

Appendix B Scoping Consultation Comments

Consultation Body	Ref.	Scoping Report Ref	Consultation Body Comment	Response
SEPA	1. General Comments		In general, we are satisfied with the scope and level of assessment proposed however, we would offer further detailed comments.	Comment noted.
	2. Detailed Comments	Relationship with other PPS	Council may wish to consider discussing the Flood Risk Management (Scotland) Act 2009 in the water section. SPP7 is soon to be replaced by SPP part 3.	To be included in the ER.
			The report refers to the Water Environment (Controlled Activities) (Scotland) Regulations 2005 as aiming to put in place pollution protection measures it would be more accurate to say that they set out the process by which activities that have the potential to affect Scotland's water environment are regulated.	To be amended within the ER.
			<p>The report states that the "MIR should not exacerbate flood risk and should where possible reduce flooding issues through the provision of well designed infrastructure in all new development."</p> <p>In line with SPP7, the MIR should go further than to not exacerbate flood risk and make sure that new development avoids flood risk in the first instance. SEPA has a new Interim Position Statement on Planning and Flooding which outlines our role and policy position on flooding relative to land use planning. The statement strongly advocates that the starting point for development plans should always be the avoidance of flood risk in the first instance. The position statement is available on our website at http://www.sepa.org.uk/about_us/policies.aspx.</p>	In the ER, this will be amended to state that new development should avoid flood risk in the first instance.
	Appendix A: PPS Review	We consider that the PPS listed in Appendix A provides a good start at providing a background framework to the development of the Plan. There are a number of other PPS which we suggest are also considered and these are outlined below.		Comment noted.
		In relation to flood risk, the Directive on the Assessment and Management of Flood Risks (EC Directive 2007/60/EC). The Floods Directive's aim is to reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity (http://ec.europa.eu/environment/water/flood_risk/index.htm). Note that this may also be relevant to the climate change receptor.		The PPS review will be updated for inclusion in the ER. The updated PPS review will include these.
		The Flood Risk Management (Scotland) Act 2009. Includes specific measures for a more joined up and coordinated process to manage flood risk at a national and local level (http://www.opsi.gov.uk/legislation/scotland/acts2009/pdf/asp_20090006_en.pdf).		

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			<p>SEPA's Interim Position Statement on Planning and Flooding which outlines SEPA's role and policy position on flooding relative to land use planning (http://www.sepa.org.uk/about_us/policies.aspx).</p> <p>In relation to waste water infrastructure, Scottish Waters Strategic Asset Capacity and Development Plan, which sets out the services and investment that it intends to undertake in order to meet its environmental obligations (www.scottishwater.co.uk). Note that this may also be relevant to the material asset receptor.</p> <p>In relation to bathing waters, the Bathing Waters Directive (EC Directive 76/160/EEC). Its main objective is to protect public health and the environment from faecal pollution at bathing waters (www.defra.gov.uk/environment/water/quality/bathing/default.htm).</p> <p>As well as referring to the River Basin Management Plans in the baseline issue table 3.1 you may want to also refer to them in appendix 2. The plans set out the proposed arrangements for River Basin Management Planning in each of Scotland's two River Basin Districts (www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx#Draft_RB_MPs).</p>	
		Current State of the Environment	<p>Table 3-1: Baseline Issues and Implications, provides the start of a good baseline for those aspects of the environment where we have an interest, however, we have suggested a small number of additions below.</p> <p>Under the water section of Table 3-1, it refers to development not occurring in areas of flood risk unless adequate flood mitigation measures are put in place, we would suggest changing this wording in line with SPP7.</p> <p>SPP7 states, " a development which requires additional flood alleviation or prevention measures to address flood risk from any source, is likely to be acceptable only outside or adjoining the boundary of "medium to high" risk areas."</p> <p>It would be useful if the baseline information on material assets included details of the existing capacity of the available drainage infrastructure (identifying any limitations). The provision of adequate drainage infrastructure to support new development will be a key consideration for the assessment of potential adverse effects of development on the water environment. For your information we would consider any allocations which do not connect to the public sewage system as having a significant negative effect against the water environment receptor.</p>	<p>Comment noted.</p> <p>Noted. Wording will be amended within the ER.</p> <p>Comment noted.</p>
		Scoping of Environmental Issues.	<p>SEA should play a role in informing the assessment of plan options and proposals by identifying any likely significant environmental effects early on in the process. Therefore the baseline information should include an assessment of the current extent of flood risk</p>	<p>Comments noted and agree that an SFRA should be conducted at this stage of the process</p>

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			<p>through the inclusion of a Strategic Flood Risk Assessment or other similar approach. If an assessment of flood risk is carried out early in the plan making process it will be easier to introduce and promote the primary principle of avoidance. It is also possible that proposals in adjacent local authority areas could affect flooding within the South Ayrshire Council area and vice versa thus it is important to work closely with other local authorities to ensure a strategic approach to flood risk assessment.</p> <p>It should be noted that the Flood Risk Management (Scotland) Act 2009 places a general duty on responsible authorities to adopt an integrated approach to co-operate with each other in the exercise of their functions, possibly through agreements.</p>	dependant on the production of a list of proposed development sites within the MIR.
		Development of SEA Objectives.	One of the SEA water objectives is to “mitigate any potential flood risk from or to any new development”, we would ask that “mitigate” is replaced with “avoid”.	Noted. Will be amended within the ER.
		Framework for Assessing Environmental Effects.	<p>It is understood that the plan’s vision, objectives and general policies and proposals will be assessed against the SEA environmental objectives, analysis questions and the environmental baseline. This is considered an acceptable method of assessment.</p> <p>For the avoidance of any doubt we would expect all aspects of the Plan that are likely to have significant effects to be assessed. This should include, for example, strategic objectives, policies, proposals and site allocations.</p>	Comment noted.
		Mitigation.	<p>SEPA would expect the Environmental Report to include full details of mitigation measures. 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.</p> <p>It would be 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.</p>	Methods for establishing Mitigation Measures will be outlined in the ER Assessment Methodology chapter. The ER will also clearly identify any mitigation measures put forward, when they are required and who will be required to implement them.
		Cumulative Effects Assessment.	The report states that residual environmental effects will be taken forward to the cumulative assessment process. It should be noted that a policy/proposal in the plan could have insignificant effects but together with other policies/proposals in the plan could have a significant effect. Therefore the cumulative effects assessment should assess the combined environmental impacts of all policies/proposals and not only assess residual environmental effects.	Both beneficial and adverse residual effects will be considered after mitigation and these will be put forward into the cumulative assessment so therefore the combined environmental effects will be considered.
		Consultation	We are satisfied with the proposed consultation period of 6 weeks for the Interim	Noted.

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		Period.	Environmental Report (ER).	
SNH	General Comments	General Comments	Overall, SNH agrees with the environmental issues, which have been set out in your Scoping Report. However, there are three specific details that need further consideration.	Comment noted.
			The report should make reference to European Protected Species such as bats, and others as the Local Plan policies will have to adequately consider the protection of these species out with designated areas.	Comment noted. The Environmental Baseline will be updated to include this information and the SEA objectives amended accordingly.
			An Appropriate Assessment of the impact of the plan on SPAs and SACs will also be required (see attached appendix).	Noted.
			SNH is aware of the ongoing development of the Biosphere reserve proposals for the southern part of the plan area. The opportunities arising from this proposal are of sufficient magnitude to suggest that this project should be addressed through the Main Issues Report (MIR) and the SEA process.	The potential Biosphere reserve is discussed in the Baseline Report. Possible amendment of the SEA Biodiversity objective to recognise this.
			We note and accept the proposed consultation period for the Environmental Report.	Noted.
Appendix: Detailed Comments	Para.3.1: Vision	<p><i>'The LDP will be a spatial development strategy that contributes to sustainable Economic growth, underpinned by sound social and environmental objectives.'</i></p> <p>Whist the proposed 'vision' above, does infer a balance between development and social and environmental considerations the next section describing the focus of this vision infers primacy of increasing opportunities over promotion of social and environmental:</p> <p><i>The LDP will concentrate on primarily increasing opportunities for business Development, investment and employment, with an integral part of the strategy also to promote both social and environmental objectives.</i></p> <p>If the proposed vision is a balance between development and the environment, SNH recommends the text could be altered to more clearly express this by substituting the word 'underpinned' with 'guided'. Thus this vision statement could be expressed as follows:</p> <p><i>'The LDP will be a spatial development strategy that contributes to sustainable Economic growth, guided by sound social and environmental objectives.'</i></p>	The environmental assessment of the preferred option for the vision and its alternatives will take note of the suggested alternative and conduct an assessment on this option.	
		3.2.1: PPS	The Act requires that they (MIR) set out the PA's general proposals for development and	This is an issue for the MIR and

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		Review	in particular proposals as to where development should or should not occur, and we would expect that one or more reasonable alternative sets of proposals should be presented – SNH Guidance.	should be included in the final MIR.
			The MIR should protect European and National sites from the adverse effects of Development.	The Biodiversity SEA objectives developed include protection of international, national and local biodiversity sites and their enhancement where possible.
		3.2.3: Biodiversity, Flora and Fauna.	As well as the requirement for Appropriate Assessment for development proposals, SNH reminds the planning authority that, in line with Scottish Government guidance, development plans and MIR themselves require to undergo Appropriate Assessment as outlined in the publication; ‘Scottish Executive guidance on appropriate assessment of development plans’. Links to this and a summary of SNH advice on this is included in the attached leaflet. To ensure such assessment takes account of pertinent information, the ER should include information on the reason for the designation of these protected sites and comments on any likely effects of the plan, both threats and potential benefits.	Comment noted and agreed that an AA will be required. This will be discussed with SAC. Within the ER and accompanying baseline report (Appendix C), there are details of the reasons for the designation of protected sites and threats.
			SNH welcomes the comments in the final part of this section on implications which states: <i>“Future development should avoid where possible any negative impacts on South Ayrshire’s ecology and preferably seek to improve and enhance the biodiversity resources in the South Ayrshire Area.”</i>	Comment welcomed.
		Landscape	SNH further expects the MIR seek to enhance, improve or restructure landscapes as noted in the paragraph above in this Scoping report with reference to the Ayrshire Landscape Assessment.	Landscape SEA objective 1 covers this aspect stating that the MIR should protect and enhance the area’s landscape character and designated Scenic Areas.
		Human Health	SNH welcomes the MIR aim to contribute to physical health. In taking forward Scottish Government NPF there is merit in MIR including reference to mental health as well as physical health and the ER including assessment of likely impacts from the MIR on well being as well as physical health.	SEA Health objective1 and analytical question modified slightly to: Objective 1: <i>To enhance and protect human health & also promote healthy living through improved active travel opportunities, particularly for walking & cycling.</i>

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				Associated question: <i>Does the policy/proposal facilitate healthy lifestyles and address safety concerns which may have health effects both physically and mentally, e.g. due to noise and flooding?</i>
		Para.3.4.	Please refer to the attached leaflet and guidance at: http://www.scotland.gov.uk/Publications/2006/06/02093425/0 with regard to the implications for the MIR and Local Development Plan arising as a result of the presence on Natura sites in South Ayrshire. As a result the text covering the need for Appropriate Assessment to state: “...“within close proximity to or likely to affect these.”	Comment noted. The text will be amended in the ER as necessary.
		Table 1.	In the row titled ‘Biodiversity..’ SNH recommends that under the column ‘Implications for the MIR’ , that as well as noting the names of the sites the implications will include , the requirement for an Appropriate Assessment as noted in the earlier text para 3.4.	Comment noted and text will be amended for the ER.
	In the row titled ‘Landscape’ SNH recommends under the column on ‘Implications’ the MIR the degree to which MIR can address enhancement of landscapes should be included which can then be included in the ER. Under the column on ‘Sources’ the ‘Ayrshire Landscape Assessment’ undertaken by Land Use Consultants should be noted.		Comment noted and will be amended in any text within in ER.	
	In the row titled ‘Human Health’, SNH notes implications for the MIR on human health include increasing opportunities for walking and cycling. SNH recommends that, as well as improving opportunities, the quality and availability of walking and cycling facilities is assessed in the ER as the aim of increasing the walking and cycling rates will depend both on quantity of opportunity as well as the quality of the facilities.		Comment noted. SEA Human Health Objective further altered to: <i>Objective 1: To enhance and protect human health & also promote healthy living through improved active travel opportunities, particularly the quality of and availability to walk & cycle.</i>	
		4.3: SEA Objectives and Analytical Questions.	Table 4.1. Analytical question for landscape should include question on potential landscape benefit.	Comment noted. Analytical question for the Landscape Objective altered to: <i>Could the policy/proposal have a beneficial or adverse effect on designated Scenic Areas or the</i>

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				<i>landscape character of an area?</i>
		Appendix A: PPS Review.	<p><i>Table A1-1: PPS Review - EC (Habitats) Directive 1992/42/EEC</i></p> <p>SNH advises that the comments on this legislation require clarification and revision.</p>	Comment noted. Will be changed within the ER.
			<p>South Ayrshire Council is reminded that all PPS including the MIR and LDP require to be screened to ascertain the need for that plan to be subject to Appropriate Assessment. As South Ayrshire Council area contains Natura sites, SNH suggests that the MIR and consequent LDP will be subject to Appropriate Assessment. See Scottish Executive guidance on appropriate assessment of development plans at: http://www.scotland.gov.uk/Publications/2006/06/02093425/0</p>	An Appropriate Assessment Screening Report will be conducted on the MIR in response to this comment.
			<p>In terms of proposed development, there is no specified maximum distance from a site boundary beyond which proposals can be dismissed as having no effect and reference to 10km should be omitted in this section and not included in the ER. It would be more accurate to describe the requirements of this legislation under such circumstances as; "...Natura 2000 sites require Appropriate Assessment if development is either within, adjacent to, or will cause a likely significant effect on a European site. Confirmation from Scottish Natural Heritage should be sought on this..."</p>	Text will be omitted in the ER and replaced with more appropriate wording.
		Para.3.1	<p>Para 3.1. The MIR will appraise options for a strategic vision for the LDP, setting out a preferred vision and alternatives. The report assures us that:</p> <p>The LDP will aim to increase business, investment and employment by...</p> <p>The MIR then lists mechanisms such as strategies to achieve the aim. But for communities, built and natural resources no means of promotion (such as strategies etc) is provided. It is difficult therefore to see how the preferred vision will be achieved. The ER should identify the effects on the environment of the MIR omitting proposals for strategies to cover these issues.</p>	Comment noted and will be considered at the Environmental Assessment stage.
Historic Scotland	General Comments.			
	1. Scope and Level of Detail: 1.1.	General Comments.	Overall, we found the scoping report to be clear and helpful, and subject to the specific comments set out below and in the accompanying annex, we are content overall with the scope and level of detail proposed for the environmental assessment.	Comment welcomed.
	1.2.		Our understanding of the scoping report is that the assessment will consider the plan's vision, objectives and general policies and proposals against the SEA environmental objectives. We welcome this and assume that this will also include a detailed assessment of proposed land allocations and their alternatives.	To confirm, the assessment will cover proposed land allocations and their alternatives.
	1.3.		We note that the historic environment has been scoped into the assessment. Simply for information, chapter 1 of the Scottish Historic Environment Policy (SHEP) provides a	Noted.

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			useful definition of the historic environment. It defines 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 out towns, villages and streets. It also recognises that the historic environment has less tangible aspects including the historical, artistic, literary, linguistic and scenic associations of places and landscapes.	
	2. Consultation on the Environmental Report.	Consultation.	We note and are content with the 6 week period proposed in section 6.1 for consultation on the Environmental Report. For administrative purposes, Historic Scotland considers that the consultation period commences on receipt of the relevant documents by the SEA Secretariat.	Noted.
	2.2.		At the Environmental Report stage, we would prefer to receive paper copies of the report and the plan, both of which should be sent via the Scottish Government Gateway in line with the procedures set out in the SEA Tool Kit (available at: www.scotland.gov.uk/Publications/2006/09/13104943/45).	Noted. Paper and electronic copies of the ER will be sent out via the Gateway to the Consultation Authorities.
	Detailed Comments	Environmental Baseline Issues and Implications.	<p>Table 3-1 provides a detailed account of the information (SEA environmental baseline data/issues, implications for the MIR, baseline data required and sources of data) that will be used to inform the environmental assessment. We understand that this will include information on the following for the historic environment:</p> <ul style="list-style-type: none"> • Historic gardens and designed landscapes; • Conservation areas; • Listed buildings; and, • Scheduled monuments. <p>However, it should be noted that the environmental baseline data should also include other sites of local and regional importance and consider how these may be affected by the plan, including:</p> <ul style="list-style-type: none"> • Unscheduled archaeology; • Archaeological sites on the Sites and Monuments Record (SMR); • Marine archaeology; and • Historic townscapes and landscapes. 	Comment noted and the Environmental Baseline (see Appendix C of this report) will include details of these historic features.
			We also note in Table 3-1, that that the protection of listed buildings and their setting is not included under the heading 'Implications for the MIR'.	This section will be updated in the ER.
			In the Environmental Report it would be helpful to provide separate maps showing the	Comment noted. Will be

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			baseline data for the historic environment in relation to the current situation, and in relation to the proposed land allocations. This will assist consultees in identifying and/or verifying potential impacts on the historic environment.	discussed with SAC.
		Environmental Issues.	<p>Table 3-1 also includes a summary of the environmental issues which are relevant to the South Ayrshire Local Development Plan. We welcome that potential effects for the historic environment have been included here. The assessment should also consider any linkages between SEA topics. For example, flooding and climate change can also have effects on the historic environment, both in terms of direct impacts, such as the effects of increased flooding and storminess on historic buildings or coastal archaeological sites - and impacts arising from measures derived to mitigate and adapt to climate change, such as renewable energy developments or flood defences.</p> <p>It would be helpful if your Environmental Report identified key environmental issues within South Ayrshire, such as the potential for flooding and coastal erosion to affect archaeological sites.</p>	The ER includes a section on the inter-relationship between SEA topics and also identifies key environmental issues within the LA area in Chapter 3.
		Development of SEA Objectives.	Table 4-1 provides a summary of SEA objectives (SEA topic, key policy implications and key baseline implications). We welcome that you would wish to 'safeguard cultural heritage features and their settings through responsible design and positioning of development'. We would note however that that the protection of listed buildings and their setting is not included under the heading 'Key Baseline Implications'.	Acknowledged. This will be addressed within the ER.
		SEA Objectives and Analytical Questions: Framework for Assessing Environmental Effects.	<p>We welcome that the SEA questions in Table 4-2 ask if the policy/proposal would have a positive or negative effect on cultural heritage features. As noted in section 1.3 of our covering letter, we understand this term to mean all elements of the historic environment as outlined in the SHEP. We note the inclusion of the term 'Archaeological Consultation Trigger Sites' and would welcome clarification as to whether this relates to unscheduled archaeology and archaeological sites on the Sites and Monuments Record (SMR).</p> <p>We understand that this framework will be used to assess both the vision/objectives of the plan and the individual land allocations (including their alternatives). Splitting the topic into individual questions can assist the plan maker as it provides a systematic process for reviewing each allocation, highlighting the benefits and costs of each allocation. This method also assists in targeting any mitigation that may be required (e.g. specifying developer requirements for the allocation to protect the site/setting of a scheduled monument).</p> <p>In light of this, you may find it useful to develop an additional series of prompts to assist in determining the environmental effects of each allocation. For example, will the allocation affect scheduled monuments? Will the allocation affect listed buildings? etc.</p>	<p>As specified in the Baseline document (Appendix C), Archaeological Consultation Trigger Zones relate to those sites listed on the SMR.</p> <p>Each individual cultural heritage designation type will be considered when assessing the effects on cultural heritage using the existing questions. It is not</p>

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				thought necessary to have a question for every individual cultural heritage feature.
		Assessment Framework: SEA Objectives and Indicators.	We note that section 5.1 sets out the framework, methodology and significance of effect criterion which will be used to assess the environmental effects of the MIR. We note that the Major adverse effect definition refers to Moderately – should this say significantly? It would be helpful in the environmental report to refine this so that it is clear what is considered to be a significant effect (e.g. are both moderate and major considered to be significant?). It may be clearer to separate these two attributes in table 5.1 to help the reader understand how they combine to give an indication of significance.	Moderately affecting an internationally important site would have overall significance of major adverse. The definitions will be refined within the ER to make it clearer to the reader.
			Para 5.3 states that significance can be determined through the combination of magnitude of effect with the sensitivity of the receptor. While we accept that such an approach can be helpful in identifying how the actions within the plan and the receptors interact, it is important to bear in mind that not only sites of national/international status can experience significant effects. We therefore welcome that professional judgment will play a key role and that this will be supplemented with GIS/spatial information where appropriate	Comment noted.
			We note that table 5.1 also provides some guidance as to what is considered to be viewed as a positive effect. It will be important to bear in mind when carrying out the assessment that not all historic environment features lend themselves to restoration (e.g. scheduled monuments).	Noted and will be considered during the assessments.
			When documenting the environmental assessment, it would be helpful to set out any assumptions that are made during the assessment e.g. relating to implementation of the plan. We welcome the inclusion of a commentary box in the assessment matrices. It is important to provide a detailed commentary, particularly where significant effects are predicted, as this allows the reader to understand the thought process behind the conclusion.	Detailed commentary will be provided in the matrix along with any assumptions made.
			Alternatives	As noted above, we assume that the assessment framework outlined in section 5.3 will be used to assess the environmental affects of the alternatives generated during the development of the plan and its subsequent iterations. We welcome that where relevant the ER will influence the development of the plan through the provision of recommendations and mitigation measures.
		Mitigation	As you will be aware, mitigation may involve making changes to the plan and/or developing more detailed mitigation proposals to be implemented as the plan is delivered. It would be helpful in the Environmental Report to clearly describe any changes made to the plan as a result of the environmental assessment, and to clearly set out any	Within the ER, a table will be set up containing: - Initial assessment weighting;

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			recommendations or expectations for lower level plans, projects or activities that are identified as mitigation measures. It would also be helpful to identify in the report who will be responsible for ensuring that the mitigation measures are taken forward as the plan is implemented.	<ul style="list-style-type: none"> - proposed mitigation measures; - SAC response to measures; - reassessed assessment weighting; and - If the MIR has been altered as a result.
		Monitoring.	As you will be aware, when monitoring the effects of the plan indicators chosen for the historic environment should reflect both the actions to be taken within the plan, and the potential effects identified in the course of the SEA. At the monitoring stage, you may wish to develop indicators that are closely related to the expected effects of the plan and we would be happy to discuss these with you if that would be helpful.	Comment noted. Monitoring chapter will include information on potential indicators relating to the expected effects of the plan.
		Relationship with other PPS.	Table A1-1 sets out a comprehensive list of the relevant legislation and policies that protect the historic environment, including SPP 23 <i>Planning and the Historic Environment</i> and the <i>Scottish Historic Environment Policy</i> (SHEP), and we welcome that these have been included. Simply for information, the SHEP was updated in July 2009 to include a policy on historic battlefields: http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm .	Noted.
			We note that the <i>Memorandum of Guidance on Listed Buildings and Conservation Areas</i> is not included in Table A1-1. Simply for information, this has now been withdrawn and new guidance notes will ultimately replace it. These have now been published for consultation and are available on our website at: http://www.historic-scotland.gov.uk/index/heritage/policy/memorandumofguidance.htm	Noted.

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Appendix C Environmental Baseline

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