

Onshore Wind Energy Supplementary Guidance

**Habitats Regulations Appraisal Record
(Finalised)**

August 2016



Foreword

This Habitats Regulation Appraisal (HRA) has been prepared under the requirements of the EU Habitats Directive and has applied the requirements set out by Scottish Government 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 Onshore Wind Energy Supplementary Guidance (SG) are likely to have any significant effect on Special Protection Areas (including potential SPAs) or Special Areas of Conservation (including possible and candidate SACs), having regard to the qualifying interests and conservation objectives of those sites. These sites are referred to in this document as 'Natura sites'.

During the preparation of the SG, this HRA and the consideration of relevant representations on the SG, the Council has had engagement, discussions and input from Scottish Natural Heritage (SNH). This has helped identify and address any potential effects, develop mitigation measures and make changes to the SG.

The SG is currently being finalised in readiness for adoption and a draft has been subject to public consultation between 25 September 2015 and 18 December 2015.

Contents

Foreword.....	2
Contents.....	3
1. Introduction and Context	4
2. The Onshore Wind Energy Supplementary Guidance	4
3. Background Information about European Sites.....	6
4. Methodology for Assessment	6
5. Screening the SG for likely significant effects	8
6. In-combination assessment.....	9
7. Conclusion	9
8. Appendix 1	9

1. Introduction and Context

1.1. An October 2005 ruling by the European Court of Justice and subsequent decision by Scottish Ministers mean that the SG must undertake an appropriate assessment of the potential to have significant effects on Natura sites. This HRA considers whether the SG is likely to have any significant effects.

1.2. Scottish Planning Policy (2014) sets out that any development plan or proposal likely to have a significant effect on Natura sites must be subject to ‘appropriate assessment’ and may only be approved if it is confirmed that there will be no adverse effect on the integrity of the site. The only exception is if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

1.3. The HRA Record will be placed on the Council’s website alongside the SG. It has been compiled using the best available information, but subsequent planning applications will require further assessment to ensure the integrity of Natura sites will not be adversely affected. This is required by Policy 57 of the Highland-wide Local Development Plan (HwLDP).

2. The Onshore Wind Energy Supplementary Guidance

2.1. The HwLDP contains the parent policy to which the SG is providing additional guidance. This policy has been subject to HRA as part of the assessments of HwLDP. Policy 67 Renewable Energy Developments and Policy 68 “Community” Renewable Energy Developments were screened out as having no, or minimal effect on Natura sites. The reasons for screening out were that Policy 67 was ‘too general, non-spatial, [with] protective wording in place’, and Policy 68 was ‘too general, non-spatial, [and effects] limited to amenity impact’. The policies are shown below:

Policy 67 Renewable Energy Developments

Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- the contribution of the proposed development towards meeting renewable energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy;

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism and recreation interests;
- land and water based traffic and transport interests.

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period. 124 The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from windfarms; other areas with constraints; and broad areas of search for windfarms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger windfarms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council.

Policy 68 "Community" Renewable Energy Developments

The Council's initial assessment of renewable energy proposals will apply the same tests of acceptability for a community project as it would to a commercial proposal. However, where a community wishes to develop a small project solely as a community venture, or takes a share in a larger project, then where it is the only community significantly impacted by the proposal the Council will regard this as a material consideration. In such circumstances and subject to the proposals being assessed as acceptable under other relevant policies of the Plan, the Council may grant consent for renewable energy development with greater impacts upon the amenity of that community's area as a place in which people reside or work than would normally be the case.

- 2.2. The SG provides fuller interpretation of Policies 67 and 68 including details about how applications for onshore wind energy development will be managed. This information is set out across five main sections, supported by a glossary and reference section.
- 2.3. This HRA considers all elements set out in the SG. Where a planning application 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 as set out in the SG and Policy 57 of HwLDP.
- 2.4. The SG is available to view [online](#).
- 2.5. The area covered by the SG extends to 26,489 km² and is home to a range of high quality diverse natural and historic environments. 232,132 people live in the Highland Council area (2011 Census) at a density of 9 people per km², a lower density than other regions in Scotland. Around 44% of the land area is identified as “fragile” in terms of remoteness and scarcity of population.

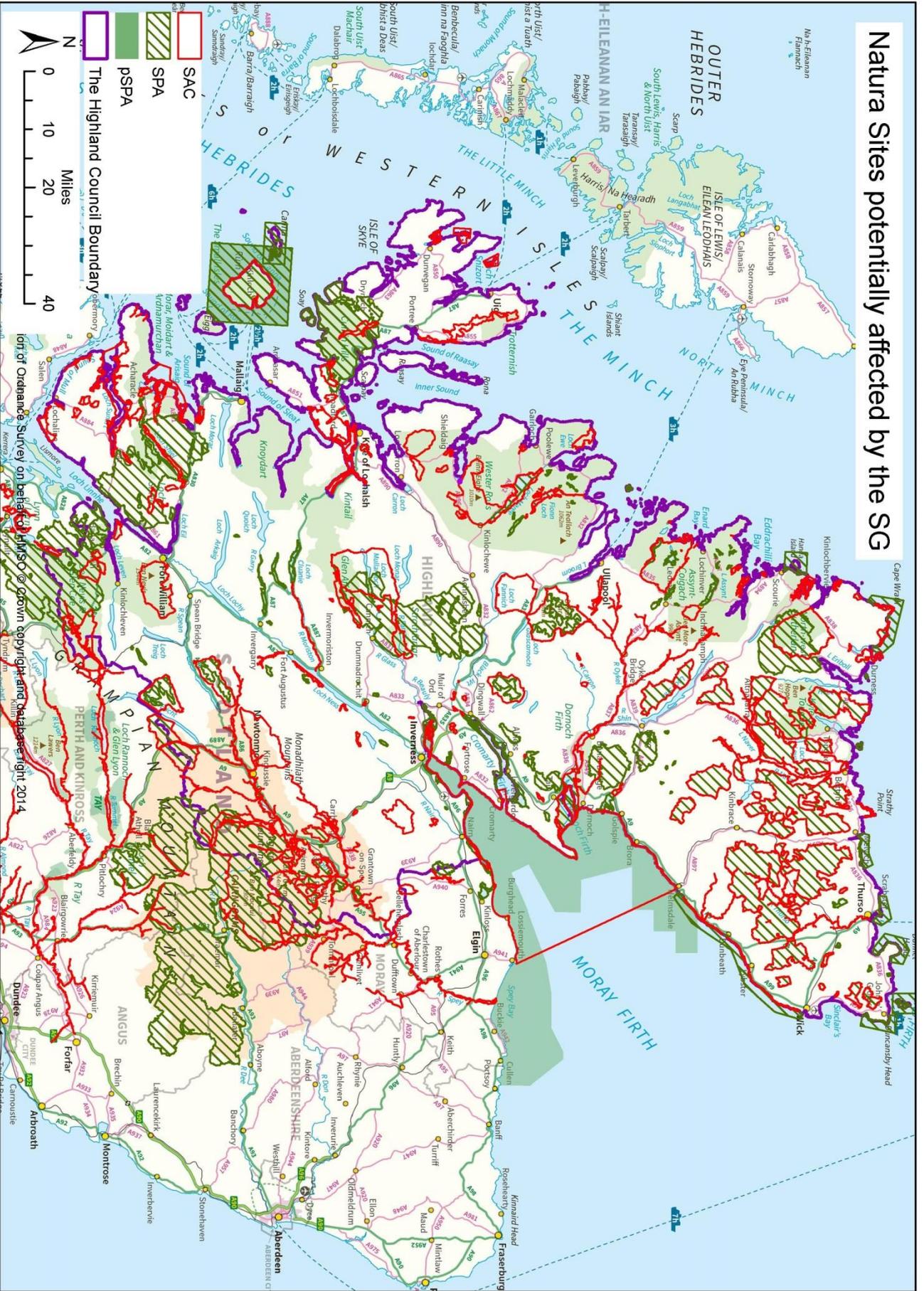
3. Background Information about European Sites

- 3.1. The SG covers the entire Highland Council area (excluding the Cairngorms National Park) and contains 91 Special Areas of Conservation (SACs) and 51 Special Protection Areas (SPAs) and one proposed SPA (pSPA). Each of these sites and those outwith the plan area that have the potential to be affected through connectivity have been screened to determine the likelihood of being directly or indirectly affected by the SG.

4. Methodology for Assessment

- 4.1. The following methodology was established, in line with SNH Guidance [Habitats Regulations Appraisal of Plans – Guidance for Plan-making Bodies in Scotland](#) (2015).
- 4.2. Highland Council worked with SNH to carry out this appraisal and to seek advice on wording of the guidance to mitigate potential adverse effects and ensure the SG is tailored to meet the conservation objectives and qualifying interests.
- 4.3. The HRA considers all sections of the SG including the detailed guidance and spatial elements.
- 4.4. All Natura sites potentially affected by the SG have been identified and mapped below, this includes all sites that intersect the Highland Council boundary. Table 2 in Appendix 1 lists the Natura sites potentially affected by the SG.

Natura Sites potentially affected by the SG



5. Screening the SG for likely significant effects

5.1. The following table summarises the elements of the plan screened, their outcome and the reason for the screening decision:

Table 1: Summary of HRA screening

Element Screened	Outcome of Screening	Reason(s) for 'screening out'
Introduction	Screened out	This section of the guidance is too general and non-spatial.
Highland Spatial Framework	Screened out	<p>This section of the guidance has particular spatial implications. It identifies areas of Highland at a strategic level where there may be potential for wind energy development.</p> <p>This section is screened out because there is insufficient information on which to base an appropriate assessment at this general strategic level, without knowing where, or what type or scale of development may be proposed in future. Instead, effective mitigation is included in the SG. A detailed requirement is included so that any proposal with potential to have a likely significant effect on a Natura site will require appropriate assessment at the project specific stage. This is set out in paragraph 4.31 of the SG.</p>
Community and small-scale development	Screened out	This section of the guidance is too general and non-spatial.
Key Development Plan Considerations	Screened out	This section of the guidance is too general and non-spatial.
Highland Strategic Capacity	Screened out	This section of the Guidance has spatial elements, but only within Group 3 areas of the Highland Spatial Framework would areas be identified as having strategic capacity. Therefore, for the reasons set out above for the Highland Spatial Framework, this section has been screened out.

5.2 There are no sections of the SG with Minor Residual Effects.

6. In-combination assessment

6.1. Since all elements of the SG have been screened out there is no need to carry out an in-combination assessment, either within the plan or with other plans or projects.

7. Conclusion

7.1. All Natura sites with the potential to be affected by development that arises as a result of the SG have been identified and mapped, and all elements of the SG have been screened individually to determine the likelihood of significant effects on Natura sites that may arise due to their implementation. Elements of the SG which have been identified as having no effect, or where any effect is too general to assess, have been listed and detailed in Table 1, including reasons for the decision to screen them out.

7.2. There were no remaining elements of the SG likely to have a significant effect either alone or in combination which were identified as requiring an appropriate assessment. There was no requirement to screen cumulatively within the SG or with other plans or projects as the SG has been screened out.

7.3. As a result the Highland Council concludes that, with the mitigation already included in the SG and described in Table 1 above, the SG will have no adverse effect on the integrity of Natura sites either individually or in combination with other plans and projects and therefore will not adversely affect the integrity of Natura sites again either individually or in combination with other plans and projects.

8. Appendix 1

Table 2: Natura Sites potentially affected by the SG:

SAC (91)		SPA (51) & pSPA (1)
Abhainn Clais an Eas and Allt a' Mhuilinn	Rassal	Inner Moray Firth
Achnahaird	Mointeach nan Lochain Dubha	Inverpolly, Loch Urigill and nearby Lochs
Altnaharra	Monadhliath	Kinveachy Forest
Amat Woods	Loch of Wester	Lairg and Strath Brora Lochs
Ardgour Pinewoods	Moray Firth	Loch Eye
Ardnamurchan Burns	Morvern Woods	Loch Knockie and nearby Lochs
Ardvar and Loch a' Mhuilinn Woodlands	Ness Woods	Loch Maree
Ascrib, Isay and Dunvegan	Oldshoremore and Sandwood	Loch Shiel
Beinn Dearg	Loch Ruthven	Loch Vaa
Beinn Iadain and Beinn na h' Uamha	Loch Ussie	Abernethy Forest
Ben Alder and Aonach	Inchnadamph	Achanalt Marshes
Beag	Insh Marshes	Assynt Lochs
Ben Nevis	Inverasdale Peatlands	Beinn Dearg
Ben Wyvis	Invernaver	Ben Alder
Berriedale and Langwell	Inverpolly	Ben Wyvis
	Kinloch and Kyleakin Hills	Cairngorms
	Kinveachy Forest	Caithness and Sutherland Peatlands
	Little Gruinard River	
	Mound Alderwoods	

Waters Broubster Leans Cairngorms Caithness and Sutherland Peatlands Carn nan Tri-tighearnan Cawdor Wood Claish Moss and Kentra Moss Coille Mhor Conon Islands Creag Meagaidh Culbin Bar Dam Wood Dornoch Firth and Morrich More Drumochter Hills Durness Cape Wrath East Caithness Cliffs Foinaven Glen Beasdale Glen Coe Ledmore Wood Loch Etive Woods Loch Laxford Loch Maree Complex Loch Moidart and Loch Shiel Woods Loch Achnacloch Loch Watten Lochs Duich, Long and Alsh Reefs Lower Findhorn Woods Moidach More Rannoch Moor	Pitmaduthy Moss River Moriston River Naver River Oykel River Spey River Tay River Thurso River Kerry River Moidart Rum Sligachan Peatlands Sound of Arisaig (Loch Ailort to Loch Ceann Traigh) Strath Strathglass Complex Strathy Point Sunart Trotternish Ridge Beinn Bhan Fannich Hills Slochd Urquhart Bay Wood Monadh Mor Moniack Gorge Rhidorroch Woods Rigg - Bile River Borgie River Evelix Onich to North Ballachulish Woods	Caithness Lochs Canna and Sanday Cape Wrath Creag Meagaidh Cromarty Firth Dornoch Firth and Loch Fleet Drumochter Hills East Caithness Cliffs Craigmore Wood Handa Loch Ashie Loch Flemington Priest Island Rannoch Lochs River Spey - Insh Marshes Rum Wester Ross Lochs Cuillins Novar Darnaway and Lethen Forest Anagach Woods West Inverness-shire Lochs Strath Carnaig and Strath Fleet Moors Foinaven Glen Etive and Glen Fyne Moidart and Ardgour Glen Affric to Strathconon Cairngorms Massif Loch Ruthven Morangie Forest Moray and Nairn Coast Moray Firth (Proposed) North Caithness Cliffs North Inverness Lochs North Sutherland Coastal Island
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