

POST-ADOPTION SEA STATEMENT – COVER NOTE

PART 1

To: SEA.gateway@scotland.gsi.gov.uk

or

SEA Gateway
Scottish Government
Area 2-H (South)
Victoria Quay
Edinburgh EH6 6QQ

PART 2

A post-adoption SEA statement is attached for the PPS entitled:

Dundee Public Open Space Strategy

The Responsible Authority is:

Dundee City Council

PART 3

Contact name Peter Sandwell

Job Title Section Leader Environment Development

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Signature & date Peter Sandwell (Final completion of SEA process 26/4/2010)

POST - ADOPTION SEA STATEMENT

Post-adoption SEA statement for:

Dundee Public Open Space Strategy

Adopted on:

25/08/08

Responsible Authority:

Dundee City Council

POST-ADOPTION SEA STATEMENT 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.

POST-ADOPTION SEA STATEMENT AVAILABILITY OF DOCUMENTS

WEBSITE

The full PPS as adopted, along with the Environmental Report and post-adoption SEA Statement are available on the Responsible Authority's website at:

www.dundee.gov.uk

OFFICE ADDRESS

The PPS, as adopted, 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 principal office of the Responsible Authority:

Contact name, address and telephone number

Peter Sandwell
Section Leader Environment Development

Dundee City Council
Leisure & Communities Dept.
Floor 13, Tayside House, Dundee DD1 3RA

Tel: (01382) 433815

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

Monday - Friday 9am - 5pm

**POST-ADOPTION SEA STATEMENT
KEY FACTS**

Name of Responsible Authority	Dundee City Council
Title of PPS	Dundee Public Open Space Strategy
Purpose of PPS	To provide a series of strategic guidelines and specific actions designed improve co-ordination of the management of public open space within Dundee.
What prompted the PPS (e.g. a legislative, regulatory or administrative provision)	The Strategy will be a legal requirement as proposed in the SPP11 legislation.
Subject (e.g. transport)	Public Open Space
Period covered	2008-2011
Frequency of updates	3 yearly
Area of PPS (e.g. geographical area)	Dundee City Council Area
Summary of nature/content of PPS	The plan sets out a vision for the management of Dundee's Public Open spaces through suggested actions and through the co-ordination of a number of service delivery providers.
Date adopted	25/08/08
Contact name & job title Address, email, telephone number	Peter Sandwell Section Leader Environment Development Dundee City Council Leisure & Communities Dept. Floor 13, Tayside House, Dundee DD1 3RA Tel: (01382) 433815 Email: peter.sandwell@dundeecity.gov.uk
Date	25/08/08

POST-ADOPTION SEA STATEMENT STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS

Dundee Public Open Space Strategy 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:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage 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 PPS which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the PPS and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the PPS;
 - 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.
- Consultation on the Environmental Report was undertaken in parallel with the 6 week consultation period on the content of the Consultative Draft 'Dundee Public Open Space Strategy'. Both the Consultative Draft Strategy and the accompanying Environmental Report were made available online and at the premises of Dundee City Council. The consultation period ran from the 11th March to 24th March 2008 as advertised in the local press on 5th March 2008.
- Following the consultation period, the Environmental Report and the results of the consultation were taken into account and used to guide the final decisions regarding the content and scope of the Dundee Public Open Space Strategy.
- The final version includes a commitment to monitoring the significant environmental effects of the implementation of the Dundee Public Open Space Strategy to identify any unforeseen adverse significant environmental effects and to take appropriate remedial action. This has been integrated with plans for monitoring the progress made to delivering the Dundee Public Open Space Strategy itself.

POST-ADOPTION SEA STATEMENT
HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN
INTEGRATED INTO THE PUBLIC OPEN SPACE STRATEGY AND
HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO
ACCOUNT

TABLE 1

ENVIRONMENTAL CONSIDERATIONS AND FINDINGS FROM ENVIRONMENTAL REPORT		INTEGRATED INTO PLAN (YES/NO)	HOW INTEGRATED/TAKEN INTO ACCOUNT OR REASON FOR NOT BEING TAKEN INTO ACCOUNT
SEA Topic	Consideration/Finding		
Biodiversity, Flora & Fauna	Potential effects of the spread of non native invasive species.	Yes	Pilot projects to control native species
	Potential threats to protected areas /designated sites and locally valued wildlife.	Yes	Commitment to promote native species
	Potential conflicts between outdoor access and conservation interests which may affect wildlife habitats.	Yes	Protection of individual species through LBAP projects
	Potential negative effect on environmental quality over the long term through erosion of tree cover and wildlife habitats.	Yes	Promote native species planting Involve more local people through community initiatives
	Greenspaces do not form cohesive networks which limits their value as wildlife corridors and for recreation.	Yes	Interlinked networks promoting green corridors
Population & Human Health	Potential for pollution and noise caused by excessive vehicles.	Yes	Promote travel options based on walking a and cycling options and promote appropriate networks
	Uncertainty regarding level of public environmental awareness.	Yes	Raise awareness through LBAP
Water	Potential for localised flooding close to watercourses precipitated by climate change.	Yes	Collaborate approve local plan

Soil & Waste	No issues raised	--	--
Air & Transport	Potential for pollution and noise caused by excessive vehicles	Yes	Links with community planning process partnership approaches
	Lack of safe off road opportunities for cycling and walking	Yes	Provide more off road path provision and safe routes to schools and businesses
Climate & Energy	Potential for localised flooding close to watercourses precipitated by climate change.	Yes	Site based management plans and strategy Awareness raised through LBAP co-ordinated approach
Material Assets	Poor environmental quality of allotment gardens in some instances	Yes	To promote community garden and allotments projects and give practical support to community gardening groups
	Greenspaces are sometimes poorly managed and maintained.	Yes	Local input into area audits, plans and strategies. Green Flag Assessments
	Erosion of urban greenspace through pressures of development and lack of appropriate management.	Yes	Working closely with Dundee City Council Planning and Transportation to ensure adequate protection within local plan
Cultural Heritage	No issues raised	--	--
Landscape	Urban environments can be harsh and unappealing due to lack of greenery.	Yes	Encourage more new planting within new and existing greenspace
	Developments do not always reflect or enhance local landscape character	Yes	Liaise with private developers to encourage higher standards of provision

Post-Adoption Sea Statement
How opinions expressed during the consultation have been taken into account

TABLE 2 –LISTS CONSULTATION RESPONSES AND SETS OUT HOW THEY HAVE BEEN TAKEN INTO ACCOUNT

CONSULTEE / RESPONDENT	SUMMARY OF COMMENTS	HOW THE COMMENT WAS TAKEN INTO ACCOUNT IN MAKING THE DECISION TO ADOPT THE FINAL PPS
Scottish Environment Protection Agency	The Environmental Report provides an adequate level of assessment of the potential significant environmental effects of the Dundee City Council Public Open Space Strategy.	Noted.
	In a SEA context, the Plan was unlikely to have significant environmental effects in respect of SEPA’s areas of competence: water, soil and waste, air and climatic factors. The Council chose to include “water” in the assessment as a precautionary measure and SEPA welcomes this.	Noted.
	The non-technical summary adequately summarises the key points in the assessment.	Noted.
	All the relevant background information is presented in relation to the Dundee Public Open Space Strategy.	Noted.
	The relationship between the Public Open Space Strategy and other plans, programmes and environmental objectives is provided in Table 1. A summary of the main requirements of the plans, a description of the key relevant environmental objectives of these plans and their implications for the Public Open Space Strategy has also been provided.	Noted.
	Table 2 provides a review of the environmental baseline data and sources and Table 3 provides a description of environmental problems in the Strategy area. The evolution of the environment in the absence of the Strategy is also provided.	Noted.

	SEPA welcomes the approach to the assessment supported by the use of SEA objectives and the inclusion of a detailed assessment matrix. SEPA notes that the effects of the outcomes of the Public Open Space Strategy on the SEA issue “water” are described as positive (Appendix C-assessment matrix). SEPA accepts that positive effects may result from the Strategy but considers it more probable that the outcomes will not result in any significant effects on this SEA issue.	Noted.
	The Environmental Report includes a table of mitigation measures including encouraging more naturalistic approaches to watercourse management and amending the strategy to mention the aquatic environment (Section 4.4). SEPA is content with this approach.	Noted.
The Scottish Ministers (Historic Scotland)	It is not clear from the Environmental Report whether the historic environment has been scoped in to the assessment. According to Table 4, the historic environment has been scoped out. However, an SEA objective for the historic environment has been included in Table 5 and an assessment provided in Appendix C.	The historic environment was scoped out of the assessment as indicated in Table 4. A footnote to Table 5 explains that cultural heritage (inc. historic environment) has been added here as an additional precautionary measure relating to the possible impact of local access on architectural and archaeological heritage. We agree that this could be seen as confusing and no reference should have been made to the historic environment in Tables 5 and Appendix C.
	The Non-Technical Summary should provide a summary of the environmental assessment and its findings, rather than a description of the strategy.	Noted.
	Reference should be made to the “Consultation Authorities” rather than the “consulting authorities”. In addition, SEA was progressed under the Environmental Assessment (Scotland) Act 2005, rather than the 2004 Regulations.	Noted
	The plans and programmes in the Dundee area have been reviewed for their relevance to the strategy. No reference has been made to strategic documents (e.g. Scottish Government planning policy) that include environmental protection objectives, as was suggested in our response to the Scoping Report.	The local plans and programmes reviewed for their relevance and listed in Table 1 include references to strategic documents or legislation. We agree that specific reference to Scottish Historic Environment Policy, NPPG 5 and 18 as well as 'Passed to the Future' (Historic Scotland's policy for the sustainable management of the historic environment) could have been made.
	Historic Scotland's comments on the baseline information provided in the Scoping Report have been partly taken forward into the Environmental Report.	Noted.

	<p>Historic Scotland's comments regarding the SEA objectives at scoping stage have not been taken forward. It is not clear what is actually being assessed using the SEA objective for the historic environment provided in Table 5: is it access to the historic environment, or the effects of access on the historic environment? It is also unclear as to why access has been chosen as the key criterion of impact on the historic environment.</p>	<p>The historic environment was scoped out of the assessment as indicated in Table 4. A footnote to Table 5 explains that cultural heritage (inc. historic environment) has been added here as an additional precautionary measure relating to the possible impact of local access on architectural and archaeological heritage. We agree that this could be seen as confusing and no reference should have been made to the historic environment in Tables 5 and Appendix C.</p>
	<p>I note that it is your view that there is no acceptable alternative to the production of the strategy. However, our scoping response suggested that you should include alternative ways of meeting the strategy's objectives in the assessment, assuming that you considered such alternatives in the preparation of the strategy.</p>	<p>Noted. We agree that alternative ways of meeting the strategy's objectives could have been included in the assessment.</p>
	<p>Given the lack of explanation in the Environmental Report, it is difficult to comment on the results of the environmental assessment. The assessment should have considered the potential for impact of the strategy and its action plan on the historic environment, as advised in our scoping response. Mitigation measures should have been clearly identified (those provided in Section 4.4 are unclear and difficult to understand).</p>	<p>We agree that further clarification should have been given to explain that the historic environment was scoped out of the assessment.</p>
<p>Scottish Natural Heritage</p>	<p>We found the document difficult to follow - the assessment process lacked clarity and connectivity with the resultant strategic outcomes. In addition, the Scoping report highlighted the intention to assess actions which we felt would be meaningful, whereas the Environmental Report has assessed strategic outcomes.</p>	<p>In terms of the structure of the SEA document, after carefully consideration of comments from all consultees we came to the conclusion that it would be most appropriate in this instance to assess objectives rather than individual actions. We base this conclusion on the need to keep the SEA acceptably concise and proportionate to the overall length of the Public Open Space Strategy document on which it is based. From our perspective the assessment of individual actions is not a practical option for a strategy of this level and complexity.</p>

	<p>A key element missing is the consideration of impacts on Natura sites. Although the Environmental Report and the Assessment Matrix refer to 'ensuring protection of designated sites' neither the Firth of Tay and Eden Estuary SPA/SAC or the likely significant effects on the Natura interests of this site are explicitly referred to.</p> <p>We therefore respectfully remind Dundee City Council of its duties as a competent authority with regard to the Conservation (Natural Habitats, &c.) Regulations 1994, as amended (the "Habitats Regulations"). Regulation 47 of the Habitats Regulations was recently amended in June 2007 to apply the provisions of Regulation 48, 48A and 49 to all plans and projects. SNH believes that the Public Open Space Strategy qualifies as a 'plan or project' in these terms and therefore should be considered under Regulation 48.</p> <p>The Regulations (48) require that, where an authority concludes that where a development proposal unconnected with the nature conservation management of a Natura 2000 site (i.e. in this case the Firth of Tay and Eden Estuary SPA and RAMSAR site) is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated.</p>	<p>We welcome the fact SNH has drawn our attention to the need to ensure Natura sites receive adequate protection and would like to provide assurance that Dundee City Council takes this responsibility very seriously. As you will note the SEA in 4.4 recommends expanding objective NH1 to recognise nationally and internationally designated sites would include SPA/SAC sites. As a result of the SEA process, this has already been incorporated into the Public Open Space Strategy Consultative Draft under section NH1.2 (Wildlife Sites). This refers to all "locally, nationally and European designated sites". However for the sake of clarity we will take on board your comments and will specifically refer to the Firth of Tay and Eden Estuary SPA / SAC designations in the final Strategy.</p> <p>Most importantly the POS Strategy cross references the Dundee Local Plan Review 2003 which is the Council's statutory vehicle for protection of designated sites including Natura sites. This document incorporated the earlier Urban Subject Local Nature Conservation Plan (1995). We believe that the Local Plan Review affords an appropriate level of protection for these sites and makes clear the Council's policies on this matter. I would particularly draw your attention to section 79 of the Local Plan Review "National Heritage Designations of International and National Importance" and the resultant policy no.73 (p.110).</p>
	<p>The need for appropriate assessment extends to plans and projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.</p> <p>This means that Dundee City Council as a competent authority, has a duty to:</p> <ul style="list-style-type: none"> – determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not, – determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then – make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives. 	<p>We see the purpose of the Public Open space Strategy as complimenting and cross referencing the Local Plan Review rather than attempting to replicate the information contained within it. The Open Space Strategy does not provide specific management proposals for individual sites but instead provides overall direction for the integration of public open space with the Local Plan Review and the work of the Dundee Community Planning Partnership. We are aware of no threats to SACs or SPAs and any which might result from the Public Open Space Strategy and we feel any potential future threats from other sources are adequately addressed in the Dundee Local Plan Review as outlined above.</p>

	<p>We are also disappointed that reference has not been made to the Scottish Biodiversity list (as described in Section 2(4) of the Nature Conservation (Scotland) Act 2004) and to the statutory duty on all public bodies to further the conservation of biodiversity.</p>	<p>We agree that the inclusion of the Scottish Biodiversity List should be incorporated into the SEA and take on board comments regarding the opportunities to bring biodiversity into the management of Public Open Spaces.</p>
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**POST-ADOPTION SEA STATEMENT
REASONS FOR CHOOSING THE PUBLIC OPEN SPACE STRATEGY
AS ADOPTED, IN THE LIGHT OF OTHER REASONABLE
ALTERNATIVES**

The preparation of a Public Open Spaces Strategy has become a legal requirement for Dundee City Council under the new Scottish Planning Policy SPP11. The Council has already produced an Open Spaces Strategy covering the period 1999 - 2002. This is however now out of date.

A do nothing approach could be considered. However this is not recommended as it is likely that there would be significant legal implications for Dundee City Council if the organisation does not meet its statutory obligations. In addition to this the environment problems identified in the previous table would remain unaddressed leading to a deterioration in overall environmental quality.

The directive requires the likely evolution of the environment without a plan to be considered. The environmental problems identified are likely to continue or become exacerbated without a strategic framework to address the problems in question.

One of the key aims of the Strategy is to improve environmental quality within the City of Dundee. The production of the Strategy is therefore likely to have an overall beneficial effect upon the environment. It therefore seems prudent to conclude that there is no acceptable alternative in this instance to the production of the Strategy.

**POST-ADOPTION SEA STATEMENT
MEASURES THAT ARE TO BE TAKEN TO MONITOR
SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE
IMPLEMENTATION OF THE PUBLIC OPEN SPACE STRATEGY**

Section 19 of the Environmental Assessment (Scotland) Act 2005 requires the Responsible Authority to monitor significant environmental effects of the implementation of the PPS. This must be done in such a way as to also identify unforeseen adverse effects and to take appropriate remedial action.

Monitoring of the effects of implementing the Open Space Strategy will be undertaken by regimes currently in place for local authority infrastructure and maintenance through routine monitoring by the environmental authorities. Implementation of the Open Space Strategy will be collated annually and form part of an overall report on access related work across the Dundee City area.

Monitoring activities will include, but will not be restricted to:

- Green Flag assessments within parks, carried out by the Leisure and Communities Dept
- Annual monitoring of the Green Circular route by the Countryside Ranger Service
- Adopted path surveys carried out by the Planning and Transportation Dept
- Monitoring and regular checks of the Council managed Local Nature Reserves
- Annual external assessment of the Blue Flag of Broughty Ferry Beach
- Red squirrel surveys conducted by the Scottish Wildlife Trust
- Bat surveys conducted by the Bat Conservation Trust
- Other relevant natural and cultural heritage surveys

It will not be possible, or necessary, to monitor every open space in detail. It will be important to monitor a range of Parks and Open Spaces under the Green Flag Assessment criteria.

POST-ADOPTION SEA STATEMENT

CONCLUDING PARAGRAPH

This Environmental Report has been prepared to fulfil the requirements of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. The Report provides an SEA for Dundee's Public Open Space Strategy. The Strategy sets out a vision for the future of public open space in Dundee and is accompanied by a three year action plan designed to work towards that vision.

Dundee's Public Open Space encompasses a wide variety of sites including; public parks, roadside verges, school grounds, rivers and burns, city centre pedestrian areas, landscaped areas and wildlife sites. The impact of these spaces is further complimented by private gardens, which although not publicly accessible, help to enhance the overall quality of the City's environment.

The main focus of this Strategy is on open space that is managed for public use. However, privately owned parts of Dundee's greenspace will not be overlooked if these contribute to overall objectives such as biodiversity and landscape character.

The Dundee Partnership plays a key role in the provision, management, improvement, protection and promotion of public open space and leisure services within Dundee. Closer collaboration and partnership between the public, private and voluntary sectors will present new opportunities to enhance the quality and diversity of public open space for the benefit of all those who use and enjoy it including; the citizens of Dundee, business, visitors and tourists.

Many organisations and individuals are involved to varying degrees in the use, management and improvement of public open space. The Dundee Partnership also has an increasing role to play as enablers by encouraging and supporting initiatives with, for example, local environmental and community groups to enhance public open space and increase its use. Increasing the involvement of citizens, communities and the private, voluntary and public sectors will help to instil a greater sense of pride in the city.