

NAIRN SOUTH STRATEGIC MASTERPLAN

Habitats Regulations Appraisal

Final Record

May 2013



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 Nairn South – Strategic Masterplan are likely to have any significant effect on Special Protection Areas (including potential SPAs), Special Areas of Conservation (including possible and candidate SACs) and Ramsar sites, having regard to the qualifying interests and conservation objectives of those sites.

Where a likely significant effect is unable to be ruled out, either alone or in combination with other plans or projects, straightforward mitigation has been applied where possible to avoid likely significant effects, and the policy/proposal re-screened. Where a likely significant effect remains, either individually or in combination with other plans or projects, appropriate assessment has been undertaken and mitigation measures provided to avoid adversely affecting the integrity of the site. This has involved incorporating mitigation and making changes to the Nairn South – Strategic Masterplan where necessary.

During the preparation of this document and the consideration of relevant representations on the Nairn South – Strategic Masterplan, The Highland Council has had early engagement and discussions with and input from Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA) 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 or SEPA where appropriate.

The Nairn South – Strategic Masterplan is currently adopted as Interim Supplementary Guidance by the Council and is to be submitted to Scottish Ministers to enable the Council to adopt it as Statutory Supplementary Guidance to the Highland wide Local Development Plan. However, the site it relates to will be subject to future planning applications with accompanying masterplan(s) and related environmental and other assessments. Public consultation took place in late 2012 until early 2013.

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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. Scottish Ministers have extended the requirement for appropriate assessment to Ramsar sites, listed under the International Convention on the Conservation of Wetlands of International Importance, and proposed SPAs and candidate SACs, before they are fully classified. Hereafter in this appraisal, the term ‘Natura site’ should be taken as not only referring to SPAs and SACs but also to proposed SPAs, candidate SACs and Ramsar sites.
- 1.3 The purpose of this Habitats Regulations Appraisal (HRA) record is to consider whether the elements of the Nairn South – Strategic Masterplan are likely to have a significant effect on any Natura site, either individually or in combination with other plans or projects. For those elements that would have a likely significant effect, unless straightforward mitigation can be applied, an appropriate assessment would need to be carried out to ascertain whether the strategic masterplan 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 as defined in law.
- 1.4 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 development framework, the Nairn South – Strategic Masterplan will not have a likely significant effect on any Natura site and therefore will not adversely affect the integrity of any Natura site. The record ends by identifying that all elements of the strategic masterplan as finalised are not likely to have a significant effect on any Natura Site.
- 1.5 The HRA record will be placed on the Council’s website alongside the Nairn South – Strategic Masterplan.
- 1.6 It must be advised that this HRA record 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 any relevant area Local Development Plan, any retained in force elements of any adopted Local Plan and all the relevant supplementary guidance.

¹Commission 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

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

2. Aims and Objectives of the Nairn South – Strategic Masterplan

2.1 The [Highland wide Local Development Plan](#) (HwLDP) contains the parent policy to which the Nairn South – Strategic Masterplan is giving additional guidance. This parent policy has been subject to Habitats Regulations Appraisal through the [Habitats Regulations Appraisal of the Highland-wide Local Development Plan](#). In this HRA this policy was assessed and amended to mitigate the potential Natura sites impact of increased recreational access to the shoreline. The Nairnshire Local Plan (as continued in force) ref 12 (b), 14, 15 & 16 (extract) was assessed for in-combination effects and screened out in Test 2 of Habitats Regulations Appraisal for the Retention in Part of the existing Adopted Local Plans.

The parent policies are set out below:

Policy 18	Nairn South
<p>The Council will support the allocation of land at Nairn South for mixed-use development. The principal use will be residential. Provision for employment opportunities must also be made as part of development proposals that are submitted to the Council for approval.</p> <p>This allocation is subject to further assessment of the transport and infrastructure requirements that are necessary to enable development to progress.</p> <p>The northern boundary of the allocation adjoins an area of land extending to 5.1 hectares. This land is reserved in the Nairnshire Local Plan (adopted December 2000) for expansion of timber processing and other uses. It is the intention of the Council that this reservation will continue in force. The possibility that the existing sawmill on Balblair Road may expand on to this reservation must be taken in to account in the design of proposals for development in Nairn South.</p> <p>In the 2011-2016 period, the commencement of a first phase will be subject to the following requirements:</p> <p>Phasing</p> <ul style="list-style-type: none"> • The limit to the development of the first phase of Nairn South will be determined by a co-ordinated masterplanning exercise to be carried out for the area outlined in Map 9. In advance of the masterplan being prepared, and subject to the requirements (including transport appraisal) below being met, the residential component of the first phase will be strictly limited to 250 houses; <p>Transport</p> <ul style="list-style-type: none"> • Links to the town centre must be strengthened with good connectivity between the development and the existing fabric of the town. In particular the current pinch points at the railway bridge and the junctions with the A96 through Nairn must form part of a solution to open up development in phase 1; • Improvements to the B909 Cawdor Road connection particularly for pedestrians and cyclists; • Improvements to the B9091/B9090 junction will have to be identified and addressed as it is an unsatisfactory junction with poor visibility; • Consideration must be given to provision of a distributor-type link road between Balblair Road and Cawdor Road, to reduce reliance on Balblair Road as a link between Nairn South and the town centre; • Consideration must be given to provision of a footbridge over the railway in the vicinity of Duncan Drive, to facilitate walking and cycling journeys between Nairn South and schools, the town centre and other parts of the town; • Construction of the A96 By-pass is a long term solution to divert through traffic away from the centre of Nairn and, subject to further discussions with Transport Scotland, the developer will be required to contribute to its provision; • The scale of any development which can proceed ahead of the bypass will depend in the adequacy of the alternative links referred to and the developer should demonstrate how these can be achieved; • The impact on existing residential areas from “through traffic” should be considered in detail; 	

- Contributions will be sought to the improvement of active travel linkages into the town centre;
- Contributions will be sought to improved public transport linkages to and from the allocation;
- Contributions to the improvement of the local road network and connections with the strategic road network will be required;

Waste

- Any development at this allocation will be expected to meet the Council's requirements within Managing Waste in New Residential Developments;

Green Networks & Open Space

- Linkage to the green network both within the site and linking to the wider green network of adjacent sites, including contribution towards strategic access improvements;
- Contribution will be sought to the consolidation of the Green Network;
- Open space should be delivered in line with the requirements of Open Space in New Residential Developments: Supplementary Guidance;

Natural, Cultural & Built Heritage

- Provision of protected species surveys and, if necessary, mitigation;
- Development should not adversely affect the natural heritage value of the riparian corridor, should retain access to the corridor and should protect trees;
- Protection of the nearby Inner Moray Firth SPA/Ramsar and Whiteness Head SSSI, including through the approval of a Recreational Access Management Plan;

Design

- A detailed masterplan is to be produced for each phase of development;
- The development must demonstrate the highest standard of urban design in keeping with the historic traditions of Nairn;
- A buffer area shall be provided within the boundary of the Nairn South allocation. The buffer area shall be designed to ensure that the amenity of occupiers in Nairn South is not affected to an unacceptable degree by noise, dust, fumes or smells likely to arise from use of the 5.1 hectares sawmill expansion site for sawmill purposes;
- Homezone principles will need to be applied;
- The development will need to meet the requirements of the designing for sustainability guidance;

Education

- Developer contributions may be required towards education provision in line with Education and New Residential Development: Supplementary Guidance;

Housing

- A minimum of 25% of the development should be delivered as affordable housing;

Tourism-related and Business Development

- In preparing proposals for the site, consideration must be given to the extent to which tourism-related development and business development might be attracted to the site. If potential, either in the short term or in the longer term, is identified for one or both of these kinds of development, land must be reserved accordingly;

Miscellaneous

- Subject to further discussion with the Education Culture and Sport Service, contributions towards primary and secondary school shortfalls caused as a result of the development;
- Safeguarding of natural watercourses and flood plain through implementation of site specific drainage strategy and Flood Risk Assessment;
- Masterplanning of the site should take into consideration of the findings of the Flood Risk assessment and avoid development at the edge of the functional flood plain;
- Connections to the public water and waste water systems will be required.

In addition to the issues raised above, development of the later phases of Nairn South will also require to meet the following developer requirements:

- Contribution towards the strategic transport improvements to be identified in consultation with Transport Scotland;

- Contribution in line with an amended A96 Protocol towards strategic infrastructure;
- Contribution towards education provision including primary schools and secondary school; and
- Contribution toward local road improvements.

Nairnshire Local Plan Gordon's Sawmill ref 12 (b), 14, 15 & 16 (extract)

ALLOCATIONS : The following land is allocated

<i>use</i>	<i>location/details</i>
12. INDUSTRY	(a) 11.0 ha. at Balmakeith for business (Use Classes 4, 5, 6)
	(b) 5.1 ha. at Cawdor Road for expansion of timber processing, storage and distribution, including 1.0 ha. for a lorry park (see Ch 4, 14 and 16). New distributor access dependent on the nature and scale of development (para. 16(ii)); screen planting
	(c) 4.2 ha. at Balmakeith (south) for business use – suitable for a single user enterprise, subject to off-site surface water and pedestrian arrangements, and structural landscaping (see Ch 4, 22(l))
	(d) 2.1 ha. at Grigorhill for specialist or non-conforming uses



expanding timber processing at Balblair

14. Subject to land assembly at Balblair including redundant railway ground and the coal yard, the Council will encourage expansion of timber processing, related activities and development of freight rail sidings.
15. In the longer term and subject to possible further assembly of the Public Depot and Nairn County Football Ground, relocation of these uses where appropriate and suitable access to retained activities; the Council will encourage development/expansion of (i) commuter parking and (ii) health or related facilities (see Ch 4, 26). Pending these uses, the Depot could be suitable for a Civic Amenities site.
16. The Council will expect to enter 575 Agreement with landowners/developers to secure access improvements including (i) closing-off Balblair Road; (ii) a new distributor link with Cawdor Road (see 13 above).

2.2 The purpose of the Nairn South – Strategic Masterplan is to set a strategic infrastructure and land use masterplan for allocated development lands on the south side of Nairn.

2.3 The area covered by the guidance extends to 36.1 hectares, including the sawmill expansion lands, and lies close to the Moray Firth and its natural heritage interests. It lies adjacent to the south side of Nairn which has a population of around 8,500 people.

2.3 This Habitats Regulations Appraisal (HRA) record considers all the elements set out in the strategic masterplan. 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).

2.4 The Nairn South – Strategic Masterplan can be viewed online at:

<http://www.highland.gov.uk/developmentplans>

3 Background Information about European Sites

3.1 The area covered by the Nairn South – Strategic Masterplan corresponds with the land allocated under Policy 18 of the Highland-wide Local Development Plan and Policy refs 12 (b), 14, 15 & 16 of the Nairnshire Local Plan (as continued in force) and contains no Natura sites. However the land has connectivity (via its likely development for housing) with four Natura sites (see Table 1 below) in terms of water quality or recreational access. Each of these connected Natura sites that may be affected has been screened to determine the likelihood of being indirectly significantly affected by the Masterplan. They are listed and mapped (page 13) below:

Table 1: All Natura Sites in proximity of the Nairn South – Strategic Masterplan Area

<u>Special Areas of Conservation (SAC)</u>	
Moray Firth Cawdor Wood	Culbin Bar
<u>Ramsar Sites</u>	
Inner Moray Firth Moray and Nairn Coast	
<u>Special Protection Areas (SPA)</u>	
Inner Moray Firth Moray and Nairn Coast	Loch Flemington Darnaway and Lethen Forest

3.2 In agreement with SNH the Natura sites listed below have been screened out of the Habitats Regulations Appraisal in terms of likely significant effects of Nairn South alone. In respect of Moray Firth SAC foul drainage from the Nairn-South development will connect to the public sewer. Additional wording will be added to the section of the Masterplan on Flood Risk and Drainage to state that in linking the Nairn South development to the public sewerage network, it shall be established that the wastewater treatment capability is sufficient to avoid any adverse effects on the integrity of the Moray Firth Special Area of Conservation. In addition SuDS will be incorporated into the site layout via a site specific drainage strategy (as per Policy 18 of the Highland wide LDP), thus leading to no effect on the qualifying features of the site as a result of effects on water quality. In respect of Cawdor Wood SAC, any increase in recreational activity is likely to be on existing paths within the wood, and the scale of increased recreational activity as a result of the Nairn South development is not considered to be significant.

Table 2: Natura Sites in proximity of the Nairn South Strategic Masterplan area screened out alone as no likely significant effect

<u>Special Areas of Conservation (SAC)</u>	<u>Special Protection Areas (SPA)</u>
Moray Firth Cawdor Wood Culbin Bar	Loch Flemington Darnaway and Lethen Forest

3.3 Below is a table setting out the relevant information with regard to the sites unable to be screened out at this stage – Inner Moray Firth SPA/Ramsar and Moray & Nairn Coast SPA/Ramsar. For full details of the other Natura sites located near to the development framework area please see SNH's 'Sitelink' web application and interactive map available via:

<http://gateway.snh.gov.uk/sitelink/index.jsp> and <http://www.snh.org.uk/snhi/>

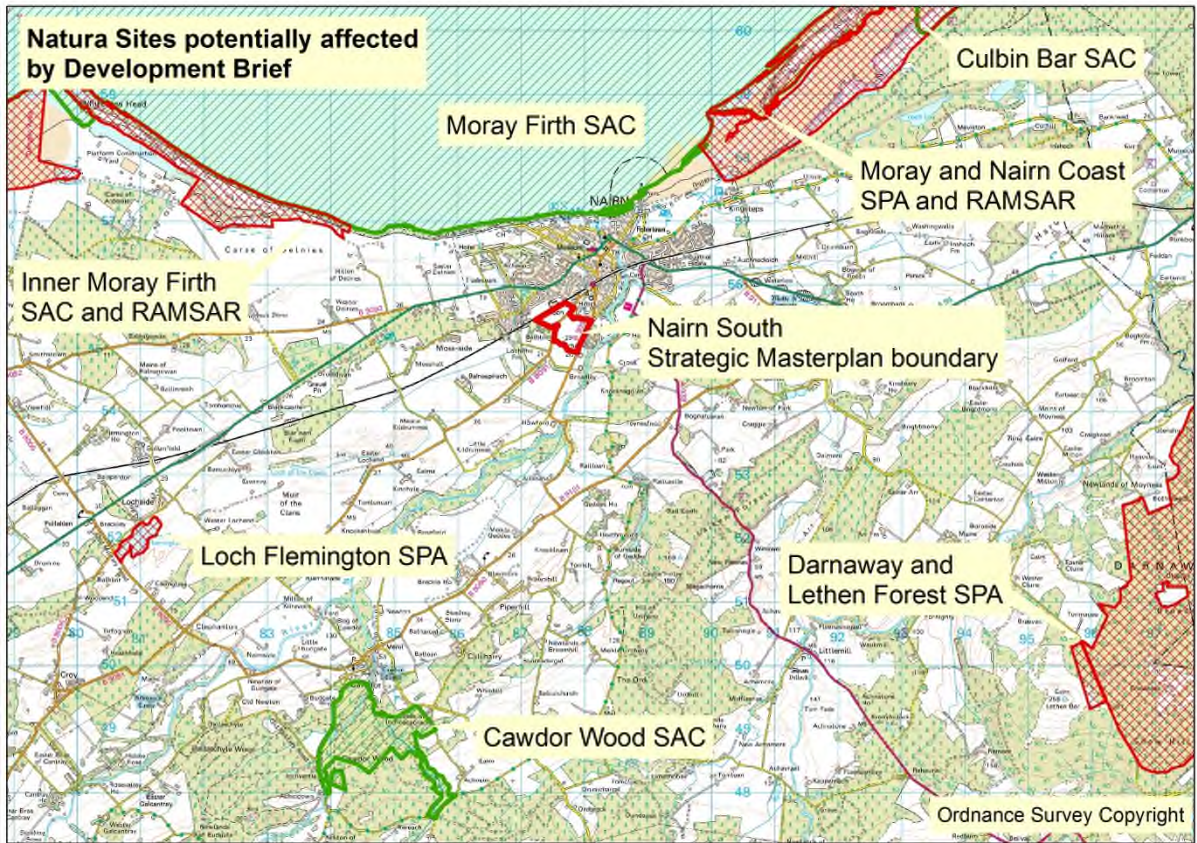
Table 3: Natura Sites unable to be screened out alone as no likely significant effect

Site Name	Inner Moray Firth
Designation	<i>SPA and Ramsar</i>
Date of Designation	22 March 1999
Qualifying Interests	<p>SPA:</p> <ul style="list-style-type: none"> • Common Tern, breeding • Osprey, breeding • Waterfowl assemblage, non-breeding • Oystercatcher, non-breeding • Teal, non-breeding • Bar-tailed godwit, non-breeding • Cormorant, non-breeding • Curlew, non-breeding • Goldeneye, non-breeding • Wigeon, non-breeding • Goosander, non-breeding • Greylag goose, non-breeding • Red-breasted merganser, non-breeding • Redshank, non-breeding • Scaup, non-breeding <p>Ramsar:</p> <ul style="list-style-type: none"> • Waterfowl assemblage, non-breeding • Redshank, non-breeding • Greylag goose, non-breeding • Red-breasted merganser, non-breeding • Bar-tailed godwit, non-breeding • Saltmarsh • Intertidal mudflats and sandflats • Sand dune • Shingle
Conservation Objectives	<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.</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

	<ul style="list-style-type: none"> • 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	<p>SPA:</p> <ul style="list-style-type: none"> • Common Tern, breeding – unfavourable, no change • Osprey, breeding – favourable, maintained • Waterfowl assemblage, non-breeding – favourable, maintained • Oystercatcher, non-breeding – favourable, maintained • Teal, non-breeding – favourable, maintained • Bar-tailed godwit, non-breeding – favourable, maintained • Cormorant, non-breeding – unfavourable, no change • Curlew, non-breeding – favourable, maintained • Goldeneye, non-breeding – favourable, maintained • Wigeon, non-breeding – favourable, maintained • Goosander, non-breeding – unfavourable, no change • Greylag goose, non-breeding – favourable, maintained • Red-breasted merganser, non-breeding – unfavourable, no change • Redshank, non-breeding – favourable, maintained • Scaup, non-breeding – favourable, maintained <p>Ramsar: All favourable, maintained with the exception of red-breasted merganser which is unfavourable, no change.</p>
Factors currently influencing the site	<p>Disturbance is the main limiting factor to wader and wildfowl population size. Food supply is not believed to be a limiting factor, although further research is required. Climate change may limit populations and result in shifts into less well monitored areas (see Austin & Rehfisch 2005¹) and more research work is needed to determine the effects of climatic changes on wader and wildfowl distributions. It is suspected that the tern interest of the site is being influenced by predator numbers and climate change impacting food availability.</p> <p>¹Austin, G E & Rehfisch, M M (2005). <i>Shifting non-breeding distributions of migratory fauna in relation to climatic change. Global Change Biology 11, 31–38.</i></p>
Vulnerabilities to change through the potential effects of the plan	<p>Potential for disturbance due to increased recreational pressures and/or off-site feeding habitat loss arising from Nairn South and the surrounding developments.</p>
Extent of Natura Site	2339 Ha

Site Name	Moray and Nairn Coast
Designation	SPA and Ramsar
Date of Designation	02 February 1997
Qualifying Interests	<ul style="list-style-type: none"> • Osprey (<i>Pandion haliaetus</i>), breeding • Bar-tailed godwit (<i>Limosa lapponica</i>), non-breeding • Common scoter (<i>Melanitta nigra</i>), non-breeding • Dunlin (<i>Calidris alpina alpina</i>), non-breeding • Greylag goose (<i>Anser anser</i>), non-breeding • Long-tailed duck (<i>Clangula hyemalis</i>), non-breeding • Oystercatcher (<i>Haematopus ostralegus</i>), non-breeding • Pink-footed goose (<i>Anser brachyrhynchus</i>), non-breeding • Red-breasted merganser (<i>Mergus serrator</i>), non-breeding • Redshank (<i>Tringa totanus</i>), non-breeding • Velvet scoter (<i>Melanitta fusca</i>), non-breeding • Waterfowl assemblage, non-breeding • Wigeon (<i>Anas penelope</i>), non-breeding <p>The Moray and Nairn Coast SPA is located on the south coast of the Moray Firth in north-east Scotland. The site comprises the intertidal flats, saltmarsh and sand dunes of Findhorn Bay and Culbin Bar, and the alluvial deposits and associated woodland of the Lower River Spey and Spey Bay. It is of outstanding nature conservation and scientific importance for coastal and riverine habitats and supports a range of wetland birds throughout the year. In summer it supports nesting Osprey <i>Pandion haliaetus</i>, whilst in winter it supports large numbers of Iceland/Greenland Pink-footed Goose <i>Anser brachyrhynchus</i>, Icelandic Greylag Goose <i>Anser anser</i> and other waterbirds, especially ducks, sea-ducks and waders. The geese feed away from the SPA on surrounding agricultural land during the day. The sea-ducks feed, loaf and roost over inundated intertidal areas within the site, but also away from the SPA in the open waters of the Moray Firth.</p> <p>Moray and Nairn Coast SPA forms an integral ecological component of the Moray Basin Firths and Bays, of which it is the easternmost unit.</p> <p>The Moray and Nairn Coast Ramsar site qualifies under Criterion 1 by virtue of supporting a variety of important wetland features. The dunes and shingle at Culbin Sands are of outstanding importance for their vegetation. The large areas of mudflat and saltmarsh at the Culbin Bars and Findhorn Bay are relatively undisturbed and are unaffected by reclamation or industrial development. The mosaic of habitats at Spey Bay/Lower River Spey is the nearest equivalent in Britain to a natural floodplain forest.</p>

	<p>The site qualifies under Criterion 2a by regularly supporting rare plants and animals. It supports at least 4 Nationally Scarce aquatic plants: sea centaury <i>Centaureum littorale</i> and the eelgrasses <i>Zostera noltii</i>, <i>Z. angustifolia</i> and <i>Z. marina</i>. The invertebrate fauna has at least five aquatic Red Data Book species including <i>Octhebius lenensis</i> (a small waterbeetle) and <i>Tetanocera freyi</i> (a snail-killing fly). The mammal fauna includes common seal <i>Phoca vitulina</i> and otter <i>Lutra lutra</i>, and the fish fauna includes salmon <i>Salmo salar</i> and sea lamprey <i>Petromyzon marinus</i> (all Annex II of the EC Habitats & Species Directive).</p> <p>The site qualifies under Criterion 3a by regularly supporting over 20,000 wintering waterfowl with a 1989/90-93/94 winter peak mean of 24,000 waterfowl, comprising 9,500 waders and 14,500 wildfowl.</p> <p>The site qualifies under Criterion 3c by regularly supporting internationally important wintering populations (1988/89-92/93 winter peak means) of Icelandic/Greenlandic pink-footed goose <i>Anser brachyrhynchus</i> (7,538, 4% of total population, all of which winters in Great Britain), Icelandic greylag goose <i>Anser anser</i> (3,023, 3% of total population, all of which winters in Britain) and redshank <i>Tringa totanus</i> (1989/90-93/94 wpm of 1,690, 2% of British, 1% of East Atlantic Flyway).</p> <p>The diverse assemblage of wintering birds also includes nationally important wintering populations of velvet scoter <i>Melanitta nigra</i>, red-breasted merganser <i>Mergus merganser</i> and bar-tailed godwit <i>Limosa lapponica</i>. Findhorn Bay and Spey Bay are very important feeding areas for ospreys <i>Pandion haliaetu</i></p>
Conservation Objectives	<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.</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.
Site Condition	<p>Favourable Maintained</p> <p>Apart from Redshank: Favourable Recovered</p> <p>Bar-tailed godwit: Favourable Declining</p>
Factors currently influencing the site	<p>Disturbance and damage to habitats by walkers and motorised transport</p>
Vulnerabilities to change through the potential effects of the plan	<p>Disturbance to qualifying species through increased recreational activity and damage to habitat (in particular saltmarsh and mudflat).</p>



Map 1: All Natura Sites in Proximity of the Nairn South – Strategic Masterplan

4 Methodology for Assessment

- 4.1 After consulting the Habitats Regulations Appraisal of Plans – Guidance for Plan-making Bodies in Scotland Version 2 (Aug 2012) 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 if necessary. SNH have also been consulted regarding the wording of elements of the guidance and the mitigation measures for any likely significant effects or 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 the Nairn South – Strategic Masterplan have been identified and mapped (see Map 1). The elements of the strategic masterplan have been screened both individually and if appropriate cumulatively to determine the possible effects that may arise due to their implementation. Where elements of the planning framework have been identified as having no effect or are unlikely to have a significant effect, these have been detailed and reasons for this have been given. If it was not possible to rule-out significant effect, straightforward mitigation was identified and added to that element of the strategic masterplan. Where this occurred, that element was then rescreened (see Table 4). Any remaining elements of the strategic masterplan 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.
- 4.5 Paragraph 136 of the Scottish Planning Policy (2010) notes that Ramsar sites are also Natura sites and are therefore protected under the relevant legislation. Ramsar interests have thus been considered alongside their equivalent SPA for the purposes of this assessment and also documented together within this report. As a result, the Ramsar interests should be adequately protected by consideration of the effects on their ‘partner’ SPA site in line with the advice given in paragraph 1.12 of the “Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland Version 2” (2012).
- 4.6 The following table summarises the elements of the plan screened in this Habitats Regulations Appraisal and the outcome (see key below for colour coding):

Table 4. Summary of the elements of the Nairn South – Strategic Masterplan screened out

Name of Supplementary Guidance	Element Screened	Outcome of Screening
Nairn South – Strategic Masterplan	Introduction	See Table 4
	Policy	See Table 4
	Context and Development Factors	See Table 5
	Nairn South – Phases	See Table 5
	Appendix 1 – Developer Contributions	See Table 5
	Appendix 2 – Development Plan Policy	See Table 4

Key:

Colour	Reason for Screening Out
	No effects, or effects are too general, either with or without mitigation
	Minor residual effects, either with or without mitigation

5 Screening of elements of the supplementary guidance for likely significant effects – (a) no mitigation required

5.1 Discussions with SNH took place to screen out the elements of the Nairn South – Strategic Masterplan that would not be likely to have a significant effect alone on Natura sites noted in Section 3 (above). As a result, the elements (detailed in Table 4) of the supplementary guidance screened out are listed below, along with a brief explanation of the reasons for this.

Table 5. Elements of the Nairn South – Strategic Masterplan screened out individually as having no effect on Natura sites, or any effect is too general to assess

Section Title	Description of Section	Reason(s) for 'screening out'
Introduction	Explains that the masterplan is a strategic document for the area which represents the outcome of intensive community and agency consultation.	This section of the masterplan is too general and is descriptive of process only
Policy	Sets out the parent policy in the Highland wide Local Development Plan.	This section of the masterplan repeats Policy 18 of the Highland-wide Local Development Plan which includes a protective provision for the Inner Moray Firth SPA/Ramsar
Appendix 2 – Development Plan policy	Sets out the parent policy in the Highland wide Local Development Plan.	This section of the masterplan repeats Policy 18 of the Highland-wide Local Development Plan which includes a protective provision for the Inner Moray Firth SPA/Ramsar

Key:

Colour	Reason for Screening Out
	No effects, or effects are too general, either with or without mitigation
	Minor residual effects, either with or without mitigation

6 Screening of elements of the supplementary guidance for likely significant effects – (b) straightforward mitigation required

6.1 After further rounds of discussion with SNH, revised wording for elements of the Nairn South – Strategic Masterplan were agreed to allow these aspects to be mitigated and then screened out. The results of these discussions, including the proposed wording changes to the Nairn South – Strategic Masterplan are summarised in Table 6.

Table 6. Elements of the Nairn South – Strategic Masterplan to which straightforward mitigation measures were applied and were then screened out individually as having no effect on Natura sites, or any effect is too general to assess

Title of Section	Purpose of Section	Mitigation	Reasoning
Context and Development Factors	To set out developer requirements and optimum arrangements in terms of all forms of access and service networks	<p>Whilst the majority of the section will not have any likely effects it is considered that the “Access, Core Paths and Green Networks” section may. Additional paragraph on page 7 after first paragraph relating to Access, Core Paths and Green Networks to read as follows:</p> <p><i>“In considering access, core paths and green networks, the need to avoid any adverse effects of recreation and access (alone and in combination with other plans or projects) from development at Nairn South on the integrity of the Inner Moray Firth and Moray & Nairn Coast SPA/Ramsar sites should be assessed and provided for through the preparation of the Recreation Access Management Plan and its translation into the masterplan”</i></p> <p>In addition the section on page 9 headed “Landscaping, Planting and Open Space” refers to recreation provision and so there is an inter-relationship with the required recreational access management plan needing to be clarified. To the end of the second paragraph is to be added:</p> <p><i>“The Recreation Access Management Plan should ensure that there is no adverse recreational and</i></p>	To clarify that the developer’s Recreational Access Management Plan must demonstrate no adverse effect on integrity of the Inner Moray Firth SPA/Ramsar and Moray & Nairn Coast SPA/Ramsar Natura sites.

		<p><i>access pressure on the coastal internationally designated bird areas (Inner Moray Firth SPA/Ramsar and Moray & Nairn Coast SPA/Ramsar) as a result of residential development at Nairn South. Consideration in this regard should be given to on-site provision of open space and paths (including for dog exercising) and off-site contributions to the provision and improvement of the green network”.</i></p> <p>To ensure avoidance of any adverse effects on the Moray Firth SAC as a result of wastewater from the Nairn South development, the section on Flood Risk and Drainage reiterates that this development should connect to the public sewerage network. However this needs augmenting to ensure that the standard of discharge from WWTW at that time is sufficient to protect the bottlenose dolphin interest. Therefore the following sentence will be added to the 2nd paragraph: <i>“In linking the Nairn South development to the public sewerage network, it shall be established that the wastewater treatment capability is sufficient to avoid any adverse effects on the integrity of the Moray Firth Special Area of Conservation”.</i></p>	
Nairn South - Phases	Maps general phases and requirements for development progression across the strategic masterplan area and provides a textual justification for these phases and requirements.	<p>Phasing should make reference to implementation of measures agreed through the Recreation Access Management Plan. A bullet point is to be added under 'key deliveries' for Phase 1(a), 1(b) and 2(a) as follows:</p> <ul style="list-style-type: none"> <i>Implementation of measures agreed through Recreation Access Management Plan</i> 	To clarify that the phasing and layout of the site will be informed by the developer's Recreation Access Management Plan, which should be produced as well as the masterplan to inform the design of the development.

Appendix 1 – Schedule of Developer Contributions	This section sets out a clear list of developer contributions which will be sought from development on this site.	<p>Add in 'Review' column for entry for Access, Core Paths and Green Networks:</p> <p><i>"In association with the terms and provisions of the agreed Recreation Access Management Plan"</i></p> <p>Amend first sentence of first paragraph under the table (page 18) to:</p> <p><i>"Items outwith this list of developer contributions, including those required as part of the agreed Recreation Access Management Plan, will be the subject of direct delivery ..."</i></p>	To clarify that the Recreation Access Management Plan may require developer contributions as part of the means for delivery.
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Key:

Colour	Reason for Screening Out
Light Green	No effects, or effects are too general, either with or without mitigation
Light Blue	Minor residual effects, either with or without mitigation

7. In combination assessment

7.1 Any element of a plan that is screened out alone as having minor residual effects should also be screened for the likelihood of significant effects in combination arising from other elements of the same plan, or from other plans or projects. In this case, elements of the plan relating to Development Factors, Phasing and Developer Contributions have been screened out alone (following mitigation) as having minor residual effects only. This has been considered in combination with other plans and projects as follows –

Table 7: Other plans and projects relevant to Inner Moray Firth SPA/Ramsar and Moray & Nairn Coast SPA/Ramsar

Title of other plan or project	Plan Policy	Description
Highland-wide Local Development Plan	Policy 5 Longman Landfill Site	Business and Industrial development
Highland-wide Local Development Plan	Policy 9 A96 Corridor	Policy outlining phasing and infrastructural requirements in the A96 corridor
Highland-wide Local Development Plan	Policy 10 Beechwood Campus	Development of university campus site
Highland-wide Local Development Plan	Policy 12 Stratton	Mixed use development including 2500 houses
Highland-wide Local Development Plan	Policy 14 Whiteness	Development of 1215 houses (or renewables-related)
Highland-wide Local Development Plan	Policy 15 Lochloy	Development of approximately 150 houses.
Highland-wide Local Development Plan	Policy 16 Sandown	Development of approx. 350 houses and open space
Highland-wide Local Development Plan	Policy 17 Delnies	Development of 300 houses, plus leisure, hotel and golf facilities
Highland-wide Local Development Plan	Policy 19 Smaller Settlements in the A96 corridor	Development of smaller settlements consisting approximately 435 houses.
Highland-wide Local Development Plan	Policy 21 Ardersier Expansion	Development of 55 houses.
Highland-wide Local Development Plan	Green Networks Supplementary Guidance	Creation of Coastal Trail between Inverness and Nairn

7.2 Most of these other policies contain one or other of the following caveats:

- Protection of the nearby Inner Moray Firth SPA/Ramsar, including through the approval of a Recreation Access Management Plan
- Avoidance of any adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar

Where no specific reference is made in these policies to the protection of the Inner Moray Firth SPA/Ramsar or the Moray & Nairn Coast SPA/Ramsar, the Green Networks Supplementary Guidance, in setting out proposals for the Coastal Trail, includes mitigation to avoid adverse effects on the integrity of these sites. The appropriate assessment for this was in combination with policies and proposals in the Highland-wide Local Development Plan.

Therefore it is judged that even in combination with these policies, the effects from the provisions of the Nairn South – Strategic Masterplan will be minor residual only.

7.3 In addition the likely effect of Nairn South on Cawdor Wood SAC was screened out alone as minor residual, and so also needs to be considered in combination with other plans and projects as follows –

Table 8: Other plans and projects relevant to Cawdor Wood SAC

Title of other plan or project	Plan Policy	Description
Highland-wide Local Development Plan	Policy 22 Cawdor Expansion	Mixed Use development including approximately 285 houses
Highland-wide Local Development Plan	Green Networks Supplementary Guidance	Creation of Landward Trail between Inverness and Nairn

Expansion of Cawdor is subject in the policy to a Recreational Access Management Plan to avoid any adverse effects on the integrity of this SAC. This should take account of the MRE from development at Nairn South.

The proposed Landward Trail as part of the Inverness-Nairn Green Network was not considered likely to have any effect on the SAC, as it does not actually pass through the woods.

Therefore it is judged that even in combination with these policies, the effects from the provisions of the Nairn South – Strategic Masterplan will be minor residual only.

8. Conclusion

- 8.1 All Natura sites potentially affected by the Nairn South – Strategic Masterplan have been identified and mapped (see Map 1), and all elements of the supplementary guidance have been screened individually to determine the likelihood of significant effects on these Natura sites that may arise due to their implementation.
- 8.2 Elements of the Nairn South – Strategic Masterplan which have been identified as having no effect, or where any effect is too general to assess, have been listed and detailed in Section 5, Table 5, including reasons for the decision to screen them out.
- 8.3 Elements of the Nairn South – Strategic Masterplan remaining screened in after the initial review as having the potential to have likely significant effect where it has been possible to identify straightforward mitigation measures have been listed and detailed in Section 6, Table 6. This table then includes the mitigation to be contained within the Nairn South – Strategic Masterplan and reasons then for the decision to screen them out.
- 8.4 There was a requirement to screen cumulatively within the plan or with other plans or projects as the Nairn South – Strategic Masterplan has been screened as having minor residual effects (either with or without mitigation). The cumulative screening did not increase the likelihood of effects above minor residual.
- 8.5 As a result the Highland Council concludes that, with the mitigation set out in this Habitats Regulations Appraisal Record, which will be incorporated into the adopted strategic masterplan, the Nairn South – Strategic Masterplan will have no likely significant effects on 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.
- 8.6 The following table summarises the elements of the plan assessed through this Habitats Regulations Appraisal and the outcome (see key below for colour coding):

Table 8: Summary of outcomes of the Habitats Regulations Appraisal

Name of Supplementary Guidance	Element Assessed through HRA	Outcome of HRA (see key below)
Nairn South – Strategic Masterplan	Introduction	
	Policy	
	Context and Development Factors	
	Nairn South – Phases Design and Integration	
	Appendix 1 – Developer Contributions	
	Appendix 2 – Development Plan Policies	

Key:

Colour	Reason for Screening Out
	No effects, or effects are too general, either with or without mitigation
	Minor residual effects, either with or without mitigation