

**Inverness City Centre Development Brief -
Supplementary Guidance**

**Habitats Regulations Appraisal
Draft Record**

October 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 content of the replacement Inverness City Centre Development Brief (the Brief) is 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 collectively referred to in this document as 'Natura sites'.

During the preparation of the previous Brief, its former HRA (January 2013) and the preparation of the replacement Brief and HRA, the Council has engaged with Scottish Natural Heritage (SNH). This has helped learn from previous assessments, identify and address any potential residual effects and refine mitigation to be fully incorporated in the Brief.

The Brief is currently being finalised in readiness for adoption and a draft has been subject to public consultation between 3 February 2017 and 20 March 2017.

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1. Introduction and Context

- 1.1. A 2005 ruling by the European Court of Justice and subsequent decision by Scottish Ministers mean that the Brief must undertake an appropriate assessment of the potential to have significant effects on Natura sites. This HRA considers whether the Brief 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. This HRA Record will be placed on the Council's website alongside the Brief. 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 Replacement Inverness City Centre Development Brief

- 2.1. The purpose of the Brief is to guide planning application and investment decisions for Inverness city centre for up to the year 2030. It provides a combination of strategic direction and detailed developer requirements through the identification of city centre objectives and priorities, mapped significant opportunity sites, development assessment criteria, and site-specific development parameters to help inform better decision making.
- 2.2. The Brief is available to view online at consult.highland.gov.uk
- 2.3. The Brief will be adopted as Supplementary Guidance forming a statutory part of the Development Plan. It supplements key principles that are set out in policies within the [Highland-wide Local Development Plan](#) (HwLDP), adopted April 2012 and policies and land use allocations within the [Inner Moray Firth Local Development Plan](#) (IMFLDP), adopted July 2015. When determining planning applications these documents, together with other adopted Supplementary Guidance documents, will be read and considered as a whole, alongside the Brief.
- 2.4. The principle of development within the Brief area has been established through the Spatial Strategy for Inverness contained in the HwLDP and through land use allocations set out in the IMFLDP. The IMFLDP also establishes the need to review the existing Inverness City Centre Development Brief, adopted March 2013 as Supplementary Guidance. As stipulated by Section 22(1) of the Planning etc. (Scotland) Act 2006, Supplementary Guidance in connection with a Local Development Plan may only deal

with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in Supplementary Guidance. To this end, Paragraph 4.8 of the IMFLDP includes a statement setting out that the replacement Brief will be based on the same guiding principles of the existing Brief's vision and key themes and that the review will take place when new opportunity sites emerge.

- 2.5. Both the HwLDP and the parent IMFLDP have been subject to HRA and whilst mitigation measures were identified and brought forward through the HRA process, the vision, spatial strategy, policies and City Centre development site allocations set out within the IMFLDP were all screened out as having no, or minimal, effects on Natura sites.
- 2.6. The existing Brief was also subject to HRA (January 2013). At that time SNH were in agreement with the Highland Council's assessment that with the incorporation of mitigation measures set out within the existing Brief's HRA record, there was no likelihood of significant environmental effects on any Natura sites. This mitigation specifically related to the inclusion of the following wording within the Brief which clearly sets out that:

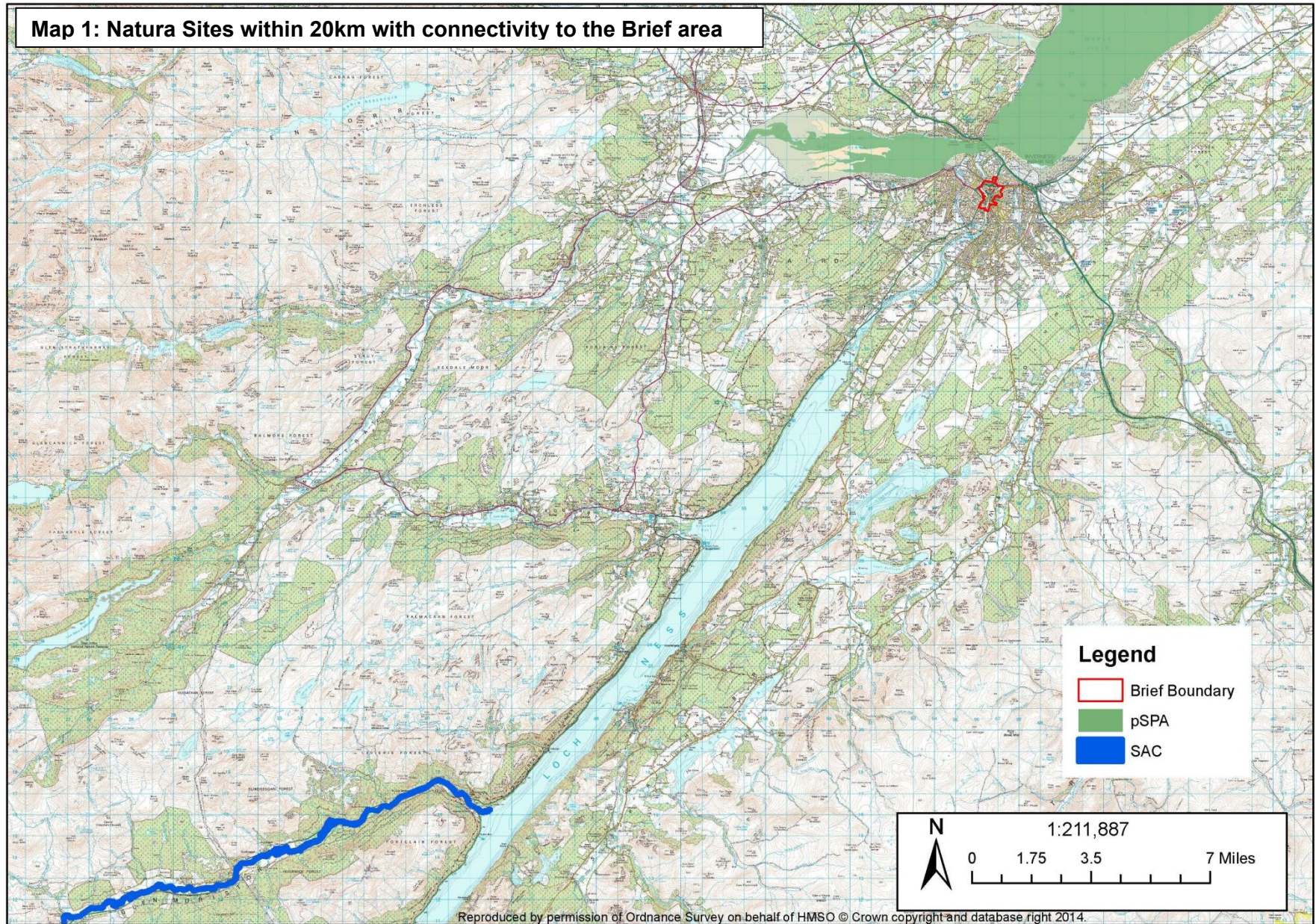
“Any development adjoining or within the River Ness must give careful consideration of any potential impact on the River Moriston Special Area of Conservation”.

3. Background Information about Natura Sites

- 3.1. The city centre boundary for the Brief is defined by the IMFLDP Central and West Inverness Proposals Map and covers 97.1ha. Whilst there are no Natura sites within the Brief area, there may be connectivity with a small number of Natura sites in the vicinity and their qualifying interests could potentially be indirectly affected.
- 3.2. Through a process of reviewing the existing Brief's HRA record and analysis of updated GIS data for all Natura sites within 20km of the Brief, Table 1 and Map 1 identifies all of the neighbouring Natura sites that have a potential link or pathway with the Brief area.

Table 1: Natura Sites within 20km with connectivity to the Brief area
River Moriston Special Areas of Conservation
proposed Moray Firth Special Protection Area

Map 1: Natura Sites within 20km with connectivity to the Brief area



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 Brief is tailored to meet the conservation objectives and qualifying interests.
- 4.3. The HRA considers all sections of the Brief including the detailed guidance and spatial elements.

5. Screening the Brief for Likely Significant Effects

- 5.1. Table 2 summarises the elements of the Brief screened, their outcome and the reason for the screening decision.

Table 2: Summary of HRA Screening		
Element Screened	Screening Outcome	Reason(s) for 'screening out'
Context, Vision, Outcomes & Approach	Screened out	This section of the guidance is too general and non-site specific.
Theme 1: A Great Place for Business	Screened out	This section of the guidance has spatial implications as it identifies sites where business uses would be supported in the city centre, including a site at Bridge Street, adjacent to the River Ness. Theme 5: Distinctive and Attractive of the Brief contains an overarching set of criteria to be used to assess planning applications for all new development in the city centre. This includes a natural heritage criterion which states: <i>"Any development adjoining or within the River Ness must give careful consideration of any potential impact on the River Moriston Special Area of Conservation and the proposed Moray Firth Special Protection Area."</i> This section has been screened out because the inclusion of this criterion will provide an effective safeguard for the qualifying interests of the Natura sites.
Theme 2: A Great Place to Visit	Screened out	This section of the guidance has spatial implications for visit related opportunities including a site at Bridge Street and potential for outdoor leisure and recreational activity along the river frontage on Bank Street. The above natural heritage placemaking principle will however apply for all new developments and this section has therefore been screened out.
Theme 3: A Great Place to Live	Screened out	This section of the guidance has spatial implications for residential related opportunities including sites at Glebe Street and Bridge Street. The above natural heritage placemaking principle will however apply for all new developments and this section has therefore been screened out.
Theme 4: Accessible, Easy & Safe to Move Around	Screened out	This section of the guidance has spatial implications for accessibility improvements including access to green spaces adjacent to the riverside. The above natural heritage placemaking principle will however apply for all new developments and this section has therefore been screened out.
Theme 5: Distinctive and Attractive	Screened out	This section of the guidance has particular spatial implications for public realm improvements at Bank Street adjacent to the river. The above natural heritage placemaking principle will however apply for all new developments and this section has therefore been screened out.

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

6. In-Combination Assessment

6.1. Since all elements of the Brief 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 Brief have been identified and mapped, and all elements of the Brief have been screened individually to determine the likelihood of significant effects on Natura sites that may arise due to their implementation. Elements of the Brief which have been identified as having no effect, or where any effect is too general to assess, have been listed and detailed in Table 2, including reasons for the decision to screen them out.

7.2. There are no remaining elements of the Brief 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 Brief or with other plans or projects as the Brief has been screened out.

7.3. As a result the Highland Council concludes that, with the mitigation already included in the Brief as described in Table 2 above, the Brief will have no adverse effect on the integrity of any 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.