

Caithness and Sutherland Local Development Plan Habitats Regulations Appraisal

Plana Leasachaidh Ionadail Ghallaibh agus Chataibh Measadh Riaghailtean Àrainnean

June 2018



Foreword

This document has been prepared under the requirements of the EU Habitats Directive and has applied the requirements set out by Scottish Government Policy in the Conservation (Natural Habitats, &c.) Regulations 1994 as amended.

It is the Highland Council's responsibility to consider whether the policies and proposals within the CaSPlan and Sutherland Local Development Plan (CaSPlan) are likely to have any significant effect on the Special Protection Areas (including potential SPAs), Special Areas of Conservation (including possible and candidate SACs) having regard to the qualifying interests and conservation objectives of those sites.

Where a likely significant effect has been identified, either individually or in combination with other plans or projects, appropriate assessment has been undertaken and mitigation measures provided to reduce the likely significant effect and avoid adversely affecting the integrity of the site. This has involved incorporating mitigation and making changes to the CaSPlan where necessary.

During the preparation of this document and the consideration of relevant representations on the CaSPlan, The Highland Council has had early engagement and discussions with and input from Scottish Natural Heritage (SNH) which have helped identify and address any potential effects. In addition, data provided by SNH has been referred to in order to identify the need for and inform the definition of mitigation measures. Mitigation measures and relevant changes have been developed in conjunction with SNH where appropriate.

The Intention to Adopt version of CaSPlan was approved by the Highland Council on 28th June 2018. This HRA Record has been revised to reflect comments received by SNH following the completion of the Examination process. As shown in Appendix 2, SNH have confirmed that they are satisfied with the revised post Examination CaSPlan. It therefore represents the final HRA Record and concludes the HRA process for CaSPlan. It is expected that after the final legal steps have been completed, that CaSPlan will be fully adopted by the end of the summer 2018.

Contents

- 1. Introduction and Context**
- 2. Aims and Objectives of the Caithness and Sutherland Local Development Plan**
- 3. Background information about European Sites**
- 4. Methodology for assessment**
- 5. Screening Process**
- 6. Appropriate Assessment**
- 7. Conclusion**

Appendix 1 – Screened out Natura sites

Appendix 2 – SNH final confirmation

Tables

Table 1: Natura Sites Potentially Affected by the Plan

Table 2: Policy tools of CaSPlan screened out individually as having no, or minimal effect on Natura sites

Table 3: Policies of CaSPlan screened out individually as having no, or minimal, effect on Natura sites

Table 4: Projects screened out of CaSPlan because although they are referred to in the Plan, they are not proposed by the Plan.

Table 5: Proposals with No Effect on Natura sites and therefore Screened Out Both Alone and In Combination

Table 6: Sites with likely significant effect which therefore require appropriate assessment

Table 7: Sites within the Plan with likely significant effect which require appropriate assessment In-Combination

Table 8: Other relevant plans that may have in-combination effects with CaSPlan.

1. Introduction and Context

- 1.1 In October 2005 the European Court of Justice¹ ruled that all land use plans in the United Kingdom likely to have a significant effect on European sites (Natura sites), either Special Protection Areas (including proposed SPAs) or Special Areas of Conservation (including possible and candidate SACs), can only be approved after an appropriate assessment of the policies and proposals has been undertaken under the provision of Article 6(3) of the Habitats Directive 1992². The Directive states that ‘any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives’. The directive goes on to say that the plan shall only be agreed if there is no adverse effect on the integrity of any European site after mitigation is considered.
- 1.2 The purpose of this Habitats Regulations Appraisal (HRA) record is to consider whether the policies and proposals within the Caithness and Sutherland Local Development Plan (CaSPlan) are likely to have a significant effect on any Natura site, either individually or in combination with other plans or projects. For those policies and proposals that would have a likely significant effect, an appropriate assessment has been carried out to ascertain whether the Local Development Plan would not adversely affect the integrity of these sites. Where it is not possible to ascertain that no adverse effects will occur, the plan cannot be adopted except in the most exceptional of circumstances.
- 1.3 The HRA record includes mitigation identified as necessary to include in the plan. The assessment concludes that with appropriate safeguarding and mitigation added to the local development plan, CaSPlan will not adversely affect the integrity of any Natura site.
- 1.4 The HRA record will be placed on the Council’s website alongside the Plan. The accompanying Action Programme for the local development’s plans policies and proposals as necessary will include cross-references to requirements in this HRA record.
- 1.5 It must be advised that this HRA record including appropriate assessment has been compiled using the best available information and any subsequent planning applications will require further assessment to ensure that the integrity of Natura sites will not be adversely affected. This is a requirement of Policy 57 of the Highland wide Local Development Plan which must be read alongside CaSPlan and all the relevant supplementary guidance.

¹ Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, Case C. 6/04 in the second chamber of the European Court of Justice, judgment 20th October 2005

² Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora.

2. Caithness and Sutherland Local Development Plan Vision and Spatial Strategy

2.1 The Highland wide Local Development Plan (HwLDP) sets the strategic planning policy context for the Caithness and Sutherland Local Development Plan (CaSPlan). The HwLDP contains the main policies for determining planning applications in the Highlands. CaSPlan is the second of three new area Local Development Plans for 3 sub areas – The Inner Moray Firth, Caithness and Sutherland and West Highland and Islands. The purpose of the area Local Development Plans is to set out plans and proposals for delivering development reflecting on the unique characteristics and attributes of these three areas.

2.2 The vision for Caithness and Sutherland is set out below:

- **Growing Communities:** A network of successful, sustainable and socially inclusive communities where people want to live, which provide the most convenient access to key services, training and employment and are the primary locations for inward investment.
- **Employment:** A strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy, world class engineering, land management and sea based industries and a tourist industry that combines culture, history, adventure and wildlife.
- **Connectivity and Transport:** Enhanced communications, utilities and transport infrastructure that support communities and economic growth, with development anchored to existing or planned provision.
- **Environment and Heritage:** High quality places where the outstanding environment and natural, built and cultural heritage is celebrated and valued assets are safeguarded.

2.3 CaSPlan will replace the elements of the Sutherland Local Plan (2010) and the Caithness Local Plan (2002) which have been continued in force by the Town and Country Planning (Continuation in force of Local Plans) (Highland) (Scotland) Order 2012.

2.4 The Plan area extends to 7,876 sq km and is an area of high quality natural environment and diverse historic background. The current population of the plan area is 37,020 and is expected to decline to 35,556 by 2031. The current population density is 5.1 people per square kilometre compared to the Highland population density of 8.7 people per square kilometre.

2.5 This Habitats Regulations Appraisal (HRA) considers all the policies, proposals and vision statements set out in the LDP. Where a planning application for development gives rise to likely significant effects on a Natura site beyond the scope of that considered in this HRA, an appropriate assessment will be required to be undertaken as set out in Policy 57 of the Highland wide Local Development Plan. This could include

development proposals on sites allocated in the LDP (giving rise to potential effects that were not foreseen in this HRA) and development proposals on sites not allocated in the LDP (giving rise to potential effects beyond those considered for the policy framework in this appropriate assessment).

2.6 CaSPlan can be viewed online at www.highland.gov.uk/casplan

3. Background Information about European Site

3.1 The CaSPlan area contains or is close to a total of 44 Natura Sites that could potentially be affected by the plan. These comprise a combination of 15 Special Protection Areas (SPAs) and 29 Special Areas of Conservation (SACs). Each of these Natura sites has been screened to determine the likelihood of being directly or indirectly affected by development sites specifically identified in the plan. The Natura sites shown on the map and listed in the table below are those that may be potentially affected by the plan, along with reasons for their selection. The remaining Natura sites within or close to the plan area which are unlikely to be affected are listed in Appendix 1.

3.2 For more details of Natura sites located within or close to the plan area see SNH's [Sitelink](#) web application and [interactive map](#)

Figure 1: Natura Sites Potentially Affected by the Plan

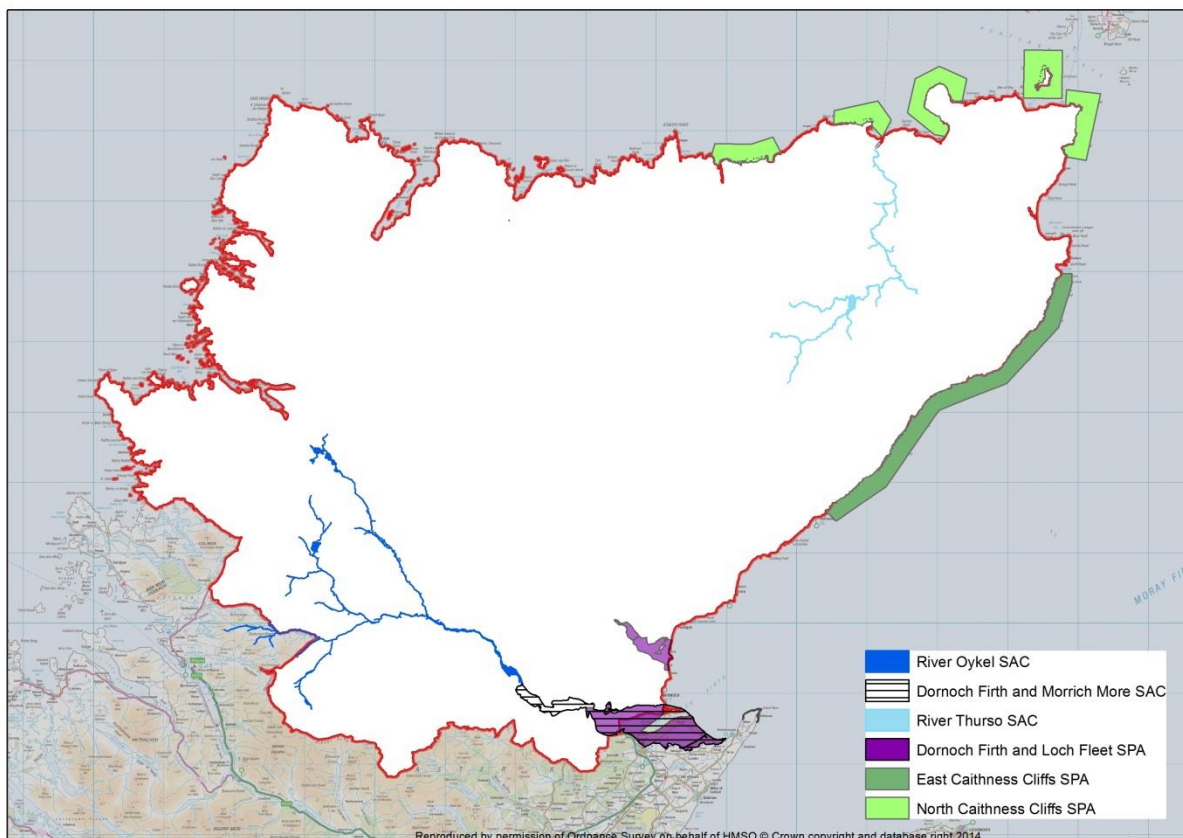


Table 1: Natura Sites Potentially Affected by the Plan

Natura Site	Reasons for Selection
Special Areas of Conservation	
River Thurso	Potential for impact on qualifying interests from deterioration in water quality through sediment release or pollutants entering the river during construction of proposed developments in Halkirk and Thurso.
Dornoch Firth and Morrich More	Potential for disturbance to qualifying interests due to increased recreational pressures from proposed developments at Dornoch and for potential disturbance through construction.
River Oykel SAC	Potential for disturbance to qualifying interest due to the loss of habitats and/or species from the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required
Special Protection Areas	
North Caithness Cliffs	Potential for impact on qualifying interests from harbour users and activities.
East Caithness Cliffs	Potential for impact from activities in the harbour and arising from harbour development. Potential for disturbance to breeding birds from increased recreational pressures from proposed developments at Wick.
Dornoch Firth and Loch Fleet	Potential for disturbance to qualifying interests due to increased recreational pressures from proposed developments at Dornoch.

4. Methodology for Assessment

- 4.1 After consulting the Habitats Regulations Appraisal of Plans – Guidance for Plan-making Bodies in Scotland Version 3 (January 2015) provided by Scottish Natural heritage (SNH), the following methodology was established.
- 4.2 Highland Council worked closely with SNH to carry out this appraisal gaining the background information regarding qualifying interests and conservation objectives of Natura sites required to conduct an effective appropriate assessment. SNH has also been consulted regarding the wording of policies and proposals and the mitigation measures for any potential adverse effects on site integrity to ensure that the mitigation measures provided are tailored to the conservation objectives and qualifying interests.
- 4.3 All Natura sites potentially affected by CaSPlan have been identified and mapped. The mapping is included within the Highland-wide Local Development Plan Proposals Map. All policies and proposals in the plan have been screened both individually and cumulatively to determine the possible effects that may arise due to their implementation. Policies which have been identified as having no effect or are unlikely to have a significant effect have been detailed and reasons for this have been given. Where it was possible to identify straightforward mitigation measures to policies and proposals screened in as likely to have a significant effect, these were applied and then the policy/proposal was screened out. Remaining policies likely to have a significant effect have been identified as requiring an appropriate assessment.

4.4 Likely significant effect is defined as any effect that may reasonably be predicted as a consequence of a plan or project that may undermine the conservation objectives of the features for which the site was designated.

5 Screening Process

5.1 Discussions took place with SNH to screen out the elements of CaSPlan that would not be likely to have a significant effect alone on Natura sites listed in Table 1 above. As a result, the policy tools (detailed in Table 2); policies (detailed in Table 3); projects referred to in, but not proposed by, the plan (detailed in Table 4); and proposals (detailed in Table 5) screened out are listed below, along with a brief explanation of the reasons for this.

Policy Tools and Policies

Table 2: Policy tools of CaSPlan screened out individually as having no, or minimal effect on Natura sites

Policy Tool	Reason(s) for 'screening out'
Special Landscape Areas Boundary Modifications	The boundaries of the following SLAs have been expanded: Dunnet Head SLA; Oldshoremore, Cape Wrath and Durness SLA; Eriboll East and Whiten Head SLA; and Farr Bay, Strathy and Portskerra SLA. Therefore as they are being expanded and SLAs are intended to protect the natural environment, there will therefore be no impact of the likelihood of the policy affecting a Natura site. Furthermore all proposals must accord with other general policies in the Highland wide Local Development Plan, including Policy 57: Natural, Built and Cultural Heritage.
Housing in the Countryside – Hinterland Boundary	CaSPlan omits from the hinterland designation the area covered by Creich Community Council lying to the west of Larachan. However, it is not considered to have any HRA implications as the change is relatively small and the area removed is not within a Natura site. Planning applications for housing within this area will now be considered against Policy 36 Development in the Wider Countryside in the Highland wide Local Development Plan and must accord with other general policies including Policy 57: Natural, Built and Cultural Heritage.

Table 3: Policies of CaSPlan screened out individually as having no, or minimal, effect on Natura sites

Policy	Reason(s) for 'screening out'
CaSPlan Vision and Spatial Strategy	Too general – this vision does not explain where, when or how the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. Locations are defined elsewhere in the plan, and either screened in or out at that stage.
Town Centre First	Too general. It is not known where, when or how the aspects of this policy may be implemented, or where any potential affects may occur, or which Natura sites, if any, may be affected.

Delivering Development	Too general and qualitative in nature.
Growing Settlements	The plan makes clear that although this policy does not make specific reference to the protection of Natura sites the policy, policy tools and settlement details must all be read alongside the Highland wide Local Development Plan. Accordance with the development plan will be judged on the basis of both CaSPlan and the Highland wide Local Development Plan.

Projects referred to in, but not proposed by, the Plan

5.2 CaSPlan makes reference to a number of specific proposals for projects referred to in, but not proposed by the plan to enable the plan to take account of their spatial planning implications. These projects are listed below along with the responsible body for implementing them.

Table 4: Projects screened out of CaSPlan because although they are referred to in the Plan, they are not proposed by the Plan.

Project	Competent Authority Proposer
Berriedale Braes	Transport Scotland
Broadband rollout	HIE
High Voltage Energy Transmission Network	Utility Transmission Network Owners
Area of Co-ordinated Action: Pentland Firth and Orkney Waters	Scottish Government

Proposals

5.3 The following proposal sites have been screened out for the following reason/s:

Aspects which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site.

5.4 Accordingly these sites are screened out, both alone and in combination, as they have no effect on any European site.

Table 5: Proposals with No Effect on Natura sites and therefore Screened Out Both Alone and In Combination

Settlement	Proposal Site
Ardgay	All sites except AG03 Ardgay Railway Station Yard North AG04 Ardgay Railway Station Yard South
Bonar Bridge	All sites except BB01 Cherry Grove
Brora	All sites
Castletown	All sites
Dornoch	All sites except DN01 Meadows Park Road DN02 Bishopsfield

	DN03 Dornoch South Abattoir Site DN04 Dornoch North
Edderton	All sites
Golspie	All sites
Halkirk	All sites except HK01 Comlifoote Terrace HK02 West of Bridge Street HK03 North East of Parish Church HK04 South West of Ulbster Arms Hotel
Helmsdale	All sites
Lairg	All sites
Lochinver	All sites
Lybster	All sites
Thurso.Scrabster	All sites except TS01 East of Juniper Drive TS06 Former Mill site at Millbank TS07 Land at Sir Archibald Road TS08 Land at Bridgend TS13 Scrabster Harbour Thurso Relief Road
Tongue	All sites
Wick	All sites except WK01 Hill of Man WK02 South of Kennedy Terrace WK03 East of Carnaby Road WK10 North of Wellington Avenue WK17 South of Roxburgh Road WK19 East of Wick Burial Ground WK22 Wick Harbour
Economic Development Area (EDA)	Seater Landfill Site
Economic Development Area (EDA)	Dounreay Site

5.5 Seater Landfill Site is an existing and working site. It is currently shown in the Highland wide Local Development Plan. However that Plan is being reviewed and the mapping for Seater will not be included in that policy-only plan. Therefore CaSPlan needs to include a map showing the boundary of the site. No extension is being proposed. The policy in the HwLDP review will be considered in the HRA/SEA assessments of that plan.

5.6 [Dounreay Planning Framework 2](#) is adopted Supplementary Guidance and was subject to SEA and HRA. The mitigation identified in the appraisal was included within DPF2. It is intended to facilitate the timely, safe and environmentally acceptable decommissioning, restoration and after use of the Dounreay site. It is currently Supplementary Guidance to the Highland wide Local Development Plan. However this is currently being reviewed and Dounreay will no longer be mapped in HwLDP, therefore it needs to be included in CaSPlan.

5.7 There are no sites with Minor Residual Effects.

5.8 The following proposal sites are screened in as they are likely to have a significant effect on a Natura site alone, therefore appropriate assessment is required. The table below identifies those sites screened in along with the Natura site/s they are likely to significantly affect.

Table 6: Sites with likely significant effect which therefore require appropriate assessment alone

Natura 2000 Designation	Settlement	Ardgay		Bonar Bridge	Dornoch				Halkirk				Thurso					Wick							
	Natura Site/Site Reference	AG03	AG04	BB01	DN01	DN02	DN03	DN04	HK01	HK02	HK03	HK04	TS13	TS06	TS01	TS07	TS08	Thurso Relief Road	WK22	WK19	WK01	WK02	WK03	WK17	WK10
Special Areas of Conservation	River Thurso								✓	✓	✓	✓	✓	✓	✓	✓	✓								
	Dornoch Firth and Morrich More	✓	✓	✓	✓	✓	✓	✓																	
	River Oykel			✓																					
Special Protection Areas	North Caithness Cliffs												✓												
	East Caithness Cliffs																		✓	✓	✓	✓	✓	✓	✓
	Dornoch Firth and Loch Fleet				✓	✓	✓	✓																	

5.9 The following proposal sites are screened in as they are likely to have a significant effect on a Natura site in-combination, therefore appropriate assessment is required. The table below identifies those sites screened in in-combination, along with the Natura site/s they are likely to significantly affect.

Table 7: Sites within the Plan with likely significant effect which require appropriate assessment In-Combination

Natura 2000 Designation	Settlement	Ardgay		Bonar Bridge	Dornoch				Halkirk				Thurso					Wick							
	Natura Site/Site Reference	AG03	AG04	BB01	DN01	DN02	DN03	DN04	HK01	HK02	HK03	HK04	TS13	TS06	TS07	TS08	TS01	Thurso Relief Road	WK07	WK12	WK19	WK20	WK21	WK22	WK10
Special Areas of Conservation	River Thurso								✓	✓	✓	✓	✓	✓	✓	✓	✓								
	Dornoch Firth and Morrich More	✓	✓	✓	✓	✓	✓	✓																	
Special Protection Areas	East Caithness Cliffs																		✓	✓	✓	✓	✓	✓	✓
	Dornoch Firth and Loch Fleet				✓	✓	✓	✓																	

In-Combination Assessment of CaSPlan with other Relevant Plans

5.10 The table below sets out other relevant plans that may have in-combination effects with CaSPlan.

Table 8: Other relevant plans that may have in-combination effects with CaSPlan.

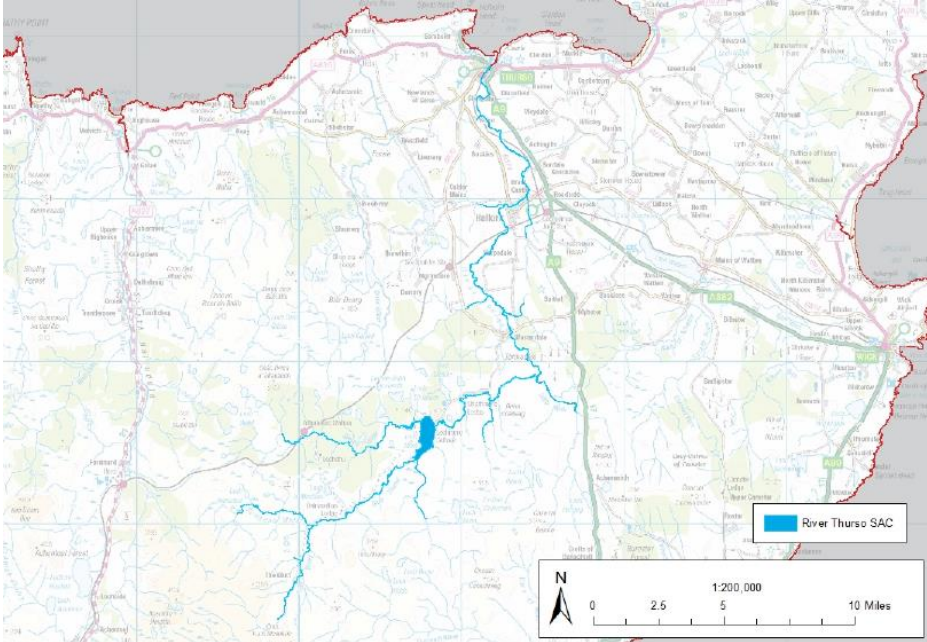
Other Plan/Project	Responsible Authority	LSE in combination with CaSPlan? (Y/N?)	Justification
HwLDP and associated Supplementary Guidance	The Highland Council	Y	The implications of this Plan in combination with CaSPlan have been accounted for in the Appropriate Assessment.
Wind Energy Developments	Development Industry/The Highland Council	N	As stated in Policy 57 of the Highland wide Local Development Plan, when dealing with a planning application for a development (which is likely to have a significant effect on a European site either alone or in combination with other plans and projects) where we are unable to ascertain that a proposal will not adversely affect the integrity of a European site, the proposal will not be in accordance with the development plan.
Pentland Firth and Orkney Waters Pilot Marine Spatial Plan	Marine Scotland/Highland Council/Orkney Islands Council	Y	Will be used as a material consideration in assessing relevant planning applications along the Caithness and Sutherland coastline.

6 Appropriate Assessment

6.1 This part of the HRA record sets out the assessment of those elements of the plan screened in from Tables 6 and 7 alone or in-combination likely to have a significant effect on those Natura sites identified as being potentially affected by the plan as shown in Figure 1 and Table 1 in light of their conservation objectives, including consideration of mitigation measures.

Special Areas of Conservation

Site Name	River Thurso
Designation	SAC
Date of Designation	17 March 2005
Qualifying Interests	Atlantic Salmon
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types, as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	Unfavourable Recovering
Factors currently influencing the site	<ul style="list-style-type: none"> • Sediment release into the river • Pollutants entering the river
Vulnerabilities to change through the potential effects of the plan	Potential impact on Qualifying Species from deterioration in water quality and/or from the potential river crossing of the Thurso Relief Road.

<p>Extent of Natura Site</p>	
<p>Settlement/Site Reference</p>	<p>Impacts and Mitigation</p>
<p>Alone and In-Combination Halkirk HK01, HK02, HK03, HK04 Thurso Thurso Relief Road TS01, TS06, TS07, TS08, TS13</p>	<p>Potential Impacts: Loss of species (Atlantic Salmon) due to noise and vibration from construction, in or adjacent to the river. Loss of species due to pollution and/or siltation of the River Thurso from construction. Discharges from new developments impacting on water quality.</p> <p>Mitigation:</p> <p>Following text to be added within the supporting text for the Delivering Development Policy:</p> <ul style="list-style-type: none"> • In preparing planning applications, developers should therefore not only have regard to the requirements set out in this Plan but also to the policies of the Highland-wide Local Development Plan and related Supplementary Guidance. This includes for example, the requirement that most new development must connect to the public sewer and that alternative sewerage arrangements will only be acceptable in specific circumstances and subject to stringent requirements being met. <p>Following requirement to be included for Thurso Relief Road:</p> <p>Any future proposal for a crossing over the River Thurso as a part of a distributor/relief road would also be required to demonstrate that there would be no adverse effect on the integrity of the SAC [through submission of a satisfactory Construction Environmental Management Plan [including pollution prevention]].</p> <p>Following developer requirement to be included for each site allocation except TS13:</p> <ul style="list-style-type: none"> • Development proposals must demonstrate that there would be no adverse effect on the integrity of the River Thurso SAC through submission of a satisfactory Construction Environmental Management Plan (including pollution

	<p>prevention).</p> <p>Following developer requirement to be included for TS13:</p> <ul style="list-style-type: none"> • Development proposals will require to demonstrate that there would be no adverse effect on the integrity of the River Thurso SAC, for example (but not limited to) through noise and vibration caused by major construction activities such as piling. <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>
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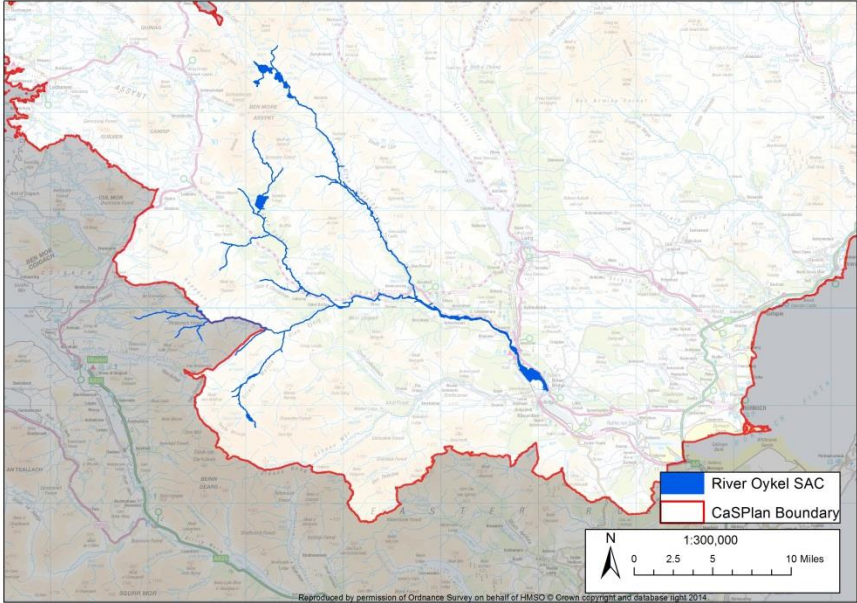
Site Name	Dornoch Firth and Morrich More
Designation	SAC
Date of Designation	17 March 2005
Qualifying Interests	<p>Coastal dune heathland Atlantic salt meadows Dunes with juniper thickets Lime-deficient dune heathland with crowberry Shifting dunes Estuaries Dune grassland Humid dune slacks Otter Intertidal mudflats and sandflats Common seal Reefs Glasswort and other annuals colonising mud and sand Subtidal sandbanks Shifting dunes with marram</p>
Conservation Objectives	<p>To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site; • Distribution of the habitat within site; • Structure and function of the habitat; • Processes supporting the habitat; • Distribution of typical species of the habitat; • Viability of typical species as components of the habitat; and • No significant disturbance of typical species of the habitat. <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate</p>

	<p>contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	<ul style="list-style-type: none"> • Coastal dune heathland - Unfavourable No change • Atlantic salt meadows – Favourable Maintained • Dunes with juniper thickets – Unfavourable Recovering • Lime-deficient dune heathland with crowberry - Unfavourable No change • Shifting dunes - Favourable Maintained • Estuaries • Dune grassland - Unfavourable No change • Humid dune slacks - Favourable Maintained • Otter - Favourable Maintained • Intertidal mudflats and sandflats - Favourable Maintained • Harbour seal - Unfavourable Recovering • Reefs - Favourable Maintained • Glasswort and other annuals colonising mud and sand - Favourable Maintained • Subtidal sandbanks - Favourable Maintained • Shifting dunes with marram - Favourable Maintained
Factors currently influencing the site	<ul style="list-style-type: none"> • Disturbance by recreation, especially impact of motorised vehicle use to habitats • Coastal erosion • Scrub and tree encroachment of sand dunes • Recreational disturbance to species
Vulnerabilities to change through the potential effects of the plan	<p>Potential impact on Otters from any development within 250 m of a watercourse, coast, loch or pond.</p> <p>Potential damage to the sand dunes from increased recreational access.</p>

<p>Extent of Natura Site</p>	
<p>Settlement/Site Reference</p>	<p>Impacts and Mitigation</p>
<p>Alone and In-Combination</p> <p>Dornoch DN01, DN02, DN03, DN04</p> <p>Ardgay AG03, AG04</p> <p>Bonar Bridge BB01</p>	<p>Potential Impact:</p> <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services/facilities • Surface and wastewater discharge from new developments could have a significant impact on water quality • Pressure on sand dunes from recreation • Disturbance to otters and their habitats <p>Mitigation:</p> <p>Dornoch:</p> <p>Natura sites and the importance of protecting site interests will be referenced in the settlement text.</p> <p>Following text to be added within the supporting text for the Delivering Development Policy:</p> <ul style="list-style-type: none"> • In preparing planning applications, developers should therefore not only have regard to the requirements set out in this Plan but also to the policies of the Highland-wide Local Development Plan and related Supplementary Guidance. This includes for example, the requirement that most new development must connect to the public sewer and that alternative sewerage arrangements will only be acceptable in specific circumstances and subject to stringent requirements being met. <p>Following text to be added to placemaking priorities:</p> <ul style="list-style-type: none"> • Development Proposals must demonstrate that there would be no

	<p>adverse effect in the integrity of the Dornoch Firth and Morrich More SAC by satisfactory submission of a Construction Environmental Management Plan (including pollution prevention) with more detailed proposals.</p> <ul style="list-style-type: none"> • Development Proposals to be accompanied by a Recreational Management Plan, if appropriate. • Insofar as otters are a qualifying interest of the adjacent SAC, a survey indicating whether or not otters are present should accompany any planning application, other than for the modest extension or alteration of an existing building, within 250metres of a watercourse, coast, loch or pond. <p>Following developer requirement to be included for sites DN01-04:</p> <ul style="list-style-type: none"> • Development proposals will require to identify what measures will be put in place to ensure that there would be no adverse effect on the integrity of the Dornoch Firth & Morrich More SAC and the Dornoch Firth & Loch Fleet SPA through increased disturbance of species and habitat damage caused by increased recreational use of the area by residents of the new housing. <p>Ardgay</p> <p>Following developer requirement to be included for AG03 and AG04:</p> <ul style="list-style-type: none"> • Development proposals will require to demonstrate that there would be no adverse effect on the integrity of the Dornoch Firth and Morrich More SAC. <p>Bonar Bridge</p> <p>Following developer requirement to be included for BB01:</p> <ul style="list-style-type: none"> • Development proposals will require to demonstrate that there would be no adverse effect on the integrity of the Dornoch Firth and Morrich More SAC . <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>
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Site Name	River Oykel
Designation	SAC
Date of Designation	17 March 2005
Qualifying Interests	Atlantic Salmon Freshwater Pearl Mussel
Conservation	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus

Objectives	<p>ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types for salmon, as a viable component of the site • Distribution of the species within the site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species • Distribution and viability of freshwater pearl mussel host species • Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species
Condition of the qualifying interests	<ul style="list-style-type: none"> • Atlantic Salmon – favourable recovered • Freshwater Pearl Mussel – unfavourable declining
Factors currently influencing the site	Forestry operations are the main pressure affecting both qualifying interests. Agricultural operations, water management and water quality pressures also affect Atlantic salmon, with game/fisheries management and wildlife crime affecting freshwater pearl mussel.
Vulnerabilities to change through the potential effects of the plan	The site allocation lies adjacent to where the River Oykel SAC flows into the Dornoch firth and Morrich More SAC, therefore potential connectivity via watercourses.
Extent of Natura Site	
Settlement/Site	Impacts and Mitigation

Reference	
Bonar Bridge BB01	<p>Potential Impact:</p> <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required: <p>Mitigation:</p> <p>Bonar Bridge</p> <p>Following developer requirement to be included for BB01: Development proposals will require to demonstrate that there would be no adverse effect on the integrity of the River Oykel SAC</p> <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>

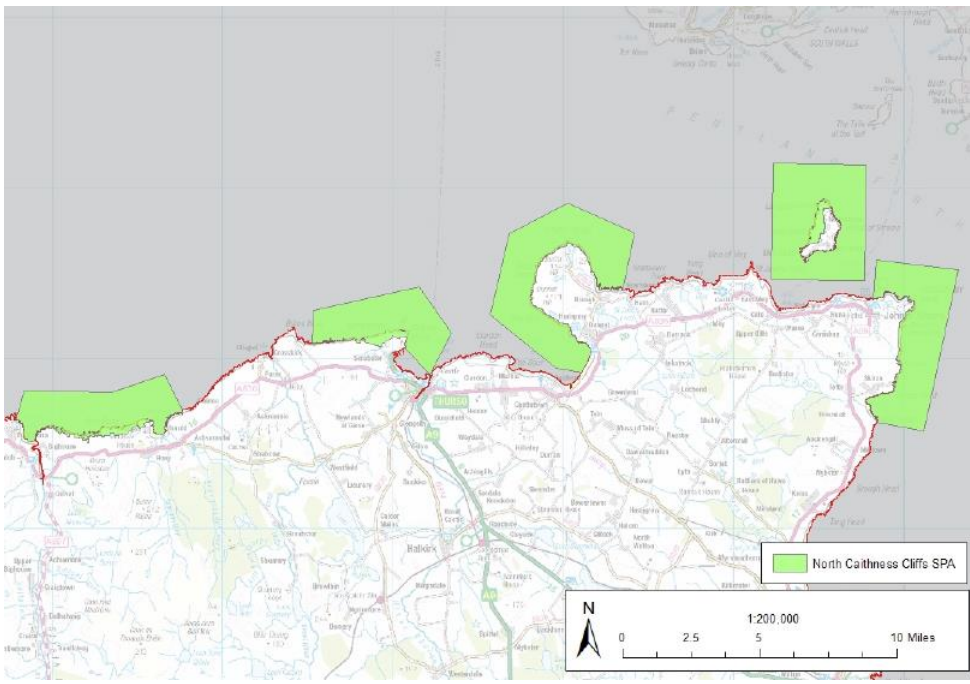
Special Protection Areas

Site Name	East Caithness Cliffs
Designation	SPA
Date of Designation	27 March 1996 with marine extension classified on 25th September 2009
Qualifying Interests	All breeding - Cormorant Fulmar Great black-backed gull Guillemot Herring gull Kittiwake Peregrine Puffin Razorbill Shag Seabird assemblage
Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:

	<ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	<ul style="list-style-type: none"> • Cormorant – Unfavourable Declining • Fulmar – Favourable Maintained • Great black-backed gull – Unfavourable Declining • Guillemot – Favourable Maintained • Herring gull – Unfavourable Declining • Kittiwake – Favourable Maintained • Peregrine – Favourable Maintained • Puffin – Favourable Maintained • Razorbill – Favourable Maintained • Shag – Unfavourable Declining • Seabird assemblage – Favourable Maintained
Factors currently influencing the site	<ul style="list-style-type: none"> • Potential for disturbance from dogs • Potential for disturbance from harbour users
Vulnerabilities to change through the potential effects of the plan	Disturbance to breeding birds on the cliffs due to increased access and recreation near the breeding areas. Although unlikely to be an issue for single allocations, cumulatively the additional population in the area could have a likely significant effect.
Extent of Natura Site	
Settlement/Site Reference	Impacts and Mitigation

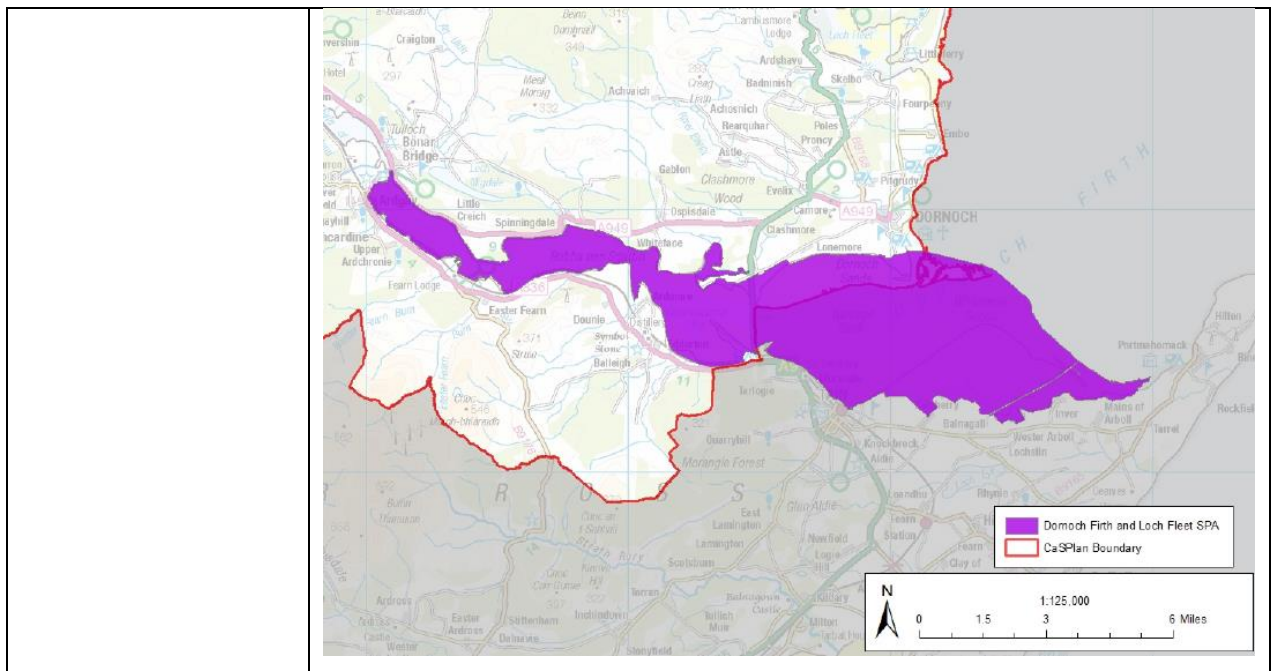
<p>Alone and in combination</p> <p>Wick</p> <p>WK01, WK02, WK03, WK10, WK17, WK19, WK22</p>	<p>Potential Impact: Disturbance to breeding bird features from recreational activities. Housing allocations will bring the town closer to the SPA and increase recreational activity closer to the coast where nesting birds could be disturbed. Major harbour developments could disturb foraging birds from the SPA, or the associated increase in activities and vessel traffic could possibly lead to additional disturbance of birds within the SPA. However due to the separation distance between the harbour and the SPA and impacts are unlikely to affect the integrity of the SPA.</p> <p>Mitigation: Following developer requirement to be added to sties WK01, WK02, WK03, WK17 and WK19:</p> <ul style="list-style-type: none"> • Development proposals will require to identify what measures will be put in place to ensure that there would be no adverse effect on the integrity of the East Caithness Cliffs SPA through increased disturbance caused by increased recreational use of the area by residents of the new housing. <p>For WK10 and WK22:</p> <ul style="list-style-type: none"> • Demonstration that there will be no adverse effect on the East Caithness Cliffs SPA and MPA. <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>
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Site Name	North Caithness Cliffs
Designation	SPA
Date of Designation	16 August 1996 with marine extension classified on 25 September 2009
Qualifying Interests	<p>All breeding:</p> <p>Fulmar</p> <p>Guillemot</p> <p>Kittiwake</p> <p>Peregrine</p> <p>Puffin</p> <p>Razorbill</p> <p>Seabird assemblage</p>
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site

	<ul style="list-style-type: none"> • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	<ul style="list-style-type: none"> • Fulmar – Favourable Maintained • Guillemot – Favourable Maintained • Kittiwake – Unfavourable Declining • Peregrine – Unfavourable Declining • Puffin – Favourable Maintained • Razorbill – Unfavourable Declining • Seabird assemblage – Favourable Maintained
Factors currently influencing the site	Disturbance from harbour users and current activities at the harbour. Significant increases in vessel traffic could affect foraging seabirds.
Vulnerabilities to change through the potential effects of the plan	Disturbance to loafing and foraging seabirds.
Extent of Natura Site	 <p>The map shows the North Caithness Cliffs Special Protection Area (SPA) in green. The SPA is located along the coast of Caithness, Scotland, extending from the town of Wick in the west to the town of Thurso in the east. The map includes a scale bar (0 to 10 miles) and a north arrow.</p>
Settlement/Site Reference	Impacts and Mitigation
Thurso TS13	<p>Potential Impact: Major development/works and associated works, such as dredging, could disturb foraging SPA birds</p> <p>Mitigation: Following developer requirement to be added:</p> <ul style="list-style-type: none"> • Development proposals will require to demonstrate that there would be no adverse effect on the integrity of the North Caithness Cliffs SPA. <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>

Special Protection Area

Site Name	Dornoch Firth and Loch Fleet
Designation	SPA
Date of Designation	24 March 1997
Qualifying Interests	<p>SPA:</p> <p>Bar-tailed godwit, non-breeding</p> <p>Curlew, non-breeding</p> <p>Dunlin, non-breeding</p> <p>Greylag goose, non-breeding</p> <p>Osprey, breeding</p> <p>Oystercatcher, non-breeding</p> <p>Teal, non-breeding</p> <p>Wigeon, non-breeding</p> <p>Waterfowl assemblage, non-breeding</p>
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	SPA: All Favourable Maintained
Factors currently influencing the site	Pressure from recreation activities.
Vulnerabilities to change through the potential effects of the plan	Disturbance to wintering or breeding bird features due to increased access and recreation. Although unlikely to be an issue for single allocations, cumulatively the additional population in the area could have a likely significant effect.
Extent of Natura Site	



Settlement/Site Reference	Impacts and Mitigation
<p>Alone and in-combination</p> <p>Dornoch DN01, DN02, DN03, DN04</p>	<p>Potential Impacts:</p> <ul style="list-style-type: none"> • Development may result in the loss of habitats and /or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Surface and waste water discharge from new developments could have a significant impact on water quality. • Pressure on sand dunes from recreational activities. • Disturbance to wintering or breeding bird features from recreational activities. <p>Mitigation:</p> <p>Natura sites and the importance of protecting site interests, will be referenced in the settlement text.</p> <p>Following text to be added within the supporting text for the Delivering Development Policy:</p> <ul style="list-style-type: none"> • In preparing planning applications, developers should therefore not only have regard to the requirements set out in this Plan but also to the policies of the Highland-wide Local Development Plan and related Supplementary Guidance. This includes for example, the requirement that most new development must connect to the public sewer and that alternative sewerage arrangements will only be acceptable in specific circumstances and subject to stringent requirements being met. <p>Following text to be added to placemaking priorities:</p> <ul style="list-style-type: none"> • Development proposals must demonstrate that there would be no adverse effect in the integrity of the Dornoch Firth and Loch Fleet SPA by satisfactory submission of a Construction

	<p>Environmental Management Plan (including pollution prevention).</p> <p>Following developer requirement to be included for sites DN01-04:</p> <ul style="list-style-type: none"> • Development proposals will require to identify what measures will be put in place to ensure that there would be no adverse effect on the integrity of the Dornoch Firth & Loch Fleet SPA through increased disturbance of species and habitat damage caused by increased recreational use of the area by residents of the new housing. <p>Residual Impact: No residual adverse effect on the integrity of the European site.</p>
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7 Conclusion

7.1 All Natura sites potentially affected by CaSPlan have been identified and mapped, and all policies, policy tools and proposals contained within the plan have been screened both individually and cumulatively to determine the likelihood of significant effects on these Natura sites that may arise due to their implementation. Policy tools and policies which have been identified as having no effect on Natura sites have been listed and detailed in Tables 2 and 3, including reasons for the decision to screen them out. Projects referred to in, but not proposed by CaSPlan have been listed in Table 4 and accordingly screened out. Proposals which would have no effect on any Natura site have been listed in Table 5. The remaining proposals likely to have a significant effect on a Natura site either alone or in combination were identified and listed in Tables 6 and 7 as requiring Appropriate Assessment.

7.2 The results of these assessments, including mitigation in the form of added developer requirements to the plan, have been detailed and reasoned in the Natura site tables contained in section 6. As a result the Highland Council concludes that, with the mitigation set out in this Habitats Regulations Appraisal, which has been incorporated into the plan, the policies, policy tools and proposals within CaSPlan, will either have no likely significant effects on Natura sites, either individually or in combination with other plans or projects, or will not adversely affect the integrity of Natura sites, again either individually or in combination with other plans or projects.

Appendix 1 – Screened out Natura sites

In agreement with SNH the Natura sites listed below have been screened out of the HRA as there is no link or pathway between the qualifying interests and development sites in the plan, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site.

Special Areas of Conservation
Abhainn Clais an Eas and Allt a' Mhuilinn Altnaharra Amat Woods Ardvar and Loch a' Mhuilinn Woodlands Beinn Dearg Berriedale and Langwell Waters Broubster Leans Caithness and Sutherland Peatlands Cape Wrath Durness East Caithness Cliffs Fionaven Inchnadamph Invernaver Inverpolly Ledmore Wood Loch Laxford Loch of Wester Loch Watten Moray Firth Mound Alderwoods River Naver Oldshoremore and Sandwood Rhidorroch Woods River Borgie River Evelix
Special Protection Areas
Assynt Lochs Beinn Dearg Caithness Lochs Caithness and Sutherland Peatlands Cape Wrath Foinaven Handa Inverpolly, Loch Urigill and nearby Lochs Lairg and Starth Brora Lochs Morangie Forest North Sutherland Coastal Islands Strath Carnaig and Strath Fleet Moors

Appendix 2 – SNH final confirmation



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

BY EMAIL

David Cowie
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Development & Infrastructure Service
Highland Council
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Inverness
IV3 5NX

Our ref: GEN115566

25 June 2018

Dear Mr Cowie

Post-examination modifications to the Caithness & Sutherland Local Development Plan (LDP) Habitats Regulations Appraisal (HRA)

Thank you for your email of 20 and 25 June 2017 providing information and requesting confirmation from SNH that the proposed changes to the HRA for the revised post-examination Caithness & Sutherland LDP are satisfactory.

We were content with the table of changes sent on 20 June. The HRA should be updated with the relevant text arising from the examination outcome, as set out in the table. If this is done, then we remain of the view that the HRA should demonstrate that the adopted LDP would not result in any adverse effects on the integrity of Natura sites affected by the policies or allocations within the LDP.

Yours sincerely

Nina Turner
Planning Advisor, North