives and the geographical scope of the plan or programme'.

3.1 Development of Alternatives to Core Paths Plan

Production of Core Paths Plans is a legal requirement under the Land Reform (Scotland) Act, 2003 and therefore a ‘do-nothing scenario’ will not be considered by the SEA.

Alternatives to the current Core Path Plan were considered as part of the iterative plan development in full consultation with Statutory Consultees, Local access groups and the public.

Possible alternatives to the current Core Paths Plan included the following:

**Skeletal Network of paths – as in the Original Consultative Draft Plan**
- Wider network of paths required because the Plan was not thought sufficient to provide a framework for general access to an area.

**Sufficient for general access plus aspirational Core Paths**
- Only Statutory Core Paths should be included in the Plan. Aspirational Core Paths proposed for longer term adoption will be contained within separate documentation.

**Complete adoption of all paths in Moray as Core Paths**
- Not all paths within the Moray region would satisfy the majority of the selection criteria for proposed core paths and therefore this is not a feasible alternative.

**All Core Paths to be barrier free and accessible**
- This alternative would reduce the network of core paths that could be promoted under the plan and would not achieve the requirement of the Land Reform Act of 'sufficient access'

The preferred option taken forward as part of the adopted plan seeks to deliver sufficient general access. This option satisfies the requirements of the Land Reform Act to deliver a wide variety of route types ensuring linkage and integration of routes particularly around and between main settlements within Moray.
4.0 Effects of Environmental Considerations & the Environmental Report on the Plan

The following table summarises the environmental findings of the environmental assessment of the Core Paths Plan. The assessment concluded that there were no significant adverse effects should the Plan be adopted.

Table 3: Summary of Environmental Assessment of the Plan

<table>
<thead>
<tr>
<th>SEA Topic</th>
<th>SEA Objectives</th>
<th>Likely Significant Impact?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Biodiversity & Nature Conservation (Flora & Fauna) |  To protect natural environment with particular emphasis on protected sites and species (Local, National and European) and to conserve the existing environment through enhancement schemes, mitigation and compensatory measures where necessary.  
 To promote people’s enjoyment, understanding and appreciation of the natural heritage need for its protection. | = or ✓                     | • There is a commitment within the Core Paths Plan to protection of the environment and this is highlighted within the objectives, policies and selection criteria for individual paths.  
• The plan will encourage the use of the outdoors for all user groups and will promote knowledge of the natural heritage of Moray through signage and interpretation boards and through websites such as Moray Ways.  
• The assessment of the plan has indicated any potential conflicts between the plan and the protection and enhancement of biodiversity within Moray – mitigation has been recommended where required. Overall there are no known significant adverse impacts to biodiversity as a result of the Core Paths Plan. No modifications to the Core Paths Plan are required. Mitigation for implementing the plan e.g. for individual paths may be required and this is referenced in the Plan.  
• An Appropriate Assessment of the Core Paths with respect to European protected sites has been undertaken and is presented as Appendix 4 of the Environmental Report. There are no likely significant effects resulting from the implementation of the Plan. |
| Population & Human Health                      |  Promote accessibility, health, and prosperity and quality of life benefits through an integrated and enhanced network of Core Paths | ✓                          | • The plan will encourage the use of the outdoors for all user groups and will promote use of paths Moray through signage and interpretation boards and through websites such as Moray Ways.  
• Provision of physical attribute information on Core Paths will promote use of the paths to a wide variety of user groups and activities e.g. walkers, cyclists etc. |
| Material Assets                                 |  To improve, integrate and enhance the local path network throughout Moray to benefit communities. Maximise the benefits of the Core Paths to the economy of the Moray | ✓                          | • The plan will encourage the use of the outdoors for all user groups. Marketing of the Core Paths through Moray Ways, Visit Scotland and Local Outdoor access forum, recreational organisations etc will promote Moray as a key destination for outdoor pursuits.  
• The Core Paths Plan has been development in consultation with local landowners, Moray Local Outdoor Access Forum and SNH. As a result of consultation, some core paths have been amended/ removed from the current plan until an acceptable route can be identified. |
<table>
<thead>
<tr>
<th>SEA Topic</th>
<th>SEA Objectives</th>
<th>Likely Significant Impact?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region through increased tourism.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| To minimise the impacts of the Core Paths Plan on local landowners and ensure the viability of current land management practices are not adversely affected | = or ✓                      | • The Land Reform Act is based on ‘responsible access’ and therefore the public will be informed of the ‘Outdoor Access Code’  
• Monitoring of the plan will ensure that any issues which arise can be resolved in liaison with the Moray Access Manager.  
• There could be adverse impacts resulting from the adoption of Core Paths which pass through operational land and river based businesses in Moray. These effects are offset through focus on public access on specific paths and increased footfall to local businesses due to increased recreational visitors. |
| Cultural Heritage         | To protect and, where appropriate, enhance the historic environment             | ✓                          | • There is a commitment within the Core Paths Plan to protection of the environment and this is highlighted within the objectives, policies and selection criteria for individual paths.  
• The assessment of the plan has indicated any potential conflicts between the plan and the protection and enhancement of cultural heritage interest within Moray – mitigation has been recommended where required. Overall there are no known significant adverse impacts to cultural heritage as a result of the Core Paths Plan.  
• Policies 3, 5 and 6 of the Core Paths promotes commitment to sensitive signage and use of natural materials in keeping with the setting of the paths. This will ensure that there are no adverse impacts on the setting of historical sites.  
• Only one new path is currently proposed as part of the Core Paths Plan (LM03) and therefore there are no anticipated impacts on Scheduled Ancient Monuments/Listed buildings etc. |
| Landscape & Visual        | To protect and, where appropriate, enhance the landscape and visual amenity of the Moray Region. | ✓                          | • Policies 3, 5 and 6 of the Core Paths promotes commitment to sensitive signage and use of natural materials in keeping with the setting of the paths. Overall there are no known significant adverse landscape and visual impacts of the plan.  
• It is hoped that core paths will encourage people to visit the outdoors and to appreciate the varied landscapes which Moray has to offer. |

Key
- ✓ ✓ ✓ Significant positive Impact
- ✓ Moderate positive environmental impacts
- ✓ Moderate negative environmental impacts
- ✓ Minor positive environmental impacts
- ✓ Significant Negative Impact
- ✗ Minor negative environmental impacts
- ✗ Moderate negative environmental impacts
- ✗ Neutral or No Environmental Impact
- ✗ Uncertain Environmental Impact
- N/A No relationship with SEA Objective
5.0 Consultation Responses

5.1 Consultation Authority Comments and SEA Team Response

The Draft Core Paths Plan and the supporting Environmental Report was submitted to the Statutory Consultees in October 2008. At the end of the 12 week consultation period, the following responses were received. Table 4 below summarises the responses and how these comments have been taken into account. Copies of the full consultation responses are given as Appendix 1 to this report.

Table 4: Summary of Consultation Responses

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Comments</th>
<th>SEA Team Response</th>
<th>Amendment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>SNH</td>
<td>SNH welcomes amendments made to earlier consultation responses. Proposals which may affect natural heritage interests should be carefully assessed for possible impacts.</td>
<td>Section 12 of the Core Paths Plan 'Mitigating Impacts' includes consideration of designated sites and need to ensure that any physical works affecting paths is discussed with SNH in advance and that assessment/specific mitigation is applied as required.</td>
<td>None required</td>
</tr>
<tr>
<td>SEPA</td>
<td>No detailed comments made as SEPA's main areas of interest have been scoped out of the Environmental Report.</td>
<td>As above – any physical intervention will be reviewed to ensure that there are no adverse environmental impacts including those on the water environment.</td>
<td>None required</td>
</tr>
<tr>
<td>Historic Scotland</td>
<td>N/A – no comments received.</td>
<td>As above – any physical intervention will be reviewed to ensure that there are no adverse environmental impacts including those on the historical environment.</td>
<td>None required</td>
</tr>
</tbody>
</table>

5.2 Public Comments

No public comments on the SEA Environmental Report were received. Comments on the Core Paths Plan itself and required amendments have been addressed by The Moray Council.
6.0 Monitoring Measures

The environmental assessment concluded that there were no significant adverse effects should the Core Paths Plan be adopted and implemented.

Monitoring should be applied based on a common sense approach and within existing regulatory frameworks and cross-compliance. Monitoring is specifically targeted towards aspects of the implementation of the Plan that could have adverse environmental impacts and therefore much of the monitoring focuses on those components of the Plan that would involve physical works. Monitoring recommended under the SEA objectives is already undertaken by the Council (e.g. Air Quality is monitored by Environmental Health Team) or by other government bodies or agencies.

6.1 Monitoring of the Core Paths Plan

Monitoring of the Core Paths Plan will take the following form:

Table 5: Extract from Core Paths Plan (page 8) – Monitoring/Action Plan

<table>
<thead>
<tr>
<th>POLICY NUMBER</th>
<th>ACTION</th>
<th>LEAD ORGANISATION(S)</th>
<th>OTHER PARTNERS</th>
<th>TIMESCALE</th>
</tr>
</thead>
</table>
| 1             | • Prepare a Development Programme for Moray Core Paths  
• Development and Improvement of Core Paths and wider Moray Paths Network. | TMC MLOAF | HEM, SNH, LCAG, FCS, LM, HITRANS, PFAP, UG. | Short/Long |
| 2             | • Support initiatives to develop Aspirational Core Paths. | TMC | HEM, SNH, LCAG, HITRANS, PFAP, UG. | Short/Long |
| 3             | • Prepare a management plan for Moray Paths Network including Core Paths. | TMC MLOAF | SNH, LCAG, FCS, LM, CSD, PFAP | Medium |
| 4             | • Signage of all Moray Core Paths. | TMC | SNH, LCAG, FCS, LM, CSD, HEM, PFAP | Short |
| 5             | • Seek provision of interpretation infrastructure and map boards. | TMC | HEM, SNH, LCAG, FCS, LM, PFAP | Medium |
| 6             | • Develop Moray Council outdoor access and paths website [www.morayways.org.uk](http://www.morayways.org.uk)  
• Apply principles to mitigate adverse environmental impacts likely from Core Paths designation, development, management and promotion. | TMC | MLOAF, SNH, LCAG, UG. | Short/Long |
| 7             | • Secure resources for development, management and promotion of Core Paths and the wider Moray Paths Network. | TMC MLOAF | HEM, SNH, LCAG, FCS, LM, CSD, PFAP, UG. | Short/Long |
|               | • Set up Moray Countryside Access Trust or similar organisation. | TMC MLOAF | SNH, LCAG, PFAP, UG. | Medium |
|               | • Produce interim monitoring report for the Moray Core Paths Plan. | TMC | SNH, PFAP | Short |
|               | • Review Plan every five years. | TMC | ALL | Medium |

Key to table: Short timescale – 0 to 3 years / Medium timescale – 4 to 7 years / Long timescale – 8 + years
7.0 Conclusions

The assessment concludes that overall the proposed core paths will have a positive impact, particularly in relation to factors such as benefits to health, access to the outdoors, amenity and promotion of associated activities such as walking and cycling.

There are possible minor negative impacts on biodiversity, water quality, material assets, geology and soils that may arise from physical development/management/improvement of paths, although commitment to further assessment where required has been addressed within the Core Paths Plan.

With mitigation, it is considered that there are no likely significant adverse impacts on Natura 2000 interests resulting from the implementation of the Plan.

The development of the Plan has been informed by the SEA process and has taken into account comments provided by the Consultation Authorities (Historic Scotland, SEPA and SNH) in addition to comments from key stakeholders. It is concluded that there are no likely significant adverse environmental impacts that arise from the implementation of the Core Paths Plan and the Plan has therefore been adopted.
Appendix 1

Copies of the Consultation responses to the Environmental Report from the Consultation Authorities (SEPA and SNH)
Dear Kim,


In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, 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 Act 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
Ian M Douglas
Moray Access Manager
The Moray Council Environmental Services
Ashgrove Depot
Ashgrove Road
ELGIN
IV30 1UU

9 December 2008

Dear Mr Douglas,

Environmental Assessment (Scotland) Act 2005:
Sea Environmental Report - Moray Core Paths Plan

Thank you for forwarding the above documents via the SEA Gateway, which we received on 31 October 2008. I have reviewed the report on behalf of Scottish Natural Heritage in its role as a statutory consultee under the Act. The report headings have been used where appropriate.

SNH welcomes the cognisance taken of it's comments made at the scoping stage, for example adding specific objectives on Natura sites and European Protected Species.

Assessment of the environmental effects and proposed mitigation

The report concludes that no proposed Core Path will have a negative impact on the natural heritage. We recommend that any proposals that could affect the natural heritage interests, such as:

- Construction of new paths
- Upgrading existing paths
- Changing of maintenance regimes
- Improving promotion in ways likely to increase or change the type of path use (including by dogs)

should be assessed carefully for possible impacts. The details of any future construction, maintenance or promotion are not known at present, a statement should be included in the adopted core paths plan that no such activities will be undertaken until an assessment of likely significant effects on sensitive natural heritage impacts is undertaken, which must reflect protective legislation.

Monitoring

We note the intention to collect information on the condition and any impacts of the Core Paths network. SNH has produced advice and a toolkit for monitoring access and recreation at sensitive natural heritage sites, which can be found at www.snh.org.uk/publications/online/heritage_management/sensitivities.

Please note that these comments are in connection with the adequacy of the Environmental Report and are without prejudice to comments that may be made by any of the Consultation Authorities on the plan itself.
If you would like further information in relation to this response, please do not hesitate to contact Jennifer Heatley at the Elgin Office.

Yours sincerely

P D W Timms MRICS FAAV
Operations Manager
Grampian

cc. Scottish Government at sea.gateway@scotland.gsi.gov.uk
cc. SEPA at sea.gateway@sepa.org.uk
cc. Historic Scotland at hshea.gateway@scotland.gsi.gov.uk
cc. SNH at sea.gateway@snh.gov.uk
Attention: Ian Douglas

Moray Access Manager
The Moray Council
Environmental Services
Ashgrove Depot
Ashgrove Road
Elgin
Moray
IV30 1UU

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

Dear Mr Douglas

Environmental Assessment (Scotland) Act 2005
Moray Core Paths Plan – Environmental Report

I refer to your Environmental Report consultation submitted under the above Act in respect of the above Plan. This was received by SEPA via the Scottish Government SEA Gateway on 31st October 2008.

As the main areas of SEPA’s interests have been scoped out of the assessment SEPA has no detailed comments to make on the Environmental Report. Please note, this response is in regard only to the adequacy and accuracy of the Environmental Report and any comments SEPA may have on the Plan itself will be provided separately.

As the Plan is finalised, Moray Council as Responsible Authority, will require to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. SEPA normally expects this to be in the form of an “SEA Statement” similar to that advocated in the Scottish Government SEA templates and toolkit which is available at www.scotland.gov.uk/Publications/2006/09/13104943/13. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this consultation, please do not hesitate to contact me on 01349 860359 or via SEPA’s SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely,

Susan Haslam
Acting Planning Unit Manager (North)