



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

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Sent via Scottish Government SEA Gateway – sea.gateway@scotland.gsi.gov.uk

Our ref: CNS/SEA/00901

29 January 2014

Dear Mr Hindson

Environmental Assessment (Scotland) Act 2005: 00901 Screening – The Highland Council – Muirtown and South Kessock Development Brief

I refer to your screening consultation submitted on 16 January 2014 via the Scottish Government SEA Gateway in respect of the above plan.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, we have considered your screening report using the criteria set out in Schedule 2 of the Act for determining the likely significance of effects on the environment.

Our view in respect of each of these criteria is set out in the Annex attached. We would agree that the above plan is not likely to have significant environmental effects by virtue of the matter having been assessed already through the SEAs for the Highland wide Local Development Plan and Inner Moray Firth Local Development Plan, with mitigation having been included in these plans.

Please note that this consultation response provides a view solely on the potential for the plan or programme to have significant environmental effects. We cannot comment on whether or not the plan or programme meets other criteria determining the need for SEA as set out in the Act.

If you wish to discuss this screening determination, please do not hesitate to contact Andrew Brown on [REDACTED] or via SNH's SEA Gateway at sea.gateway@snh.gov.uk.

Yours sincerely

[REDACTED]
George Hogg
Unit Manager, South Highland Area

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SNH SEA Gateway (sea.gateway@snh.gov.uk)

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

Schedule 2 Criteria	Section 8(1) determination - Are significant environmental effects likely? (Responsible Authority's assessment)	SNH's Assessment under Section 9(3) Yes/No/Unknown	SNH's Comments and Additional Information
1.The characteristics of plans and programmes, having regard , in particular to:			
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	Yes	It is intended that this Development Brief will be adopted by the Council as Supplementary Guidance to the Highland wide LDP and will therefore carry the decision making weight of the development plan for future planning applications
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	No	We agree with the responsible authority's assessment. This Development Brief sits under the Highland wide LDP, which has established key principles and objectives
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	Yes	Policy 6 of Highland wide LDP – which sets the principles and objectives for this Development Brief – includes references to transport, access and recreation, heritage, nature conservation and human health (in terms of housing stock), all very relevant for promoting sustainable development
(d) Environmental problems relevant to the plan or programme;	Yes	Yes	We agree with the responsible authority's assessment. In addition there are factors relating to recreational and access use of Muirtown Basin and open space areas around

Schedule 2 Criteria	Section 8(1) determination - Are significant environmental effects likely? <i>(Responsible Authority's assessment)</i>	SNH's Assessment under Section 9(3) Yes/No/ Unknown	SNH's Comments and Additional Information
			Merkinch/South Kessock, and possible presence of protected species
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example plans and programmes linked to waste management or water protection);	No	Yes	The plan is relevant in regard to the EC Habitats Directive by being adjacent to (and having connectivity with) Moray Firth SAC. However this is reflected in Policy 6 of Highland wide LDP and Proposal IN21 of Inner Moray Firth LDP
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -			
(a) the probability, duration, frequency and reversibility of the effects;	Yes/No	Yes/No	We agree with the responsible authority's assessment
(b) The cumulative nature of the effects;	No	No	We agree with the responsible authority's assessment
(c) the transboundary nature of the effects (<i>in UK international cases</i>);	No	No	We agree with the responsible authority's assessment
(d) the risks to human health or the environment (for example due to accidents);	No	No	We agree with the responsible authority's assessment
(e) the magnitude and spatial extent of the effects (geographical areas and size of the population likely to be affected);	No	No	We agree with the responsible authority's assessment
(f) the value and vulnerability of the area likely to be affected due to:			
i. special natural characteristics or cultural heritage;	No	Yes	Muirtown Basin and South Kessock Pier are adjacent to, and have connectivity with, Moray Firth SAC. In addition the Development Brief area includes or is

Schedule 2 Criteria	Section 8(1) determination - Are significant environmental effects likely? <i>(Responsible Authority's assessment)</i>	SNH's Assessment under Section 9(3) Yes/No/Unknown	SNH's Comments and Additional Information
			adjacent to Merkinch LNR. Both these factors however are taken into account by the Highland wide LDP
ii. exceeded environmental quality standards or limit values; or	No	No	We agree with the responsible authority's assessment
iii. intensive land-use;	No	No	We agree with the responsible authority's assessment
(g) the effects on areas or landscapes that have a recognised national, Community or international protection status.	No	Yes	Muirtown Basin and South Kessock Pier are adjacent to, and have connectivity with, Moray Firth SAC. In addition the Development Brief area includes or is adjacent to Merkinch LNR. Both these factors however are taken into account by the Highland wide LDP