



MORAY DEVELOPMENT PLAN

2008

**POST ADOPTION
STRATEGIC
ENVIRONMENTAL
ASSESSMENT
STATEMENT**



the **moray** council

POST - ADOPTION SEA STATEMENT

Post-adoption SEA statement for:

The Moray Structure Plan 2007 and Moray Local Plan 2008.

Adopted on:

The Moray Structure Plan was approved on 2nd April 2007 and the Moray Local Plan 2008 was adopted on 19 December 2008.

Responsible Authority:

The Moray Council.

INTRODUCTION

This document (referred to here as the post-adoption SEA statement) has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

AVAILABILITY OF DOCUMENTS

WEBSITE

Copies of the Structure and Local Plan, along with the Environmental Report and post-adoption SEA Statement are available on the Council's website at:

http://www.moray.gov.uk/moray_standard/page_51210.html

OFFICE ADDRESS

The Structure and Local Plan, along with the Environmental Report and post-adoption SEA Statement may also be inspected free of charge (or a copy obtained for a reasonable charge) at the main office of the Moray Council:

Contact name, address and telephone number

Gary Templeton, Principal Planning Officer, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, tel 01343 563470.

Times at which the documents may be inspected or a copy obtained:

Monday to Friday 9am- 4.45pm

KEY FACTS

Name of Responsible Authority	The Moray Council
Title of PPS	The Moray Structure Plan 2007 and Moray Local Plan 2008.
Purpose of PPS	To provide a land use planning framework and policies for determining planning applications.
What prompted the PPS (e.g. a legislative, regulatory or administrative provision)	Legislative requirement to provide an up to date Development Plan.
Subject (e.g. transport)	Land Use Planning.
Period covered	Moray Structure Plan 2007-2017 and Moray Local Plan 2008-2013.
Frequency of updates	There is no longer a statutory requirement to produce a Moray Structure Plan. The Local Plan will be reviewed every five years.
Area of PPS (e.g. geographical area)	The Moray Structure Plan covers the whole of the Moray Council administrative area. The Local Plan excludes the area administered by the Cairngorms National Park Authority.
Summary of nature/content of PPS	Strategic and Local Planning framework for the determination of planning applications.
Date adopted	Moray Structure Plan – 2nd April 2007 Moray Local Plan – 19th December 2008
Contact name & job title Address, email, telephone number	Gary Templeton, Principal Planning Officer, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX E-mail- garytempleton@moray.gov.uk Tel- 01343 563470
Date	4th May 2009

1. Strategic Environmental Assessment Process

The Moray Development Plan has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Publication of a Scoping Report for consultation with Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA) and the Scottish Ministers, which sets out the proposed scope, level of detail and main issues to be addressed in the Environmental Report.
- Taking into account the views of SEPA, SNH and the Scottish Ministers (Historic Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report
- Preparing an Environmental Report on the likely significant effects on the environment of the draft Structure and Local Plan which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the Structure and Local Plan and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the Structure and Local Plan;
 - the plan's likely significant effects on the environment (positive and negative);
 - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
 - an outline of the reasons for selecting the alternatives chosen;
 - monitoring measures to ensure that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken.
- A workshop session with planning and transportation officers and consultees to identify environmental effects arising from land use policies and proposals.
- Consulting on the Environmental Report for a twelve week period and consideration of comments received.
- Publication of a supplementary Appendix to the Environment Report to consider the environmental effects of policy and designation changes made between the draft and finalised plans. The Appendix also provided additional information in response to issues raised during consultation on the draft Environmental Report.
- Taking into account the Environmental Report and the results of consultation in making final decisions regarding the Moray Structure and Local Plan.
- Committing to monitoring the significant environmental effects of the implementation of the Structure and Local Plan. This will also identify any unforeseen adverse significant environmental effects and to enable appropriate remedial action to be taken.

2. How Environmental Considerations have been integrated into The Moray Development Plan

The table below sets out the key findings identified in the Environmental report and explains how they were addressed in the Moray Development Plan.

Table 1

ENVIRONMENTAL CONSIDERATIONS AND FINDINGS FROM ENVIRONMENTAL REPORT	INTEGRATED INTO PPS (YES/NO)	HOW INTEGRATED/TAKEN INTO ACCOUNT OR REASON FOR NOT BEING TAKEN INTO ACCOUNT
LP Policy ED1 could be strengthened by separating the policy into two separate policies. In both cases the following statement should be added "new development will be required to comply with the site development requirements within the settlement plans and policies.	Yes	The policy covers the identification of employment land allocations across the Local Plan area and it was therefore considered appropriate to include it within one policy. Reference to settlement plans and policies is accepted.
LP Policy ED2 provides no reference to sustainable design or construction methods.	Yes	Reference to sustainable design and construction methods has been incorporated into IMP1.
LP Policy ED8 additional criteria could be added to strengthen this policy. This could require rural businesses to be located close to populated areas where appropriate.	Yes	Reference included within Policy.
LP Policy H2 could potentially result in the loss of green space. Policy should be cross referenced to E4.	Yes	Impact on the surrounding environment is now noted in policy H2.
LP Policy H4 lacks any reference to sustainable design and construction.	Yes	Reference incorporated into Policy IMP1.
LP Policy H5 has the potential to result in a loss of biodiversity sites and negative impacts on the landscape.	Yes	Reference has been made in the policy to address this issue.
LP Policy H6, text should define what is meant by "adequately serviced." Would benefit from being cross referenced with policy IMP1 and SPG.	Yes	Reference to SPG and policy incorporated.
Policy H9 contains no protection for cultural heritage. Policy may benefit from being cross referenced to BE policies.	Yes	Reference to IMP1 is made in general terms.
Policy T1 could provide details of the improvements for rail and sea.	Yes	Reference to IMP4 Action Plan incorporated.
Policy T2 could be amended by adding text to the policy which refers to providing pedestrian crossing where necessary and making the provision for cyclists.	Yes	Reference to public transport, cycling and pedestrians incorporated.
Policy T4 has the potential to adversely a impact on the biodiversity, cultural heritage, landscape and coastal area of Moray. This will, however, be mitigated by other policies within the Local Plan. Policy could be cross referenced to a number of other policies.	Yes	Cross reference to IMP1 incorporated.

ENVIRONMENTAL CONSIDERATIONS AND FINDINGS FROM ENVIRONMENTAL REPORT	INTEGRATED INTO PPS (YES/NO)	HOW INTEGRATED/TAKEN INTO ACCOUNT OR REASON FOR NOT BEING TAKEN INTO ACCOUNT
Policy T6 is unclear on what the actual road hierarchy is. A hierarchy diagram could be included.	No	Road hierarchy system is still to be developed.
Policy CF1 could be strengthened if more details/ examples were provided as to what part 'c' of the policy means by "environmental gain sufficient to compensate for the loss of all or part of safeguarded community facilities. "	Yes	Policy wording amended to clarify the policy intention.
Policy ENV8 should include a plan or diagram defining where the Coastal protection Zone is.	Yes	Reference is made in the Local Plan Proposals map.
Policy ENV10 would benefit from being cross referenced with policy ER5 and the SPG on Forestry Strategy.	Yes	Cross reference made to policies on forestry and agriculture.
Policy EP8 does not give any reference to the disposal of contaminated material.	Yes	Policy amended to include reference to the disposal of contaminants.
Policy ER3 could be strengthened by being cross referenced to ENV3 TPO's. Text should be amended to incorporate affects on soil quality.	Yes	Cross reference to SPG on trees and development.
Policy ER4 should incorporate the requirement for restoration into the policy.	Yes	Reference to restoration included.
Policy ER4 incorporates the requirement for restoration into the policy. Reference should be made to the Environmental Impact Regulations.	Yes	Reference to restoration included in the policy. Cross reference to Policy IMP2 on Development Impact Assessments.
Policy ER5 should be separated into three distinct policies for clarification.	Yes	Policy reworded to clarify intent.
Policy IMP1 could be enhanced by making reference to the requirement for sustainable design and construction methods.	Yes	Policy wording adjusted to take sustainable design and construction into account.

3. How Opinions Expressed during consultation have been taken into account

Table 2 below summarises the comments received on the Environmental Report, and sets out how they have been taken into account in finalising the Moray Structure and Local Plan.

Some of the comments related to the content of the Environmental Report, as opposed to advising on its implications for finalising the Moray Structure and Local Plan.

Table 2: Consultation Comments received on Environmental Report

Consultee	Summary of Comment	How the Comment was taken into account in making the decision to adopt the final plan/ programme
Historic Scotland	Appears to be some confusion between cultural heritage and natural heritage in the Environmental Report	No change. The Plan clearly distinguishes between the cultural and natural heritage, although it is accepted that the Environmental Report is unclear on this issue.
Historic Scotland	Welcome the inclusion of specific policies to mitigate against the effects of other policies.	Noted.
Maryon Fairman	Wonder whether the natural resources of wind, water, sun and soil in Moray and the Moray Firth are fully recognised.	Noted. The Council are currently preparing a Renewable Energy Strategy which will consider the potential for a wide range of renewable energy technologies.
Scottish Executive	SEA does not appear to have gone through a scoping exercise to limit the detailed assessment to matters likely to have a significant environmental effect, which makes for a long and unfocused report. The ER should also include an assessment of the likely significant effects on the environment of implementing reasonable alternatives.	A Scoping exercise was undertaken. In the course of preparing the draft Local Plan, the Council completed a site checklist for all bid sites which were considered as options. The settlement statements in the draft Plan also refer to options considered. However, it is accepted that this information could be more clearly presented and a separate Appendix on settlement statements and options considered has been prepared and published at the same time as the finalised Local Plan.
Historic Scotland	The SPG states that "new housing must be sympathetic to the character of the existing settlement and to the local landscape setting." This SPG may therefore have a positive impact on the historic environment.	The supplementary report was amended to reflect this.

Consultee	Summary of Comment	How the Comment was taken into account in making the decision to adopt the final plan/ programme
Historic Scotland	Although the Forestry Strategy SPG and Affordable Housing SPG were assessed, they have not been included as part of the Development Plan.	The Forestry Strategy and Affordable Housing SPG are already approved documents and were not being consulted on.
Historic Scotland	The Local Plan includes a settlement strategy, detailing proposed land allocations for the area. Need clarification of whether it is intended to assess the land allocations in the next version of the ER.	Included information within new Appendix on appraisal of settlement statements and assessment of alternative options.
Scottish Natural Heritage	ER sees this as a positive policy with regard to the natural heritage and green space objectives and in an ideal world this policy should achieve this. However, this policy should be viewed with caution because of the sensitivities surrounding watercourse and the need for development to be sustainable, a view that the ER does not pick up.	Included within supplementary appendix.
Scottish Natural Heritage	Policies do not include provision for the protection of European Protected Species. The ER did not refer to this omission and in SNH's opinion this could result in a negative impact on European Protected Species	Environmental policies were amended to provide a policy framework for the protection of European Protected Species. A detailed Natura Assessment has also been completed in partnership with SNH.
Scottish Natural Heritage	The environmental report considers that this policy could have a positive impact on objective 5 to protect and enhance cultural heritage and diversity. The natural heritage is separate and cannot see how this policy would be related to this objective.	Supplementary Report amended to clarify this issue.
Scottish Natural Heritage	Disagree with the assessment against objective 4 and the commentary that states "policy protects the landscape and biodiversity through requiring site boundaries and to have features such as hedgerows and watercourses". ER should have considered that the location of development close to watercourses and woodland could have a negative impact on biodiversity and riparian habitats.	Accepted. Supplementary report amended to reflect this.

Consultee	Summary of Comment	How the Comment was taken into account in making the decision to adopt the final plan/ programme
Scottish Natural Heritage	Disagree with the assessment, would consider that objective 2 “to reduce the causes and impacts of climate change” is related to this policy. This policy does not seek to actively manage the flood risk in development areas to as low as practicable, because it could be encouraging development to choose locations that could be at risk of flooding.	No change. The areas identified as being at risk from flooding are not precise and the policy requires that proposals within these areas must be subject to a detailed flood risk assessment, satisfactory to both SEPA and the Council.
Scottish Natural Heritage	Consider that objective 4 to protect and enhance the biodiversity and landscape of the Moray Council area, including the protection and enhancement of species, habitats, geology and landform, could be further broken down to provide a clearer assessment of the different elements.	No change. The Council considers that the criteria in the ER are sufficient for the assessment process.
Scottish Natural Heritage	Guidance does not take account of natural heritage issues that could influence location and siting. The environmental report therefore considers there to be no relationship between this SPG and objective 4 to protect and enhance the biodiversity of the Moray Council area, including the protection and enhancement of species, habitats, geology and landform. If natural heritage issues could be brought into this guidance it would go some way to reducing and mitigating the impact housing in the countryside could have on the natural heritage.	Supplementary report amended to reflect this.
Scottish Natural Heritage	The environmental report of the Supplementary Guidance could have identified the omission of any natural heritage considerations in the Housing in the Countryside guidance. The omission of considerations such as protected sites and species, habitats and biodiversity could lead to a negative impact.	Natural heritage considerations have been included within the Housing in the Countryside and Implementation policies. Additional text promoting biodiversity has been added to the Environmental policies. ecological status of waterbodies, foul drainage and air quality.

Consultee	Summary of Comment	How the Comment was taken into account in making the decision to adopt the final plan/ programme
Scottish Natural Heritage	The environmental report also considers this policy to have a positive impact on the natural heritage of objective 4. The report does not consider the potential impact of promoting residential caravan sites for residential development.	Supplementary report amended to reflect this.
SEPA	SEPA does not agree with the assessment that there is no relationship between the reduction of waste and increase in recycling and these policies. Policies should refer to sustainable waste management infrastructure and presume against such uses on these sites.	Accepted. Policy amended.
SEPA	Consider that the overall development plan should be assessed against the twelve SEA objectives to ensure that there are sufficient policies in place which should seek to achieve the objectives and prevent policy gaps which would allow development to be permitted which would have significant environmental effects. Failure to identify comprehensive policies on waste management infrastructure provision, ecological status of waterbodies, foul drainage, air quality.	The overall Development Plan has been assessed against the 12 SEA objectives and included within the Supplementary Appendix. Additional policies added or policies modified to refer to waste management infrastructure, ecological status of waterbodies, foul drainage and air quality.
SEPA	ER does not include the second main element of the assessment set out in the Scoping Report. The failure to include an assessment of the proposal sites and settlement statements is a key omission. There may be site identifications and settlement statements, which could have significant environmental impacts when assessed against the 12 SEA objectives.	Accepted. Included within Supplementary Appendix an appraisal of settlement statements, sites and alternative options.

Consultee	Summary of Comment	How the Comment was taken into account in making the decision to adopt the final plan/ programme
SEPA	The topic of human health has not been adequately addressed. Also the issue of protecting and enhancing the quality of the districts ground, river and sea water systems is not adequately addressed by the questions identified.	No change. The Council responded to SEPA welcoming suggestions as to additional questions to be included for future assessments.
SEPA	There is a limited list of issues to be monitored in the future. SEPA considers this list to be inadequate and is disappointed there are no indicators identified. This could include the number of applications granted consent as departures from the development plan.	The Council welcomed further suggestions of issues to be monitored. The number of departures is already monitored. The annual Monitoring Reports will address a wide range of issues.
SEPA	Water is omitted as a heading from the list of issues for existing environmental problems at 3.1 and associated relevant text on water issues including flooding, groundwater pollution and abstraction pressures.	Information was included within the Supplementary Appendix.
SEPA	No evidence has been provided that all employment sites have been assessed for flood risk in accordance with SPP7 and also the details and timescale for implementation of flood alleviation proposals are not provided in order to demonstrate that sites currently at risk will be free from flood risk in accordance with SPP7. SEPA recommends that it be demonstrated that this assessment process has been carried out, e.g. through completion of site checklists for each potential allocation.	Development checklists were completed for all potential site allocations and were available for inspection. This issue was further debated prior to and during the Local Plan Public Local Inquiry.
The Civic Committee of the Moray Society	Policy H6, support the recommendation that the phrase "adequately serviced" should be defined, but are surprised that Moray Council's response is to remove the phrase altogether.	Phrase was considered to be unclear and was therefore removed from the policy.

As a result of a number of the comments made during the consultation period, a Supplementary Appendix was published. The Appendix included an assessment of new and/or significantly amended policies and further explanation of the settlement based alternatives considered and environmental issues.

In particular the Appendix included an assessment/ reassessment of the following policies;

- Policy E1: International and National Nature Conservation Sites
- Policy E2: Local Nature Conservation Sites and Biodiversity
- Policy EP5: Watercourses
- Policy BE1: Scheduled Ancient Monuments and National Designations
- Policy EP1: Waste Management and Disposal Facilities
- Policy EP6: Control of Development in Flood Risk Areas
- Policy H8: New Housing in the Open Countryside

4. Environmental issues leading to changes to the Moray Development Plan arising through wider consultation, formal objections and the Public Local Inquiry

Through the different stages of the Local Plan preparation, modifications have been made to policies and designations as a result of wider consultation, formal objections and on the recommendation of the Public Local Inquiry Reporter.

Site/ Policy	Consultee/Reporter	Comment	Council Response
Findhorn LONG	PLI Reporter in response to objection by Frances Knight.	Objection to the LONG designation. Concern at expansion of Ecovillage onto ecologically important dune/ gorse and impact upon rare lichens.	Delete LONG designation. Text inserted requiring detailed ecological studies to be submitted with any development proposals for this area. The scope and content of the study to be agreed by the Moray Council and Scottish Natural Heritage.
Findhorn R1	PLI Reporter in response to objection by Frances Knight.	Objection to the R1 housing designation. Concern at expansion of Ecovillage onto ecologically important dune/ gorse and impact upon rare lichens.	Delete R1 designation. Text inserted requiring detailed ecological studies to be submitted with any development proposals for this area. The scope and content of the study to be agreed by the Moray Council and Scottish Natural Heritage.
Forres, Coffin Field, Sanquhar	SNH and local residents	Concern regarding biodiversity value of the site and access issues.	Residential designation changed to ENV designation to be protected through Policy E4.

Site/ Policy	Consultee	Comment	Council Response
Portessie station, Buckie	Local resident	Concern regarding loss of biodiversity.	Residential designation changed to ENV designation to be protected through Policy E4.
Flooding policy	SEPA	Concern regarding the potential flooding impact on designated development sites.	Text inserted into designation requiring the provision of Flood Risk Assessments. Several sites deleted from the Plan following Public Local Inquiry.
Barmuckity Business Park	SNH	Concern regarding the need to ensure that the best design for this site can be achieved incorporating the constraints regarding flooding and that advance planting is appropriate given its conspicuous location.	BP1 and BP2 amalgamated to promote masterplan approach. Specific landscape mitigation and enhancement measures identified in the Plan.
Corsairtly, Keith	PLI Reporter	Concern regarding suitability of site on environmental and visual grounds	Delete designation
Air Quality	Sepa	Need policy to take account of developments which might create or add to air pollution	New policy included
Site B, Mulben	PLI Reporter	To align with planning consent and avoid flood risk areas	Reduce extent of Site B

5. Natura Assessment

The Moray Structure Plan 2007 and Moray Local Plan 2008 have both been subject to an Assessment of the impact on Natura 2000 sites. The Assessments consider all the policies from the Plans against each Natura 2000 site in Moray to consider whether they would be likely to have a significant effect on the site. The assessment identifies where there is:-

- no likely significant effect on qualifying interests;
- a likely significant effect requiring an appropriate assessment to determine whether or not there will be an adverse impact on the integrity of the Natura 2000 site;

Proposals having no, or minimal, effects were progressed without further assessment. Where it was concluded that there is likely to be a significant effect then an appropriate assessment was undertaken to consider each policy against the conservation objectives for the designated site and sensitivities of the relevant habitats/ species.

Mitigation measures and changes were identified, where appropriate, to address any residual effects. Uncertain effects have been covered by including safeguarding conditional wording to ensure assessment at a more detailed plan/ project stage.

6. Reasons for Choosing the Moray Development Plan strategy as adopted, in the light of other reasonable alternatives

The Structure Plan considered three strategic priority choices:-

- i) focus development on existing settlements with Elgin, Forres, Buckie, Keith and Lossiemouth as the main development areas; or
- ii) promote the development of new settlements; or
- iii) promote development outwith settlements

The first option was the preferred strategy and is consistent with national planning policy and sustainable development. It reinforces the function of existing settlements making cost effective use of services and facilities and can reduce impact on the environment by helping to sustain public transport and enabling greater use of cycling and walking.

Development should be related to the settlement hierarchy with Elgin as the primary centre supported by the secondary centres of Buckie, Keith, Lossie and Forres. This is the most sustainable option as these towns contain the majority of the population and are the focus for economic activity, services and the transport network. Outwith the primary and secondary centres opportunities will be provided for more local provision of development land to meet local need and support services at an appropriate scale for the settlement.

7. Measures that are taken to monitor environmental effects so that appropriate remedial action can be undertaken

The majority of monitoring for the SEA objectives is already undertaken by the Council or by other government bodies or agencies. Policy IMP4 of the Moray Local Plan 2008 commits the Council to work in partnership with agencies and organisations active within the Moray area to implement the provision of the Development Plan. As part of this process an Action Plan is included within the Local Plan and this will be monitored annually. This is consistent with the requirements of the 2006 Planning Act.

This will examine the take up of sites identified in the Development Plan, the effectiveness of policies, issues arising and proposed mitigation measures.

The secondary methods of monitoring the impacts of the Moray Development Plan will be through the processing of planning applications in consultation with statutory consultees.

In addition to these means, the Environmental Report identified the need for the following specific issues to be carefully monitored;-

- Air Quality, particularly in relation to car emissions
- Take up of employment land to ensure that the sites are not being cherry picked by developers (greenfield sites developed in preference to brownfield)
- Landscape characteristics
- Areas of biodiversity value
- Features of cultural heritage

These issues will be addressed in the annual Monitoring Report.

8. Conclusions

This statement demonstrates that the likely environmental impacts of the Moray Structure and Local Plan have been assessed through the Environmental Report and adjustments have been made to the plans based on the findings of the Environmental Assessment.