

**Developer Contributions
Supplementary Guidance**

**Habitats Regulations Appraisal
Draft Record**

November 2017



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 Developer Contributions Supplementary Guidance (DCSG) 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 DCSG, its former HRA (January 2013) and the preparation of the replacement DCSG and HRA, the Council has engaged with Scottish Natural Heritage (SNH). This has helped learn from previous assessments, identify and address any potential residual affects and refine any mitigation to be incorporated in the DCSG.

The DCSG is currently being finalised and this draft HRA record informs its preparation.

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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 DCSG must undertake an appropriate assessment of the potential to have significant effects on Natura sites. This HRA considers whether the DCSG 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 effects 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 DCSG. 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), adopted 2012.

2. The Replacement Developer Contributions Supplementary Guidance

- 2.1. The replacement DCSG is available to view online at consult.highland.gov.uk
- 2.2. The DCSG will ultimately be adopted as Supplementary Guidance which forms part of the statutory Development Plan. It provides detail on the principles of the guidance set out in HwLDP Policies 31: Developer Contributions and 32 Affordable Housing.
- 2.3. The DCSG will also be used to assess required developer contributions for site allocations in the Council's three other area Local Development Plans: the Inner Moray Firth Local Development Plan (adopted July 2015) and the emerging Caithness and Sutherland Local Development Plan (Proposed Plan currently at examination) and West Highland and Islands Local Development Plan (Proposed Plan published May 2017). When determining planning applications these documents, together with other adopted Supplementary Guidance, will be read and considered as a whole alongside the DCSG.
- 2.4. The DCSG will apply to all development in the area covered by the HwLDP. In addition, this guidance will also be used to inform decision making within the Highland area of the Cairngorms National Park.
- 2.5. The DCSG is available to view online at consult.highland.gov.uk
- 2.6. 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, HwLDP Sections 18.10 - 18.11 and 19.1 - 19.2 provides this necessary detail to inform the refreshed DCSG.

- 2.7. Both the parent HwLDP, and the existing DCSG (adopted March 2013) have previously been subject to HRA. For the HwLDP, mitigation measures were identified and brought forward through the HRA process relating to the vision / spatial strategy and policies. The HwLDP was however ultimately screened out as having no, or minimal, affects on Natura sites. For the existing DCSG, SNH were in agreement with the Highland Council's assessment that there was also no likelihood of significant environmental affects on any Natura sites.

3. Background Information about Natura Sites

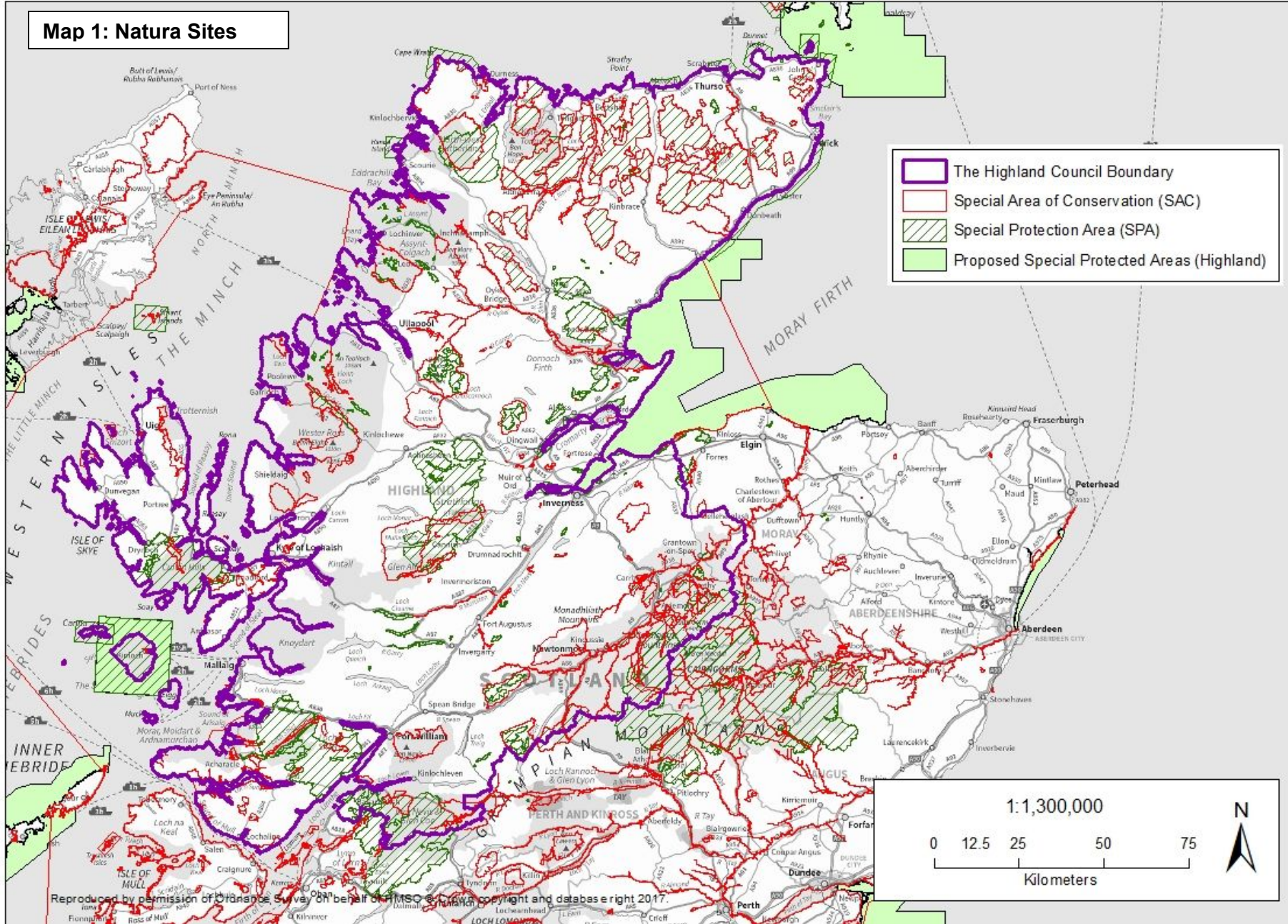
- 3.1. The DCSG covers the entire Highland Council area (including the Highland area of the Cairngorms National Park) which contains 91 Special Areas of Conservation (SACs) and 51 Special Protection Areas (SPAs) and one proposed SPA (pSPA). Each of these sites and those out with the plan area that have the potential to be affected through connectivity have been screened to determine the likelihood of being or indirectly affected by the DCSG.
- 3.2. Map 1 and Table 1 identifies all of the Natura sites covered by, or have a potential link or pathway with the DCSG area.

Table 1: Natura Sites Potentially Affected by the DCSG		
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 Waters	Inverpolly	Ben Wyvis
Broubster Leans	Kinloch and Kyleakin Hills	Cairngorms
Cairngorms	Kinveachy Forest	Caithness and Sutherland Peatlands
Caithness and Sutherland Peatlands	Little Gruinard River	Caithness Lochs
Carn nan Tri-tighearnan	Mound Alderwoods	Canna and Sanday
Cawdor Wood	Pitmaduthy Moss	Cape Wrath
	River Moriston	Creag Meagaidh
	River Naver	Cromarty Firth
	River Oykel	Dornoch Firth and Loch Fleet
	River Spey	Drumochter Hills
	River Tay	East Caithness Cliffs
	River Thurso	

Table 1: Natura Sites Potentially Affected by the DCSG

SAC (91)		SPA (51) & pSPA (1)
Claish Moss and Kentra Moss	River Kerry	Craigmore Wood
Coille Mhor	River Moidart	Handa
Conon Islands	Rum	Loch Ashie
Creag Meagaidh	Sligachan Peatlands	Loch Flemington
Culbin Bar	Sound of Arisaig (Loch Ailort to Loch Ceann Traigh)	Priest Island
Dam Wood	Strath	Rannoch Lochs
Dornoch Firth and Morrich More	Strathglass Complex	River Spey - Insh Marshes
Drumochter Hills	Strathy Point	Rum
Durness	Sunart	Wester Ross Lochs
Cape Wrath	Trotternish Ridge	Cuillins
East Caithness Cliffs	Beinn Bhan	Novar
Foinaven	Fannich Hills	Darnaway and Lethen Forest
Glen Beasdale	Slochd	Anagach Woods
Glen Coe	Urquhart Bay Wood	West Inverness-shire Lochs
Ledmore Wood	Monadh Mor	Strath Carnaig and Strath Fleet Moors
Loch Etive Woods	Moniack Gorge	Foinaven
Loch Laxford	Rhidorroch Woods	Glen Etive and Glen Fyne
Loch Maree Complex	Rigg - Bile	Moidart and Ardgour
Loch Moidart and Loch Shiel Woods	River Borgie	Glen Affric to Strathconon
Loch Achnacloich	River Evelix	Cairngorms Massif
Loch Watten	Onich to North Ballachulish Woods	Loch Ruthven
Lochs Duich, Long and Alsh Reefs		Morangie Forest
Lower Findhorn Woods		Moray and Nairn Coast
Moidach More		Moray Firth (Proposed)
Rannoch Moor		North Caithness Cliffs
		North Inverness Lochs
		North Sutherland Coastal Island

Map 1: Natura Sites



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 any necessary wording in the guidance to mitigate potential adverse affects to ensure the DCSG is tailored to meet the conservation objectives and qualifying interests.
- 4.3. The HRA considers all sections of the DCSG including the detailed guidance and limited spatial elements.

5. Screening the DCSG for Likely Significant Affects

- 5.1. Table 2 summarises the elements of the DCSG 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'
1 Introduction	Screened out	This section of the guidance is too general and non-spatial.
2 Schools	Screened out	This section of the guidance is too general and non-spatial. Where site specific mitigation measures are required such as school extensions or new schools, these have not been identified in the DCSG.
3 Community Facilities	Screened out	This section of the guidance is too general and non-spatial. Reference is made to Inverness as an area where there are known pressures on GP surgeries, however this has no Natura site implications.
4 Affordable Housing	Screened out	This section of the guidance is too general however does have a spatial element which defines where 25% affordable housing will be sought. This is based on assessment of housing need and has no specific Natura site implications.
5 Transport	Screened out	This section of the guidance is too general and the only spatial references relate to areas where there are known areas where there is an established need for strategic transport improvements. Such projects have already been set out within area Local Development Plans / Development Briefs and have already undergone HRA screening.
6 Green Infrastructure	Screened out	This section of the guidance cross references the Council's open space, green networks and built and cultural requirements which are all set out within other adopted Supplementary Guidance documents which have undergone HRA screening. The DCSG text is non spatial and simply highlights to developers that these requirements will have onsite design restrictions / costs, and could result in developer contributions.
7 Water and Waste	Screened out	This section of the guidance is too general with and non-spatial. Again it cross references other adopted Supplementary Guidance documents which have undergone HRA screening.
8 Public Art	Screened out	This section of the guidance is too general and non-spatial.
9 Community Benefit and Emerging Policy	Screened out	This section of the guidance is too general and non-spatial.

Table 2: Summary of HRA Screening		
Element Screened	Screening Outcome	Reason(s) for 'screening out'
Requirements		
10 Payments and Administration	Screened out	This section of the guidance is too general and non-spatial.
Appendix 1 – Viability Assessment Outline Information Requirements	Screened out	This section of the guidance is too general and non-spatial.
Appendix 2 – Schools Assessment Methodology	Screened out	This section of the guidance is too general and non-spatial. The need for a number of new schools in Inverness is highlighted although this has no direct Natura site implications as no school sites are identified.
Appendix 3 – Standard Requirements for Transport	Screened out	This section of the guidance is too general and is almost entirely non-spatial. The exception to this is parking where parking contributions maybe required for central located sites in certain Highland settlements. This is only where on site parking provision can not be achieved and contributions can be used towards supporting more sustainable modes of travel. This is considered to have minor positive impact on Natura sites.
Appendix 4 – Worked Examples	Screened out	These are hypothetical in nature and are non-spatial.

5.2. No sections of the DCSG will therefore result in any residual adverse affects on any Natura sites.

6. In-Combination Assessment

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

7.2. There are no other elements of the DCSG which are likely to have a significant effect, either alone or in combination, which were identified as requiring appropriate assessment. There was therefore no requirement to screen cumulatively within the DCSG or with other plans or projects.

7.3. As a result the Highland Council concludes that the DCSG will have no adverse effect on the integrity of any Natura sites, either individually or in combination with other plans and projects.