

Nina Caudrey
Environmental Planner
Orkney Islands Council

Our Ref: PCS-20003435

Your Ref: 01913

By email only to: SEA_gateway@gov.scot

SEPA Email Contact:

sea.gateway@sepa.org.uk

27 November 2024

Dear Nina Caudrey

Environmental Assessment (Scotland) Act 2005
SEA Scoping Report - Orkney Islands Council Local Development Plan

Thank you for your Scoping consultation submitted under the above Act. This was received by SEPA via the Scottish Government SEA Gateway on 23 October 2024 in relation to the above application.

As required under Section 15(2) of the Act, we have considered the document submitted and comment as follows in respect of the scope and level of detail to be included in the Environmental Report (ER). We note that you have requested our comments on the topic paper provided with the scoping report. Our comments are included in Section 2 of the appendix, Baseline Information.

The [Scottish Government SEA Guidance](#) provides guidance to Responsible Authorities about the type of information that is expected to be provided at each SEA stage; we have also produced [SEA topic guidance](#) for those issues which fall within our remit. We have used the guidance to inform our detailed scoping response which is attached as an appendix.



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On completion, the Environmental Report and the plan to which it relates should be submitted to the Scottish Government SEA Gateway (SEA_Gateway@gov.scot) which will forward it to the Consultation Authorities.

If you have queries relating to this letter, please contact us via our SEA Gateway at sea.gateway@sepa.org.uk including our reference number in the email subject.

Yours faithfully

Nicki Dunn

Senior Planning Officer

Planning Service

Ecopy to: sea_gateway@nature.scot; sea.gateway@hes.scot

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

Appendix: Comments on the scoping consultation

1. Relationship with other Plans, Policies and Strategies (PPS)

1.1 Some of the PPS included have themselves been subject to SEA. Where this is the case you may find it useful to prepare a summary of the key SEA findings that may be relevant to the OIC Local Development Plan. This may assist you with data sources and environmental baseline information and also ensure the current SEA picks up environmental issues or mitigation actions which may have been identified elsewhere.

2. Baseline Information

2.1 We note that under Topic 3 Water there is reference to how SEPA consider flooding in Kirkwall. We request that the wording is amended to say that whilst the FPS is in place and manages much of the risk associated with coastal flooding there remains a risk to parts of Kirkwall through the impacts of climate change. Surface water flooding is increased due to high sea levels and this impact could also increase in the future due to higher sea levels.

2.2 The data and information sources table is welcomed, however, it would be easier to see what data was used if the links had a reference to the website that was being accessed. Eg Topic 1 Climatic Factors has a link under coastal change <https://www.arcgis.com/apps/dashboards/defe901982154099b6ceb19db8aa41a4>. It is not clear that this link is to the dynamic coast website.

2.3 Flooding data appears to be limited to the consultation regarding the Orkney flood risk management plan. There is no information regarding the production of a strategic flood risk assessment to accompany the LDP. SEPA consider this to be a requirement for LDPs produced under NPF 4.

2.4 I have attached a copy of SEPA's evidence sources by NPF4 policy as this gives links to our available data as well as external evidence that may be useful.

2.5 SEPA holds environmental data which may be of interest to you in preparing the environmental baseline, identifying environmental problems, and summarising the likely changes to the environment in the absence of the PPS, all of which are required

for the assessment. Many of these data are now readily available on SEPA's website.

2.6 Additional local information may also be available from our Access to Information unit (foi@sepa.org.uk).

2.7 Other sources of data for issues that fall within SEPA's remit are referenced in our [SEA topic guidance](#) notes for air, soil, water, material assets, climatic factors and human health.

3. Alternatives

3.1 We note that alternatives are still being considered. Any reasonable alternatives identified during the preparation of the plan should be assessed as part of the SEA process and the findings of the assessment should inform the choice of the preferred option. This should be documented in the Environmental Report.

4. Scoping in / out of environmental topics

4.1 We agree that in this instance all environmental topics should be scoped into the assessment.

5. Methodology for assessing environmental effects

5.1 Where it is expected that other plans, programmes or strategies are better placed to undertake more detailed assessment of environmental effects this should be clearly set out in the Environmental Report.

5.2 We expect all aspects of the PPS which could have significant effects to be assessed.

5.3 When it comes to setting out the results of the assessment in the Environmental Report please provide enough information to clearly justify the reasons for each of the assessments presented. It would also be helpful to set out assumptions that are made during the assessment and difficulties and limitations encountered.

5.4 It is helpful if the assessment matrix directly links the assessment result with proposed mitigation measures such as in the example below:

SEA ISSUES - CHECKLIST QUESTION	Yes or No	Effect	COMMENT and OPPORTUNITIES TO MITIGATE OR IMPROVE
Is the allocation at risk from fluvial or coastal flooding?	Y	Negative	Part of site found to be at risk now removed from allocation.
Could the allocation have a physical impact on existing watercourses?	Y	Negative	Site dissected by watercourse. Developer Requirements includes statement " <i>watercourse to be integrated as positive feature of the development. No culverting.</i> "
Can the allocation currently be connected to the public sewerage system?	Y	Positive	Developer Requirement includes statement " <i>connect to public sewer</i> "

5.5 We note the intention to undertake a Habitats Regulations Appraisal (HRA). We request that in presenting the findings:

- it is demonstrated how the requirements of the SEA legislation have been met, in particular, the requirements of Schedule 3 of the Act; and that
- the Environmental Report is a separate and easily identified component of the wider assessment.

Please note that when consulted we will only comment on the environmental components of the assessment in accordance with our statutory SEA responsibilities and competencies.

5.6 We are content with the proposed detailed assessment matrix and particularly welcome the commentary box to fully explain the rationale behind the assessment results. We also welcome the link between effects and mitigation / enhancement measures in the proposed assessment framework and the consideration of mitigation of impacts.

Comments on wording of proposed SEA objectives

- 5.7 We are content with the proposed SEA objectives to be used in the assessment.
- 5.8 When it comes to assessment of the effects of allocations or sites we advocate a rigorous methodology which clearly assesses potential effects on all environmental topics. Our experience in relation to assessment of allocations is that it can be a much easier and useful exercise for the plan-maker if the assessment is made against a range of related questions, rather than directly against the environmental topics. This allows a very practical assessment to take place which clearly highlights the environmental benefits and costs of each individual allocation. As an example, assessing the allocation against the question “*Can the allocation connect to public sewage infrastructure?*” gives a clear practical view on how this allocation is likely to affect the water environment.
- 5.9 We draw your attention to the joint [SEA and development plan site assessment proforma](#) which sets out the issues which we require to be addressed in more detail.

6. Mitigation and enhancement

- 6.1 We encourage you to use the assessment as a way to improve the environmental performance of individual aspects of the final option; hence we support proposals for enhancement of positive effects as well as mitigation of negative effects.
- 6.2 It is useful to show the link between potential effects and proposed mitigation / enhancement measures in the assessment framework.
- 6.3 We encourage you to be very clear in the Environmental Report about mitigation measures which are proposed as a result of the assessment. These should follow the mitigation hierarchy (avoid, reduce, remedy or compensate).
- 6.4 One of the most important ways to mitigate significant environmental effects identified through the assessment is to make changes to the plan itself so that significant effects are avoided. The Environmental Report should therefore identify any changes made to the plan as a result of the SEA.

6.5 Where the mitigation proposed does not relate to modification to the plan itself then it would be extremely helpful to set out the proposed mitigation measures in a way that clearly identifies: (1) the measures required, (2) when they would be required and (3) who will be required to implement them. The inclusion of a summary table in the Environmental Report such as that presented below will help to track progress on mitigation through the monitoring process.

Issue / Impact Identified in ER	Mitigation Measure	Lead Authority	Proposed Timescale
Insert effect recorded in ER	Insert mitigation measure to address effect	Insert as appropriate	Insert as appropriate
etc	etc	etc	etc

7. Monitoring

7.1 Although not specifically required at this stage, monitoring is a requirement of the Act and early consideration should be given to a monitoring approach particularly in the choice of indicators. It would be helpful if the Environmental Report included a description of the measures envisaged to monitor the significant environmental effects of the plan.

8. Consultation period

8.1 We are satisfied with the proposal for a 12 week consultation period for the Environmental Report.

9. Outcomes of the Scoping exercise

9.1 We would find it helpful if the Environmental Report included a summary of the scoping outcomes and how comments from the Consultation Authorities were considered.