HISTORIC SCOTLAND

We safeguard the nation's historic environment and promote its understanding and enjoyment

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Your ref:

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Dear Ms Ross

Environmental Assessment (Scotland) Act 2005
Ayrshire Local Biodiversity Action Plan: Scoping Report

Thank you for consulting Historic Scotland on the Scoping Report prepared for the environmental assessment of the Ayrshire Local Biodiversity Action Plan (LBAP), received by the Scottish Executive SEA Gateway on 29 January 2007.

I have reviewed the Scoping Report on behalf of Historic Scotland in its role as a Consultation Authority under the above Act. 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 LBAP and, for information, these should be addressed to Rosalind Campbell, Development Assessment Team, Room E3, Longmore House, Salisbury Place, Edinburgh EH9 1SH.

1. Scope of assessment and level of detail

1.1 The Scoping Report provides little information about the LBAP and its contents, for instance the strategic actions to be reviewed and/or potentially included in the revised LBAP. This has presented certain challenges in providing you with our views on the scope and level of detail of the assessment. However, in its absence, I have attempted to anticipate what kinds of strategic actions the LBAP may include and have given you an indication of the potential issues in Point 13 in Annex A.

1.2 Otherwise, subject to the specific comments set out below, I am content with the scope and level of detail proposed for the SEA.

1.3 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 (para 2.3)[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 the environmental assessment to take cognisance of these features, both in the collection of baseline data and in considering the likely impact of the LBAP on the historic environment.

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

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

I note that the assessment will consider short, medium and long term effects, permanent and temporary effects and secondary, cumulative and synergistic effects.

1.5 When undertaking the environmental assessment, you may find that some impacts are uncertain at the strategic level, for example due to dependence on locational factors. Where this is the case it is important to identify these issues and to be clear how they will be taken into account at the lower level, for example at project level, and who will be responsible for following them through. On the other hand, it negates the purpose of SEA to always "park" assessment of impacts until the project stage, as one of the purposes of SEA is to avoid impacts at project level by assessing at the strategic level. A balanced approach is needed.

2. Consultation period for the Environmental Report

2.1 I note that a four-six week period is proposed for consultation on the Environmental Report. Please note that, given current workloads, a consultation period of six weeks is preferred. For administrative purposes, Historic Scotland consider that the

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[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 is the overarching policy statement for the historic environment and was recently available for public consultation (http://www.historic-scotland.gov.uk/sheps).

consultation period commences on receipt of the relevant documents by the SEA Secretariat.

2.2 At the Environmental Report stage, I would prefer to receive paper copies of the report and the LBAP, both of which should be sent via the Scottish Executive Gateway in line with the procedures set out in the SEA Toolkit (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 me.

Yours sincerely

Amanda Chisholm
Strategic Environmental Assessment Team Leader

Annex A: Detailed comments on the Scoping Report

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

Context of the LBAP

1. This section provides useful information about the policy context within which the LBAP sits and the reasons for this review.

Other Plans & Programmes

2. Appendix A of the Scoping Report provides a list of other plans and programmes which will be reviewed as part of the assessment *inter alia* the extent of influence, impact on and/or relationship to the LBAP. As part of the SEA you should also consider the relevant environmental protection objectives established at international, EU or national level. For the SEA this normally means reviewing the legislation and policy context for the environmental parameters that are scoped into the assessment. This should also help you to confirm the SEA objectives to be used in the assessment.

3. The framework of legislation and policy protecting the historic environment relevant to the LBAP comprises:

   - The Ancient Monuments and Archaeological Areas Act 1979
   - The Protection of Wrecks Act 1973
   - The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

4. You may also wish to refer to the following policy documents that include environmental protection objectives for the historic environment:

   - Scottish Historic Environment Policy 2. Scheduling: protecting Scotland's nationally important monuments (available at http://www.historic-scotland.gov.uk/shep2.pdf)
   - Passed to the Future (Historic Scotland's policy for the sustainable management of the historic environment, available at http://www.historic-scotland.gov.uk/index/policyandguidance/policypublications/operationalpolicies.htm)
   - NPPG 5 Archaeology and Planning
   - NPPG 18 Planning and the Historic Environment

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

6. Simply for information, 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 is the overarching policy statement for the historic environment. It provides a framework for more detailed strategic policies and operational policies that inform the day to day work of a range of organisations that have a role and interest in managing the historic environment. SHEP 1 was recently available for public consultation; however, I have provided a link to the draft document, and to the other SHEPs, as you may find them helpful (http://www.historic-scotland.gov.uk/sheps).

Baseline Environment

7. Appendix C identifies baseline information on the historic environment to be employed in the environmental assessment, specifically historic buildings, Conservation Areas, scheduled ancient monuments, and archaeological sites and landscapes. You may wish to add gardens and designed landscapes to this list.

8. I note that Historic Scotland is identified as a source for information in Appendix C. We can provide spatial data for internationally and nationally important historic environment features, including scheduled ancient monuments, listed buildings and gardens and designed landscapes. However, information on Conservation Areas and sites of archaeological importance should be obtained from your colleagues in the Council and the West of Scotland Archaeology Service respectively. A list of baseline information sources is provided in Annex B to this letter.

9. Simply for information, Historic Scotland is in the process of undertaking an audit of the historic environment in Scotland. Although the results are not available for this assessment, the audit will likely assist in identifying trends, problems and issues in future assessments.

Scoping & SEA Objectives

10. I welcome the inclusion of the historic environment in the assessment.

11. I note that you have scoped population and human health out of the assessment and have provided the reasons for doing so. This is welcomed.

Alternatives & Mitigation

12. I note that you intend to consider reasonable alternatives when developing the revised LBAP. My understanding is that alternatives assessed should be those identified as an integral part of the LBAP planning process (rather than identified as part of the SEA process). You may wish to identify in the Environmental Report where alternatives have been constrained by any higher-level strategies and/or policies.

13. I note that you consider that the LBAP is unlikely to have adverse effects on the environment. However, it might have been useful to include a short discussion of some of the key issues for each of the environmental parameters in relation to the potential

impacts of the LBAP. I have set out below some of the key issues for the historic environment that should be considered in the assessment:

- New planting or tree regeneration have the potential to directly affect archaeological and historic sites and their setting, and may cause irreversible damage. For example, planting may directly affect buried archaeological remains, depending on the species used, the previous land use and the current state of survival of the historic remains. Planting can also alter the level of the water table, which may affect archaeological remains that have been preserved in waterlogged areas.

- The historic environment is an integral component of landscape and contributes to its quality and character. Present-day landscapes are the result of both natural environmental conditions and the interaction between people and their environment over a long period of time. New planting may alter the land use, and this may affect historic landscapes or the wider setting of historic environment features.

- Soils are an important natural resource and may also contain archaeological structures and artefacts (particularly peat), and evidence of past human activities.

- There may be opportunities to promote the enjoyment and understanding of historic environment features, along with measures to promote natural heritage.

- The enhancement and restoration of historic plantation and semi-natural woodland for biodiversity purposes may have negative effects on the local historic environment and/or unknown features. The historic environment, particularly ancient monuments and archaeological sites, often have survived very well in semi-natural woodlands and ancient woodlands. They are likely to be better preserved here than in surrounding agricultural land, where they have been ploughed. Impacts could be mitigated though the systematic archaeological survey of old plantations to ensure that the historic environment of the plantation is fully understood.

- Hedgerows can comprise an historic environment resource in terms of their contribution to historic landscape character, particularly landscape pattern. This should be considered as part of the assessment.

- Wetlands have the potential to contain preserved archaeological remains and in themselves are a potential historic environment resource in the same way that soils are. Conditions are crucial e.g. level of the water table, lack of oxygen etc. Again, this should be considered as part of the assessment.

14. I note that you intend to identify alternatives as mitigation measures where adverse impacts have been identified on the environment, and welcome this approach.

Approach to Assessment

SEA objectives

15. I note that the SEA objective contained in the Scoping Report states "to safeguard historic, archaeological sites and conservation areas" and suggest that this be reworded as "to safeguard and enhance, where appropriate, the historic environment" or "to safeguard and enhance, where appropriate, the elements of the historic environment and their settings i.e. scheduled ancient monuments, locally and regionally important

archaeological sites, listed and historic buildings, and historic landscapes and townscapes (*inter alia* gardens and designed landscapes and Conservation Areas)".

Indicators

16. Section 8 of the Scoping Report also provides two proposed indicators for the historic environment. The environmental assessment should use indicators that relate directly to the remit of the LBAP. The majority of the indicators proposed are not therefore fully adequate for their purpose, as they do not provide an overall picture of the results of the activities carried out under the LBAP. The number of designated cultural heritage sites, for example, could be as much the result of Historic Scotland and other organisations' designation programmes as it is the result of the LBAP's strategic actions.

17. I suggest therefore that the indicators be amended to reflect the remit and strategic actions of the LBAP. For example, you proposed to use the number of protected sites as indicators of the historic environment. These indicators could be affected by more than the LBAP. Alternatively, you may wish to consider the number of strategic actions which affect historic environment features. I would be happy to discuss this issue further if you would find it helpful.

Methodology for assessing environmental effects

18. As noted in the accompanying letter, it is not clear from the Scoping Report what strategic actions within the LBAP will be subject to SEA. An indication of the strategic actions to be assessed (even if only in generic form) will be useful in the Environmental Report e.g. planting, woodland diversification etc.

19. I am content with the suggested assessment matrix and welcome the inclusion of a comments column. This is important in explaining the conclusions of the assessment and will assist in making the assessment transparent and the results accessible to the general reader.

Other

20. You may wish to take legal advice regarding your interpretation of the requirements of the Act, as set out in Paragraph 2.3 of the Scoping Report.

Annex B: Information Held on the Historic Environment

1. Background information on HS and general advice on data is available from the HS website at www.historic-scotland.gov.uk. Information on the historic environment is available from a variety of sources.

2. To comply with the Freedom of Information (Scotland) Act 2002, HS has published a publication scheme to provide access to information collected, held and used by HS. This publication scheme is a guide to the information which HS routinely makes available either electronically through its website, or via its offices. HS's publication scheme can be viewed on the HS website (http://www.historic-scotland.gov.uk/foi_publication_scheme_feb05.pdf).

3. Information on the location and details of scheduled ancient monuments and listed buildings (including supporting information) is provided on Pastmap (http://www.PASTMAP.org.uk), a free, interactive, map-based query system developed jointly by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) and Historic Scotland. Databases providing summary information on scheduled ancient monuments and listed buildings are also available on the Historic Scotland website. The underlying scheduled ancient monument and listed building data displayed on Pastmap is also available, under licence, in GIS format (contact hsgimanager@scotland.gsi.gov.uk).

4. Information on the location of designated gardens and designed landscapes is provided on Pastmap. Detailed supporting information on gardens and designed landscapes is provided in the Inventory of Gardens and Designed Landscapes. The Inventory can be consulted at HS offices or is available to purchase from HS and SNH (see below for addresses). The underlying gardens and designed landscape data used on Pastmap is available from Scottish Natural Heritage (contact data.supply@snh.gov.uk). The Inventory is currently being updated; for up-to-date information please contact Historic Scotland's Gardens Inventory Manager Tony Cairns (tony.cairns@scotland.gsi.gov.uk) or the Landscape Historian Raoul Curtis-Machin (raoul.curtis-machin@scotland.gsi.gov.uk).

5. Information on all archaeological/historic sites, buildings and finds recorded in the National Monuments Record of Scotland (NMRS) is available on the RCAHMS website (http://www.rcahms.gov.uk). Locational and supporting information is provided on Pastmap.

6. Information on historic landscapes, in particular historic land-use assessment and NMRS data, can be obtained from the RCAHMS website (http://www.rcahms.gov.uk). The historic land-use assessment is a GIS-based analysis of past and present land-use, developed jointly by Historic Scotland and RCAHMS. It can be found on the RCAHMS web-site at HLAMAP.

7. Information on cultural World Heritage Sites is provided on the Historic Scotland website (http://www.historic-scotland.gov.uk).

8. Wrecks may be protected under the Protection of Wrecks Act 1973, scheduled as ancient monuments or identified as NMRS sites. Information on protected wrecks is available, under licence, in GIS format (contact hsgimanager@scotland.gsi.gov.uk).

9. Local authorities also hold information on the historic environment relevant to their areas. Their archaeological services can provide information on sites included in their Sites and Monuments Records, whilst planning authorities can provide information on conservation areas. Contact details are provided on Pastmap and on the HS website.

10. Contact Addresses:

Historic Scotland	NMRS and RCAHMS
Longmore House	John Sinclair House
Salisbury Place	16 Bernard Terrace
Edinburgh EH9 1SH	Edinburgh EH8 9NX
Tel: 0131 668 8600	Tel: 0131 662 1456
www.historic-scotland.gov.uk	www.rcahms.gov.uk
Inventory volumes 1-5 can be obtained from:	Inventory supplementary volumes can be obtained from:
Scottish Natural Heritage	The Publications Department
Publication Section	TCRE
Battleby	Longmore House
Redgorton	Salisbury Place
Perth PH1 3EW	Edinburgh EH9 1SH
Tel: 01738 444177	Tel: 0131 668 8638