

Habitats Regulations Appraisal **(including Appropriate** **Assessment) of the** **Sutherland Local Plan**

Final Version (version 3) (March 2010)



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.

It is the Highland Council's responsibility to consider whether the policies and proposals within the Sutherland Local Plan are likely to have any significant effect on Special Protection Areas (including proposed SPAs), Special Areas of Conservation (including proposed SACs) and Ramsar sites, having regard to the qualifying interests and conservation objectives of those sites.

Where a likely significant effect has been identified, appropriate assessment has been undertaken in order to try to ascertain whether the policies and proposals will not adversely affect the integrity of the sites protected by the EU Directive and Scottish Government Policy ("the sites"). Mitigation measures have been provided where necessary in order to avoid adversely affecting the integrity of the sites. This has involved making changes to the Local Plan where necessary. Where appropriate, changes were commended to the Reporter undertaking the Examination. The intent of this process has been that the Local Plan now only goes forward for adoption with policies and proposals for which it has been ascertained that they will not adversely affect the integrity of the sites. We have successfully concluded with certainty that that is the case.

During the preparation of this document and the consideration of relevant representations on the Local Plan the Highland Council has had discussions with and input from Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA) in particular which have helped identify and address any potential shortcomings. In addition, data provided by SNH have 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.

This document acknowledges the relevant changes that have previously been made to the policies and proposals of the Plan as they were emerging in successive drafts, which improved the safeguarding of protected habitats and species.

The starting point for Version 1 (June 2009) of this habitats regulations appraisal was the Sutherland Local Plan (Deposit Draft 2008). Representations to that version of the Plan were considered by the Council's Planning, Environment and Development Committee on 18th March 2009. Plan changes were subsequently commended to the Reporter undertaking the Examination and Version 2 (December 2009) of this appraisal was produced. Those earlier versions were submitted by the Council for the purposes of the Examination. This updated appraisal, Final Version (version 3) dated March 2010, which supersedes the earlier versions, has now been prepared by the Council to accompany the Local Plan as modified following Examination and which the Council intends to adopt. It reflects therefore the Council's consideration of the Reporters' recommendations following their consideration of issues including the changes commended to them and incorporates any corrections, updates and consequential considerations, which where necessary have fed into the Local Plan as modified.

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1. Introduction and Context

In October 2005 the European Court of Justice* ruled that all Development Plans in the United Kingdom likely to have a significant effect on European sites (Natura sites), either Special Protection Areas (SPAs) or Special Areas of Conservation (SACs), can only be approved after an appropriate assessment of the policies and proposals has been undertaken, under the provisions of Article 6(3) and (4) of the Habitats Directive 1992**. 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 appropriate assessments 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 impact after mitigation is considered.

Scottish Ministers have extended the requirement for assessment to Ramsar sites, listed under the International Convention on the Conservation of Wetlands of International Importance, and proposed SPAs and SACs, before they are fully classified. Hereafter in this assessment, the term 'Natura site' should be taken as not only referring to SPAs and SACs but also to proposed SPAs and SACs and Ramsar sites for the purposes of this assessment.

The purposes of this document are therefore firstly to consider whether the policies and proposals of the Sutherland Local Plan are likely to have any significant effects on Natura sites, having regard to 'in combination' effects, and secondly if there are any likely significant effects then to try to ascertain whether the Plan would or would not adversely affect the integrity of these sites (certainty that the Plan would not adversely affect site integrity is required if the Plan is to be adopted in all but exceptional circumstances). In doing this, reference must be had to the qualifying interests and conservation objectives of the Natura sites. Where there is the possibility of such adverse effects on site integrity, it may be possible to avoid those through mitigation. In such cases this document therefore seeks to identify the mitigation that would be required, as has provided information on any changes that were needed to the Deposit Draft Plan in order to give effect to such mitigation.

The assessment concludes that, subject to appropriate safeguarding and mitigation including certain modifications which have now been made to the Plan, the Sutherland Local Plan will not adversely affect the integrity of any Natura site.

It must be advised that this appropriate assessment has been compiled using the best available information and any subsequent planning applications may require further assessment to ensure that the integrity of Natura sites are not adversely affected.

* Commission 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

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

2. Aim and Objectives of the Sutherland Local Plan

The Highland Structure Plan constitutes the Council's strategic land use planning framework and incorporates the overall strategic objectives and policies applicable to the Sutherland area. This together with the Local Plan comprises the statutory development plan. The Local Plan provides detail and site specific proposals within the overall strategic framework provided by the Structure Plan. If the Council's proposal was for a number of Local Plans for Sutherland, for example each dealing with one particular subject such as housing or industry, then it would be necessary in this document to consider the likelihood of any significant 'in combination' effects of those Local Plans on Natura sites. However, the Council's proposal is for a single Local Plan for Sutherland which deals with policies and proposals for housing, industry and other types of development together. There is also the matter as to whether the Local Plan could have any significant effects when considered 'in combination' with the Local Plans for adjacent areas. The adjacent Local Plans are the Caithness Local Plan, the Ross and Cromarty East Local Plan and the Wester Ross Local Plan. However, having regard to the nature of the general policy frameworks and the type and location of proposals in the Plans and having regard to the Natura sites, it is concluded that significant 'in combination' effects are not likely. Therefore, in looking for likely significant 'in combination' effects, the *main focus* for this document is on the combination of proposals that are *within* the Sutherland Local Plan.

The Local Plan comprises a written statement and a proposals map (with insets) which both need to be consulted when deciding development proposals.

The appropriate assessment in this document is necessarily limited in its scope to the policies and proposals set out in the Local Plan. Where a planning application for development gives rise, either alone or in combination with other plans or projects, to likely significant effects on a Natura site beyond the scope of that considered in this appropriate assessment, an appropriate assessment will be required to be undertaken as set out in policy 4 of the Local Plan. This could include development proposals on sites allocated in the Local Plan (giving rise to likely significant effects that were not foreseen in this appropriate assessment) and development proposals on sites not allocated in the Local Plan (giving rise to likely significant effects beyond those considered for the policy framework in this appropriate assessment).

The over-arching aim of the Local Plan is for Sutherland to grow its population, compete in the global economy and sustain the highest standard of services while maintaining and enhancing the outstanding quality of the natural, built and cultural heritage of the area. This aim includes amendments to the version that appeared in an earlier draft of the Local Plan to refer specifically to the heritage (including Natural heritage) of the area which has the effect of safeguarding the heritage interests, including Natura sites.

The strategic themes of the Structure Plan are:

- Conserving and promoting the Highland identity.
- Adopting a proactive approach to the wise use of the natural environment.
- Taking an integrated approach to improving accessibility to goods, services and markets.
- Consolidating the settlement hierarchy.
- Creating an improved business environment.
- Addressing the need for quality living environments.

- Working in partnership with the community and other agencies.

Within these strategic themes are nested the 24 objectives of the Local Plan, which have been subject of Strategic Environmental Assessment (SEA) as described within the Environmental Report. The objectives as previously set out in the Pre-Deposit Draft of the Local Plan were strengthened in their reference to natural heritage assets for the Deposit Draft and they have not been modified since then.

3. List of Natura sites within or close to the Sutherland Local Plan Area*

* The Council acknowledges that if a proposal is capable of affecting a Natura site it must be considered, no matter how distant from the site and that there is no specified maximum distance from a site boundary beyond which proposals can be dismissed as having no effect. Having regard to the location of Natura sites and the local scale, nature and content of policies and proposals in the Local Plan, the Council considers that the Local Plan is unlikely to have a significant effect on any Natura sites (as currently designated or proposed) that are not included on the following list. For those Natura sites that are indicated below, Table 4 under section 6 indicates whether the Local Plan is likely to have a significant effect on each site.

<u>Special Area of Conservation (SAC)</u>	
Abhainn Clais an Eas and Alt a' Mhuilinn	Invernaver
Altnaharra	Inverpolly
Amat Woods	Ledmore Wood
Ardvar & Loch a' Mhuilinn Woodlands	Loch Laxford
Beinn Dearg	Moray Firth
Berriedale & Langwell Waters	Mound Alderwoods
Caithness & Sutherland Peatlands	Oldshoremore & Sandwood
Cape Wrath	Rhidorroch Woods
Dornoch Firth and Morrich More	River Borgie
Durness	River Evelix
Foinaven	River Naver
Inchnadamph	River Oykel
	Strathy Point
<u>Ramsar Site</u>	
Caithness & Sutherland Peatlands	
Dornoch Firth and Loch Fleet	
<u>Special Protection Area (SPA)</u>	
Assynt Lochs	Inverpolly, Loch Urigill and Nearby Lochs
Beinn Dearg	Lairg & Strathbrora Lochs
Caithness & Sutherland Peatlands	Morangie Forest
Cape Wrath**	North Caithness Cliffs**
Dornoch Firth and Loch Fleet	North Sutherland Coastal Islands
Handa**	Strath Carnaig and Strath Fleet Moors
<u>Proposed Special Area of Conservation (pSAC)</u>	
(None)	
<u>Proposed Special Protection Area (pSPA)</u>	
Foinaven***	

**For those SPA sites indicated, marine extensions were classified on 25 September 2009.

***Foinaven SPA Proposed 1 December 2009 for Golden Eagles.

4. Methodology for Assessment

After consulting the Interim Guidance - Assessing Development Plans in Terms of the Need for Appropriate Assessment¹ - provided by the Scottish Government the following methodology was established.

Highland Council has engaged closely with Scottish Natural Heritage (SNH) to carry out this assessment, gaining background information regarding qualifying interests and conservation objectives of Natura sites and their sensitivities, required to conduct an effective appropriate assessment. Potential mitigation has also been discussed with SNH and/or SEPA where appropriate.

All Natura sites wholly or partly within the Sutherland Local Plan area have been identified and mapped. The mapping is available within the Local Plan Map Booklet; for the Plan As Modified following Examination it has been checked and factually updated or corrected, for example to include the classified Marine Extensions to SPAs and the Proposed SPA at Foinaven referred to in footnotes to the table in Section 3 of this document (in the case of the Proposed SPA this has been shown on the relevant Background Map but has not been included on the Proposals Map in this Plan, although due regard will nevertheless be had to it when considering planning applications). This was commended to, and subsequently recommended by, the Reporter in general terms under Examination Issue 102. For the purposes of this assessment the Council has also checked for Natura sites within the vicinity of, but outside the Plan area; the location of these is available in the Council's GIS and also via the SNH website.

All Local Plan policies have been screened both individually and cumulatively to determine whether it is likely that any significant effects on Natura sites may arise due to their implementation. Policies which have been identified as likely to have no, or only insignificant, effects have been detailed and reasons for this have been given. Remaining policies, being those likely to have a significant effect have been identified as requiring an appropriate assessment which has been undertaken in order to try to establish whether or not there would be an adverse effect on the integrity of Natura sites.

Likely significant effect is defined as any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated.

Similarly, specific settlement and site proposals in the Local Plan that are likely to have no, or only insignificant, effects when considered alone and in combination have been progressed without further assessment. Where it has been concluded that there is likely to be a significant effect then an appropriate assessment has been undertaken to consider each relevant proposal further against the conservation objectives for the designated site and sensitivities of the relevant habitats/species, in order to try to establish whether or not there would be an adverse effect on the integrity of the Natura site.

¹ Link to Interim Guidance: <http://www.scotland.gov.uk/Publications/2006/06/02093425/17>

5. Proposed Policy Modifications

During drafting of the Plan, policy modifications have been made prior to or since the Examination to ensure that policies within the Sutherland Local Plan can be effectively implemented without adversely affecting the integrity of Natura sites in the area. Local Plan policies identified by Scottish Natural Heritage (SNH) have been changed as a direct result of SNH's concerns of potential adverse impact on Natura sites and some of the changes in response to concerns of the Scottish Environment Protection Agency (SEPA) are also relevant; the changes have been detailed below in Table 1. The full Deposit Draft of the Sutherland Local Plan, all other responses in relation to the Local Plan, the material relevant to the Issues for Examination and the Plan As Modified following Examination (and as intended to be adopted) can be found at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/sutherland-local-plan.htm>

Table 1. Policy Modifications

Policy	Reason for Change	Change to Plan (from Pre-Deposit Draft to Deposit Draft 2008) and note of any further commended changes and subsequent modifications
<p>Policy - 4 Natural, Built and Cultural Heritage</p>	<p>To safeguard Natura sites and reflect legal requirements, including that an appropriate assessment be carried out where it is likely that proposed development subject of a planning application will have a significant effect on a Natura site.</p> <p><i>Further changes, commended to the Reporter at Examination:</i></p> <p><i>The effect of all these changes was to reflect the strong legal protection to Natura sites and process of consideration of development proposals. There were also relevant changes commended to other parts of the Plan, such as certain Settlement Development Factors, Site</i></p>	<p>Replace existing policy with:</p> <p>Policy 4: Natural, Built and Cultural Heritage</p> <p>When making decisions on development proposals we will take account of the level of importance, and the effect on natural, built and cultural heritage features. This will include where appropriate, not just the feature itself but the wider setting and impacts which must be taken into account. This policy must be read in conjunction with the Background Maps and the policy frameworks identified in Appendix 1.</p> <ol style="list-style-type: none"> 1. For features of local/regional importance we will allow developments if we believe they will not have an unacceptable impact on the amenity and heritage resource. 2. For features of national importance we will allow developments that can be shown not to compromise the amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services. 3. For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on the integrity of a site, will be subject to an appropriate assessment. Where we are unable to

	<p><i>Developer Requirements and Mapping, which are referred to elsewhere.</i></p> <p><u><i>Modifications made to the Local Plan following Examination:</i></u></p> <p><i>The effect of these modifications is to reflect the strong legal protection to Natura sites and process of consideration of development proposals, and more generally to be clearer about the policy framework for heritage features within which proposals will be assessed. In respect of relevant modifications to other parts of the Plan, such as certain Settlement Development Factors, Site Developer Requirements and Mapping, these are referred to elsewhere.</i></p>	<p>conclude that a proposal will not adversely effect the integrity of a site, we will allow development, but only where there was no alternative solution and there are imperative reasons of overriding public interest, including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (via Scottish Ministers) is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment.</p> <p><i>NB. Further to the Deposit Draft 2008, the Council in its response to issues of objection commended further changes to Policy 4. These were considered by the Reporter at Examination as part of the Council's case. See Issue 86 in: http://www.highland.gov.uk/NR/rdonlyres/9EB6C6FE-ECA3-4AA2-A241-CBF11836D128/0/SULP_Sch4s_GI.pdf</i></p> <p><i>In particular, paragraph numbered 3 in Policy 4 would be reworded as follows:</i></p> <p>3. For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on a site will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will allow development, provided there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will be allowed provided that the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).</p> <p><i>Following discussion with SNH about the emerging outcomes of this Appropriate Assessment, a further rewording of paragraph numbered 3 in Policy 4 was then commended to the Examination Reporter in the Council's response to the Reporter's request for further information in respect of issues arising from Appropriate Assessment. The Council's response was made available on the Examination webpages.</i></p>
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		<p>less vigorously applied. This policy should also be read in conjunction with the Background maps.</p> <p><i>The Council has modified the Local Plan in accordance with the Reporters' recommendations in respect of Policy 4.</i></p>
<p>Policy 7 - Waste Water Management</p>	<p>To require connection to the public sewer in most cases and where private systems are used then to state preference that they should discharge to land rather than water, thereby protecting the integrity of Natura sites and reducing the risk of water contamination.</p> <p><u>Further changes commended to the Reporter at Examination:</u></p> <p><i>The effect of these changes was to be clearer about the requirement for development to connect to the public sewer in all but certain exceptional circumstances and that in such circumstances there is clear consideration given, and protection afforded, to the environment. This has the effect in particular of protecting water bodies, including those that are Natura sites. There were also relevant changes commended to other parts of the Plan, such as certain Settlement Development Factors, Site Developer Requirements and Mapping, which are</i></p>	<p>Replace existing policy with:</p> <p>Policy 7: Waste Water Management</p> <p>Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals</p> <ul style="list-style-type: none"> • Either in settlements identified in the plan with a population equivalent of more than 2000 (SEPA can advise on this); or • Wherever single developments of 25 or more units are proposed <p>In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:</p> <ol style="list-style-type: none"> 1. The development is unable to connect to public sewer for technical or economic reasons; or 2. the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase the capacity; <p>And that the proposal is not likely to result in or add to significant environmental or health problems.</p> <p>The Council's preference is that any private system should discharge to land rather than water.</p> <p>Within or adjacent to the public sewer, where connection to the public sewer is not permitted because there is no capacity but Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its investment programme, a temporary private system would only be supported if:</p> <ul style="list-style-type: none"> • The system would be designed and built to a standard which will allow adoption by Scottish Water. • The system is designed such that it can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has

	<p>referred to elsewhere.</p> <p><u>Modifications made to the Local Plan following Examination:</u></p> <p>The effect of these modifications is as indicated above for the changes that were commended to the Reporter, with the addition that the beginning part of the policy now better reflects the fact that this is the Council's land use policy rather than a repetition of other legislation. In respect of relevant modifications to other parts of the Plan, such as certain Settlement Development Factors, Site Developer Requirements and Mapping, these are referred to elsewhere.</p>	<p>been upgraded.</p> <p><i>NB. Further to the Deposit Draft 2008, the Council in its response to issues of objection commended further changes to Policy 7. These were considered by the Reporter at Examination as part of the Council's case. See Issue 88 in: http://www.highland.gov.uk/NR/ronlyres/9EB6C6FE-ECA3-4AA2-A241-CBF11836D128/0/SULP_Sch4s_GI.pdf</i></p> <p><i>Policy 7 would be reworded as follows:</i></p> <p>Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:</p> <ul style="list-style-type: none"> -either in settlements identified in the plan with a population equivalent of more than 2000; or -wherever single developments of 25 or more units are proposed. <p>In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:</p> <ol style="list-style-type: none"> 1) the development is unable to connect to public sewer for technical or economic reasons; and 2) that the proposal is not likely to result in or add to significant environmental or health problems. <p>The Council's preference is that any private system should discharge to land rather than water.</p> <p>For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:</p> <ul style="list-style-type: none"> -the system is designed and built to a standard which will allow adoption by Scottish Water; -the system is designed such that it can be easily connected to a public sewer in the future. <p>Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.</p> <p><i>The Reporters considered this commended change to Policy 7 and recommended that Policy 7 be reworded as commended, except that the first paragraph of the policy would be reworded as follows:</i></p> <p>Connection to the public sewer is required for</p>
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		<p>all new development proposals within settlement development areas (with a population equivalent of more than 2000) or wherever single developments equivalent to 25 or more units are proposed.</p> <p><i>The Council has modified the Local Plan in accordance with the Reporters' recommendations in respect of Policy 7.</i></p>
<p>Policy - 11 Protected Species</p>	<p>To safeguard European Protected Species and, where appropriate, ensure a survey is carried out to determine whether there are any protected species present on site.</p>	<p>Replace existing policy with:</p> <p>Policy 11: Protected Species</p> <p>Where there is good reason to believe that a protected species is present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence before determining the application.</p> <p>Development that is likely to have an adverse effect on European Protected Species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> • There is no satisfactory alternative; and • Development is required for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and • Development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. <p>Development that is likely to have an adverse effect on protected bird species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> • There is no other satisfactory solution; and • Development is required in the interests of public health or public safety. <p>Development that is likely to have an adverse effect on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.</p>
<p>Policy 12 - Other Important Species</p>	<p>To safeguard other important species that are not in all cases protected by other legislation or by designated nature conservation sites.</p>	<p>Replace existing policy with:</p> <p>Policy 12: Other Important Species</p> <p>Development proposals should avoid adverse effects on the following species if not protected by other legislation or by nature conservation site designations:</p> <ul style="list-style-type: none"> • Species listed in Annexes II and V of the

		<p>EC Habitats Directive.</p> <ul style="list-style-type: none"> • Priority species listed in the UK and Local Biodiversity Action Plans. • Species of principal importance included on the Scottish Biodiversity List. • Badgers under the Protection of Badgers Act 1992. <p>We will use conditions and agreements to ensure that harm to these species is avoided.</p>
<p>Policy 13 - Important Habitats</p>	<p>To safeguard important habitats and take particular care to avoid damage to habitats protected under the European Directives.</p>	<p>Replace existing policy with:</p> <p>Policy 13: Important Habitats</p> <p>We will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 features).</p> <p>We will consider the value of the following Other Important Habitats, where not protected by nature conservation site designations, in the assessment of any development proposal which may affect them.</p> <ul style="list-style-type: none"> • Habitats listed in Annex I of the EC Habitats Directive. • Habitats of protected bird species (see Glossary). • Priority habitats listed in the UK and Local Biodiversity Action Plans. • Habitats of principal importance included on the Scottish Biodiversity List. <p>We will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Habitats is avoided. Where we judge that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, we will seek satisfactory mitigation measures including compensatory habitat creation or enhancement of retained habitat and which, in the case of Article 10 Features, allows for continued movement of wild fauna and flora. The Council will also support, where appropriate, opportunities to create new habitat areas through development.</p>

6. Screening Process

Table 2 shows at a glance those Local Plan policies which, after consultation with Scottish Natural Heritage, the Council has identified as being likely to have a significant effect on Natura sites. Where it has been identified that Local Plan policies are likely to have a significant effect on Natura sites, appropriate assessment will be undertaken. Policies identified as unlikely to have a significant effect on Natura sites will not require an appropriate assessment to be carried out. This is explained and explored further in Tables 5 – 8. Table 3 and Table 4 list settlements and Natura sites respectively and together indicate for which Settlement Development Area proposals (and possibly therefore individual Site Allocation proposals within them) appropriate assessment will be required and, for those, which Natura sites would be likely to be significantly affected. When screening the Local Plan policies and settlement proposals the Council has also assessed the cumulative effects ('in combination' effects) that they may have and whether or not there is likely to be a significant effect on Natura sites. The original screening has been revisited in the light of modifications made to the Local Plan post Examination and this document has been updated where necessary.

Cumulative Effects ('In Combination' Effects)

During the preparation of this document the Highland Council has been mindful of potential for cumulative effects ('in combination' effects) of the Plan's policies and proposals. In particular the Council, along with SNH, has looked at where proposals are located and whether or not they are upstream of a watercourse which may result in the effects of multiple proposals on watercourse(s) feeding together and although not having an impact individually, combined may have a significant effect on Natura sites.

There are a number of settlements that lie within the River Oykel catchment, the River Oykel being an SAC and which leads into the Dornoch Firth and Morrich More SAC. The latter SAC itself has a number of settlements directly in its catchment. By way of example, therefore, the Council has been mindful of potential for cumulative effects in these cases given the particular sensitivities of the qualifying interests.

After attending meetings with Scottish Natural Heritage (SNH) regarding the cumulative effects that policies and proposals, implemented through the Local Plan, may have on the Natura sites it was agreed that although we can acknowledge any likely significant effect it is not always practical to meaningfully assess and to give an accurate account of the future impact at plan-making stage. Potential pollution levels will be dependent on specifics of the proposed developments not known until planning application stage.

Additionally it may be observed that although there are some local concentrations of development proposals in the Plan, based around settlement locations, Sutherland's settlements are relatively small as is the scale of growth planned and they are to an extent dispersed across a large geographic area involving more than one river catchment. This means that the potential for likely significant effects, including cumulative effects, on Natura sites is generally less than would be the case if a number of larger scale developments were closely concentrated near, or upstream, of a particular Natura site. In the case of the Moray Firth SAC, whilst there are a number of settlements directly in its catchment the body of tidal water is substantial

and distance between major settlements is significant, thus reducing the likelihood of significant effects.

Relevant policy modifications (Section 5 of the report), responding to the concerns of SNH and SEPA, have been made to the policy framework which have the effect of further safeguarding Natura sites from individual and cumulative effects of development. The effectiveness of these policies and their implementation is seen as very important in addressing potential Natura concerns. Policy modifications were agreed by SNH or SEPA as relevant and we concluded that subject to making the particular further changes that were commended to the Examination Reporter, implementation of the policies and proposals within the Sutherland Local Plan are unlikely to result in significant cumulative ('in combination') effects on Natura sites beyond any discussed and addressed in the individual appropriate assessments later in this document. This is, however, subject to the possible need for specific planning application proposals to be assessed for likely significant effects, alone or in combination, and appropriate assessment of the proposals in detail if required. The relevant policy modifications made to the Plan following Examination differ from those commended only in part; the policy part of the Plan is now robust in terms of protecting Natura interests and the conclusions noted above continue to apply.

Table 2. Policies (Sutherland Local Plan Deposit Draft November 2008)*

Policy	Policy Title	Appropriate Assessment Required?
1.	Settlement Development Area	No
2.	Land Allocations – Development Factors and Developer Requirements	No
3.	Wider Countryside	Yes
4.	Natural, Built and Cultural Heritage	No
5.	Affordable Housing	No
6.	Designing for Sustainability	No
7.	Waste Water Treatment	Yes
8.	Waste Management	Yes
9.	Flood Risk	Yes
10.	Other Development Considerations: Physical Constraints	No
11.	Protected Species	No
12.	Other Important Species	No
13.	Important Habitats	No
14.	Surface Water Drainage	No
15.	Developer Contributions	No
16.	Housing in the Countryside	Yes
17.	Commerce	No
18.	Design Quality and Place-Making	No
19.	Travel	Yes

* NB. Whilst the wording of some policies has changed since the November 2008 version, the number of policies contained in the Plan As Modified (March 2010) and the titles of the policies have not changed.

Table 3. Settlements

Settlement	Appropriate Assessment Required?	Natura Site(s)
Dornoch	Yes	Dornoch Firth and Loch Fleet (SPA), Dornoch Firth and Loch Fleet (RAMSAR), Dornoch Firth and Morrich More (SAC), Moray Firth (SAC).
Embo	Yes	Dornoch Firth and Loch Fleet (SPA), Dornoch Firth and Loch Fleet (RAMSAR), Moray Firth (SAC).
Evelix	Yes	River Evelix (SAC).
Golspie	Yes	Moray Firth (SAC).
Brora	Yes	Moray Firth (SAC).
Helmsdale	Yes	Moray Firth (SAC).
Edderton	Yes	Dornoch Firth and Loch Fleet (SPA), Dornoch Firth and Loch Fleet (RAMSAR), Dornoch Firth and Morrich More (SAC), Moray Firth (SAC).
Pittentrail	?	Strath Carnaig and Strath Fleet Moors (SPA), Dornoch Firth and Loch Fleet (SPA), Dornoch Firth and Loch Fleet (RAMSAR), Mound Alderwoods (SAC)
Ardgay	Yes	Dornoch Firth and Morrich More (SAC).
Bonar Bridge	Yes	Dornoch Firth and Morrich More (SAC). River Oykel (SAC).
South Bonar Industrial Estate	Yes	Dornoch Firth and Morrich More (SAC). River Oykel (SAC).
Culrain	Yes	River Oykel (SAC).
Rosehall	Yes	River Oykel (SAC).
Invershin	Yes	River Oykel (SAC).
Lairg	?	Strath Carnaig and Strath Fleet Moors (SPA), Lairg and Strathbrora Lochs (SPA), River Oykel (SAC).
Lochinver	No	Not likely to have a significant effect.
Point of Stoer	?	Abhainn Clais an Eas and Allt a'Mhuilinn (SAC).
Scourie	?	Handa (SPA) as extended.
Kinlochbervie	No	Not likely to have a significant effect.
Durness	Yes	Durness (SAC).
Tongue	No	Not likely to have a significant effect.
Melness	No	Not likely to have a significant effect.
Bettyhill	?	Invernaver (SAC).
Strathy	?	Strathy Point (SAC).
Portskerra	?	North Caithness Cliffs (SPA) as extended.
Melvich	?	North Caithness Cliffs (SPA) as extended.

Table 3 provides a first screening of the settlements with an indication of whether appropriate assessment will be required (i.e. whether there are likely to be significant effects on Natura sites) and if so then in respect of which Natura sites. In undertaking this screening, the Council has had regard to such matters as:

- the location of settlements relative to Natura sites in terms of distance, topography and relationship within water catchments and with regard to tides where relevant;
- the scale, nature and content of proposed developments;
- the particular qualifying interests and sensitivities of the Natura sites.

In this first screening there are a number of settlements for which it is uncertain whether appropriate assessment will be required (indicated “?”). On closer inspection of those (second screening) the following has been determined:

Settlement	Appropriate Assessment Required?	Reason (and Natura Site(s) if AA required)
Pittentrail	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Lairg	Yes	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect on Strath Carnaig and Strath Fleet Moors (SPA) and Lairg and Strathbrora Lochs (SPA). However, they are likely to have a significant effect on River Oykel (SAC) .
Point of Stoer	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Scourie	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Bettyhill	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Strathy	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Portskerra	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.
Melvich	No	On closer inspection of the matters indicated above, the settlement proposals are not likely to have a significant effect.

Table 4, below, then summarises in respect of each Natura site whether an Appropriate Assessment is required of certain sets of the Local Plan’s settlement proposals and indicates on which page of this document each of those assessments begins.

Table 4. Natura Sites

Natura Site	SAC	Ramsar	SPA	Appropriate Assessment Required?	Pg No:
Abhainn Clais an Eas & Alt a'Mhuilinn	*			No	-
Altnaharra	*			No	-
Amat Woods	*			No	-
Ardvar & Loch a' Mhuilinn Woodlands	*			No	-
Beinn Dearg	*			No	-
Berriedale & Langwell Waters	*			No	-
Caithness and Sutherland Peatlands	*			No	-
Cape Wrath	*			No	-
Dornoch Firth & Morrich More	*			Yes	43
Durness	*			Yes	72
Foinaven	*			No	-
Inchnadamph	*			No	-
Invernaver	*			No	-
Inverpolly	*			No	-
Ledmore Wood	*			No	-
Loch Laxford	*			No	-
Moray Firth	*			Yes	54
Mound Alderwoods	*			No	-
Oldshoremore and Sandwood	*			No	-
Rhidorroch Woods	*			No	-
River Borgie	*			No	-
River Evelix	*			Yes	62
River Naver	*			No	-
River Oykel	*			Yes	64
Strathy Point	*			No	-
Caithness and Sutherland Peatlands		*		No	-
Dornoch Firth and Loch Fleet		*		Yes	34
Assynt Lochs			*	No	-
Beinn Dearg			*	No	-
Caithness & Sutherland Peatlands			*	No	-
Cape Wrath			*	No	-
Dornoch Firth and Loch Fleet			*	Yes	37
Foinaven (proposed)			*	No	-
Handa			*	No	-
Inverpolly, Loch Urigill and Nearby Lochs			*	No	-
Lairg and Strathbrora Lochs			*	No	-
Morangie Forest			*	No	-
North Caithness Cliffs			*	No	-
North Sutherland Coastal Islands			*	No	-
Strath Carnaig and Strath Fleet Moors			*	No	-

7. Assessment of Likely Significant Effect on Natura Sites

Tables 5, 6 and 7 reflect Table 2; they summarise and highlight which policies are likely or unlikely to have a significant effect on Natura sites. Reasoning has been provided by the Council why these decisions have been made and has been recorded in table 8. Where a policy has been highlighted as likely to have a significant effect on a Natura site, further detail and examination will be required against the conservation objectives of the site and the sensitivities of the habitat/species. As part of the assessment of these sites we have used the Sutherland Local Plan Revised Environmental Report (November 2008) to allow a more coherent analysis of the potential adverse impacts. It may be noted that the Council has also produced an SEA Update Statement (March 2010) which refers to the post-Examination modifications to the Local Plan and we have referred to that too in finalising this assessment.

Key to Tables 5, 6 and 7

No Likely Significant Effect	
Likely Significant Effect	
Site Specific (Discussed Later in Text)	-

Table 5. Special Area of Conservation (SAC)

SAC	Policy																		
	1 Settlement Development Areas	2 Development Factors and Developer Requirements	3 Wider Countryside	4 Natural, Built and Cultural Heritage	5 Affordable Housing	6 Designing for Sustainability	7 Waste Water Treatment	8 Waste Management	9 Flood Risk	10 Physical Constraints	11 Protected Species	12 Other Important Species	13 Important Habitats	14 Surface Water Drainage	15 Developer Contributions	16 Housing in the Countryside	17 Commerce	18 Design Quality and Place-Making	19 Travel
Oldshoremore & Sandwood	-	-																	
Cape Wrath	-	-																	
Durness	-	-																	
Caithness & Sutherland Peatlands	-	-																	
Invernaver	-	-																	
Strathy Point	-	-																	
River Borgie	-	-																	
Loch Laxford	-	-																	
Foinaven	-	-																	
River Naver	-	-																	
Ardvar & Loch a'Mhuilinn Woodlands	-	-																	
Altnaharra	-	-																	
Abhainn Clais an Eas & Alt a' Mhuilinn	-	-																	
Berriedale & Langwell Waters	-	-																	
Inverpolly	-	-																	
Inchnadamph	-	-																	
River Oykel	-	-																	
Mound Alderwoods	-	-																	
River Evelix	-	-																	
Rhidorroch Woods	-	-																	
Amat Woods	-	-																	
Ledmore Wood	-	-																	
Moray Firth	-	-																	
Beinn Dearg	-	-																	
Dornoch Firth & Morrich More	-	-																	

Table 6. Ramsar Sites

Ramsar	Policy																		
	1 Settlement Development Areas	2 Development Factors and Developer Requirements	3 Wider Countryside	4 Natural, Built and Cultural Heritage	5 Affordable Housing	6 Designing for Sustainability	7 Waste Water Treatment	8 Waste Management	9 Flood Risk	10 Physical Constraints	11 Protected Species	12 Other Important Species	13 Important Habitats	14 Surface Water Drainage	15 Developer Contributions	16 Housing in the Countryside	17 Commerce	18 Design Quality and Place-Making	19 Travel
Caithness & Sutherland Peatlands	-	-															-	-	
Dornoch Firth and Loch Fleet	-	-															-	-	

Table 7. Special Protection Area (SPA)

SPA	Policy																		
	1 Settlement Development Areas	2 Development Factors and Developer Requirements	3 Wider Countryside	4 Natural, Built and Cultural Heritage	5 Affordable Housing	6 Designing for Sustainability	7 Waste Water Treatment	8 Waste Management	9 Flood Risk	10 Physical Constraints	11 Protected Species	12 Other Important Species	13 Important Habitats	14 Surface Water Drainage	15 Developer Contributions	16 Housing in the Countryside	17 Commerce	18 Design Quality and Place-Making	19 Travel
Cape Wrath	-	-															-	-	
North Sutherland Coastal Islands	-	-															-	-	
Caithness & Sutherland Peatlands	-	-															-	-	
North Caithness Cliffs	-	-															-	-	
Foinaven (proposed)	-	-															-	-	
Handa	-	-															-	-	
Assynt Lochs	-	-															-	-	
Lairg and Strathbrora Lochs	-	-															-	-	
Inverpolly, Loch Urigill and Nearby Lochs	-	-															-	-	
Strath Carnaig and Strath Fleet Moors	-	-															-	-	
Dornoch Firth and Loch Fleet	-	-															-	-	
Morangie Forest	-	-															-	-	
Beinn Dearg	-	-															-	-	

Table 8. Matrices Explanations

Whilst tables 5, 6 and 7 specify individual Natura sites, for the purposes of this stage of the assessment the policies have been assessed in a manner which has not differentiated between their likely effects on different Natura sites.

Policy	Reasoning
1. Settlement Development Areas	<p>This policy has not been included within the matrices as it is picked up on a settlement specific basis later in the document.</p> <p>NB. The Council commended changes to this policy; the policy has subsequently been modified as commended with an additional modification to ensure consistency between policies and the Council's conclusions in respect of this part of the assessment remain unchanged.</p>
2. Land Allocations: Development Factors and Developer Requirements	<p>This policy has not been included within the matrices as it is picked up on a site specific basis later in the document.</p>
3. Wider Countryside	<p><u>Appropriate Assessment</u></p> <p>All SDAs have been defined and amended where necessary in order that they exclude Natura sites, which are therefore in the wider countryside. Whilst this policy provides scope for some development, and such development could possibly have a significant effect, this policy cannot be considered in isolation from the other general policies and Structure Plan policies which have a balancing and protective effect. In particular, the supporting text to this policy specifically refers to the need to read the policy together with Policy 4. Subject to that, no adverse effect on Natura site integrity.</p> <p>NB. The Council commended changes to this policy; the policy has subsequently been modified in a different manner but provides a very similar framework to that provided before and the Council's conclusions in respect of this part of the assessment remain unchanged. Additionally it may be noted that the Council commended a change (under Examination Issue 102) to add a development factor for SDAs to reference any adjacent Natura sites and the Plan has been modified to include such references.</p>
4. Natural, Built and Cultural Heritage	<p>Policy has been adapted to ensure there is more strength to ensure safeguarding of Natura sites, further strengthened as a result of the consideration of changes commended and subsequent making of modifications as set out in Section 5 of this document. Therefore unlikely to have significant effect.</p>
5. Affordable Housing	<p>This policy is primarily about allocated sites which are within SDAs and also covers windfall sites. Any sites outwith the SDA would be judged against Wider Countryside and where relevant Housing in the Countryside Policies which are assessed in this table. Only minor modifications made to this Policy. Therefore Policy 5 itself is not independent and is unlikely to have significant effect.</p>
6. Designing for Sustainability	<p>This policy is closely linked to Structure Plan policy G2 via the Development Plan Policy Guideline which flags habitats and species. Therefore unlikely to have significant effect.</p>

	<p>NB. The Council commended changes to this policy and the policy has subsequently been modified in similar fashion; the Council's conclusions in respect of this part of the assessment remain unchanged.</p>
<p>7. Waste Water Treatment</p>	<p><u>Appropriate Assessment</u></p> <p>This policy has been strengthened via amendments. Some Natura sites are unlikely to be affected significantly as we anticipate little or no development near them, however to fully consider the effects of this policy certain Natura sites are looked at individually, later in this document. The policy has been further strengthened as a result of the consideration of changes commended and subsequent making of modifications as set out in Section 5 of this document. Subject to the consideration of certain individual Natura sites later in this document and to application in combination with other relevant policies of the Plan, no adverse effect on Natura site integrity.</p>
<p>8. Waste Management</p>	<p><u>Appropriate Assessment</u></p> <p>This policy reduces the need for landfill sites and looks to put waste management facilities onto business or industrial land. Links to waste plans and strategies are listed in policy. Alterations have been made to policy to reduce risk of adverse impacts but it has been recorded that there is a possibility of likely having a significant impact. Subject to application in combination with other relevant policies of the Plan, including Policy 4, no adverse effect on Natura site integrity.</p> <p>NB. The Council commended changes to this policy; the policy has subsequently been modified largely as commended and the Council's conclusions in respect of this part of the assessment remain unchanged.</p>
<p>9. Flood Risk</p>	<p><u>Appropriate Assessment</u></p> <p>The impacts of flooding could be significant in terms of water contamination and has therefore, been recorded as likely to have a significant effect. However, policy positively manages flood risk by reducing excessive run-off. Link to SUDS policy to ensure policies are working together to safeguard. Subject to application in combination with other relevant policies of the Plan, no adverse effect on Natura site integrity.</p> <p>NB. The Council commended changes to this policy; the policy has subsequently been modified in different fashion but to similar effect and the Council's conclusions in respect of this part of the assessment remain unchanged.</p>
<p>10. Other Development Considerations: Physical Constraints</p>	<p>This policy does not specify Natura sites or how developer should deal with issue, however if issue is raised then it will be dealt with using Policies 4, 11, 12 and 13. Therefore unlikely to have significant effect. There may though be a positive result from the policy as it deals with contamination via developments.</p> <p>NB. The Council commended changes to this policy; the policy has subsequently been modified partly as commended and with some additional modification and the Council's conclusions in respect of this part of the assessment remain unchanged.</p>
<p>11. Protected Species</p>	<p>Policy outlines measures to protect and maintain natural interests. Therefore unlikely to have significant effect.</p>
<p>12. Other Important</p>	<p>Policy outlines measures to protect and maintain natural interests. Therefore unlikely to have significant effect.</p>

Species.	
13. Important Habitats	Policy outlines measures to protect and maintain natural interests. Therefore unlikely to have significant effect.
14. Surface Water Drainage	Policy manages change but relies heavily on SUDs Manual (CIRIA), PAN 69 and Sewers for Scotland which secure environmental principles. Additionally the policy can not be viewed in isolation from the other policies. Therefore unlikely to have significant effect.
15. Developer Contributions	This policy is subsidiary and therefore unlikely to have significant effect. NB. The Council commended changes to this policy but the policy has not subsequently been modified; the Council's conclusions in respect of this part of the assessment remain unchanged.
16. Housing in the Countryside	<u>Appropriate Assessment</u> See Policy 3, it is land outwith SDA and Natura sites lie within area. Referenced in Policy link to others e.g. Policy 4, G2. All proposals must accord with General Policies and avoid conflict with Natural and Cultural Heritage. Only minor modifications made. Subject to application in combination with other relevant policies of the Plan, no adverse effect on Natura site integrity.
17. Commerce	Encouraging development within SDA centres. Modification made to address printing errata only. Similar to policies 1 and 2 and will be assessed later in the text.
18. Design Quality and Place-Making	This policy does not deal directly with location or type of development but with detail of its design primarily in aesthetic and functional terms. It does not deal with aspects of design impacting on Natura interests. Specific development proposals of the Plan are promoted through policies 1 and 2 and will be assessed later in the text.
19. Travel	<u>Appropriate Assessment</u> The intention of this policy is for a positive outcome for sustainability. It is not envisaged to have a significant effect on Natura sites but taking a precautionary approach we have considered potential effects. Only minor modification made. Subject to application in combination with other relevant policies of the Plan, no adverse effect on Natura site integrity.

The preamble to the General Policies chapter of the Deposit Draft version of the Plan explained that each planning application will be assessed against all policies and legislation relevant to the particular proposal and location, and that conformity with a single policy will not necessarily indicate that a proposed development is acceptable. Under Examination Issue 83 the Council commended a change that would retain this message and add reference to each development proposal being assessed on its individual planning merits. Following consideration at Examination, this part of the Plan has been modified in a similar manner to that commended and with some additional rewording, to read: *“Users of the plan should note that each proposal will be assessed on its individual planning merits having regard to the relevant development plan policies and other material considerations. Compliance with a single policy will not necessarily indicate that a proposed development is acceptable.”* As can be seen from the above assessment, the principle of having regard to all of the relevant development plan policies and other material considerations will be important in implementing the Plan, particularly bearing in mind Natura considerations.

8. Safeguarding Policies

Both the Highland Structure Plan and Sutherland Local Plan contain safeguarding policies that protect Natura sites. Detailed below is a summary of each of these policies and the protection they provide. As indicated in the last paragraph of Section 7 above, the Plan makes it clear that each proposal will be assessed on its individual planning merits having regard to the relevant development plan policies and other material considerations. Therefore this will include having regard to the various safeguarding policies where relevant.

Structure Plan

Policy G2 – Design for Sustainability

Proposed developments will be assessed on the extent to which they impact on a number of issues, including impact on the following resources particularly within designated areas: habitats and species.

Policy G3 Impact Assessments

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments.

Policy G6 Conservation and Promotion of the Highland Heritage

The Council will seek to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservation, landscape, archaeological or built environment.

Policy G8 Precautionary Principle

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, The Council will apply the precautionary principle.

Policy N1 - Nature Conservation

States that the Council will seek to protect all sites and species of:

- International Importance
- National Importance
- Local Importance.

Policy N4 – Local Biodiversity Action Plans

In respect of habitats and species, The Council will have regard to Local Biodiversity Action Plans, where available, in addition to Strategic Policy G6, in the consideration of development proposals.

Local Plan

Policy 4 – Natural, Built and Cultural Heritage (as modified)

All development proposals will be assessed, taking into account any impact on the feature and the setting, in the context of the policy framework detailed in Appendix 1 of the Local Plan (which provides information for each heritage feature type) and also through application of criteria specified in Policy 4 under the heritage feature categories of:

- Local/regional importance
- National importance
- International importance (Natura 2000 (SPA, SAC) and Ramsar sites)

Policy 11 – Protected Species

Where there is good reason to believe that a protected species is present on site or may be affected by a proposed development, the Council will require a survey to be carried out to establish any such presence before determining the application.

Policy 12 – Other Important Species

Development proposals should avoid adverse effects on species that are not protected by other legislation or by nature conservation site designations; the Council will use conditions and agreements to ensure harm to these species is avoided.

Policy 13 – Important Habitats

The Council will seek to safeguard the integrity of the features of the landscape which are of major importance for the movement of wild fauna and flora. Consideration will be given to the value of Other Important Habitats which are not protected by nature conservation designations in the assessment of any development proposal. Conditions and agreements will be used to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Habitats is avoided; satisfactory mitigation measures will be used when development has been approved.

9. Conclusions

The Council has considered in Section 7 of this document the likely significant effects of the General Policies of the Plan. It has concluded that subject to the mitigation identified, including modifications that have been made to the Plan, the General Policies will not adversely affect the integrity of Natura sites. In respect of Settlement and Site Proposals of the Plan, the Council identified that they do not require appropriate assessment in respect of the Natura sites identified in the list below. In respect of the remaining Natura sites, the Council has undertaken appropriate assessments of the likely significant effect of the relevant Settlement and Site Proposals of the Plan. Those assessments are set out at the end of this document. The Council has concluded that subject to the mitigation identified, including modifications that have been made to the Plan, the Settlement and Site Proposals will not adversely affect the integrity of Natura sites. **The overall conclusion is that subject to the mitigation identified, including modifications made to the Plan, the Local Plan will not adversely affect the integrity of Natura sites.** Furthermore it may be noted that the assessments note as 'update' certain SDA and Site modifications and in doing so focuses on those necessary to be considered for the assessment purposes, rather than cataloguing all modifications which is done in other documents produced for the Plan. However, for the avoidance of any doubt those have been screened and the Council concludes that the Local Plan incorporating all the modifications made post Examination will not adversely affect the integrity of Natura sites.

Natura sites unlikely to be significantly affected by Settlement and Site Proposals

<u>Special Area of Conservation</u>	
Abhainn Clais an Eas and Alt a' Mhuilinn	Invernaver
Altnaharra	Inverpolly
Amat Woods	Ledmore Wood
Ardvar & Loch a' Mhuilinn Woodlands	Loch Laxford
Beinn Dearg	Mound Alderwoods
Berriedale & Langwell Waters	Oldshoremore & Sandwood
Caithness & Sutherland Peatlands	Rhidorroch Woods
Cape Wrath	River Borgie
Foinaven	River Naver
Inchnadamph	Strathy Point
<u>Ramsar Site</u>	
Caithness & Sutherland Peatlands	
<u>Special Protection Area</u>	
Assynt Lochs	Inverpolly, Loch Urigill and Nearby Lochs
Beinn Dearg	Lairg & Strathbrora Lochs
Caithness & Sutherland Peatlands	Morangie Forest
Cape Wrath	North Caithness Cliffs
Handa	North Sutherland Coastal Islands
	Strath Carnaig and Strath Fleet Moors
<u>Proposed Special Area of Conservation (pSAC)</u>	
(None)	
<u>Proposed Special Protection Area (pSPA)</u>	
Foinaven	

About the Assessments

Mitigation measures have been detailed to show the way in which the Local Plan policies will be used to safeguard the Natura sites.

For Natura sites likely to be significantly affected, regard has been had to the most up-to-date information on the condition of the qualifying interests that was available to the Council at the time of assessment and to the particular “Sensitivities” of those interests (or features) i.e. likely significant effects. This enables identification and consideration of potential adverse effects on site integrity that the Local Plan proposals may have. These are set out in the assessments towards the end of this document. For simplicity they refer to “Potential Impact”, “Mitigation” and “Residual Impact”.

Features are assessed by SNH as being in favourable or unfavourable condition, against a standard set in the Guidance for that feature type and applied to the situation on that site. Listed below are the categories used in the assessment process:

- ***Favourable maintained*** – The ongoing management is keeping the feature in good condition.
- ***Favourable recovered*** – Action has been taken to rectify the problem identified during the last round of monitoring and the feature is now back in line to standards set in the guidance.
- ***Unfavourable recovering*** – When a feature at present falls below the set standards but the appropriate management measures are in place to secure favourable condition given time.
- ***Unfavourable no change*** – When feature falls below the set standards and there are no signs of it improving or getting any worse.
- ***Unfavourable declining*** – When feature falls below the set standards and are continuing to decline.
- ***Destroyed – partially destroyed*** – When there is a significant loss of the feature and this cannot be rectified by changes in management.
- ***Destroyed – completely destroyed*** – There are none of the qualifying features left which had previously been protected and this cannot be rectified by changes in management.

SNH agreed with the Scottish Government that their key target (bring 80% of the special features on Scotland’s nationally important nature sites into favourable condition by March 2008) would include those features in unfavourable recovering condition.

The results have been detailed within the relevant tables below for each Natura site.

Mitigation Measures

During the preparation of this document, mitigation measures have been implemented through Local Plan policy modifications (Section 5 of this document). Policies have been adapted to reflect the views and concerns of both the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) to safeguard Natura sites.

As a result of the consultation responses received from both SEPA and SNH the following statements have been prepared to provide mitigation for potential impacts that Local Plan proposals may have on Natura sites, and are referred to by reference number in the site assessments that follow:

- 9.1 It is stated within the Local Plan Policy 7 – Waste Water Treatment that it is “the Council’s preference that any private system should discharge to land rather than water” which helps manage discharge and minimise the potential adverse impact on the water environment. It was also identified during consultations with SEPA, the regulative body, that they would look at development proposals on a site specific basis as and when they are submitted for consents. Additionally, the Council commended changes to the Plan under Examination Issue 102 to include a “drainage to land” development factor for those SDAs where water bodies could otherwise be affected, thus preventing in those cases further proliferation of private outfalls. For avoidance of doubt, it was agreed with SNH that this should include those SDAs draining to Natura water bodies where no public sewerage solution exists and that was commended to the Reporter. This would in particular include, but would not necessarily be limited to, qualifying settlements likely to significantly affect the River Oykel SAC and/or the Dornoch Firth and Morrich More SAC and/or the Dornoch Firth and Loch Fleet SPA/Ramsar site or the Durness SAC. For other settlements, on consideration of Natura sites involved, of likely significant effects (sensitivities) and of developer requirements prevailing for Site Allocations, it would possibly be determined that the SDA development factor would not be required for Natura purposes (although it could be required for the purposes of protecting water bodies). The Local Plan has subsequently been modified to include the relevant SDA development factors.
- 9.2 It was stated within the Deposit Draft Local Plan Policy 7 – Waste Water Treatment that “Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals” except under the circumstances stated within the Policy. Within the text 5.7 Waste Water Treatment it states that “it is necessary to allow other private sewage treatment options in certain circumstances, in particular, where settlements are smaller, more dispersed in pattern and often not served by adequate existing or programmed existing public sewage systems. Developers should refer to SEPA’s Policy on the Provision of Waste Water Drainage in Settlements, for information”. These Policy provisions helped manage discharge and minimise the potential adverse impact on the water environment. Whilst there has been some modification of that policy and its supporting text, these principles remain. Additionally, the Council commended changes to the Plan under Examination Issue 102 to include certain developer requirements in respect of site allocations, for public sewer connection where technically/ economically feasible to connect and where not feasible then allowing for interim private arrangements as an alternative only where they will be compatible with and make a future public connection/ scheme more likely (but note that for certain sites the Council provided an alternative response under the relevant Examination Issues dealing with those sites). The Local Plan has subsequently been modified to include the relevant developer requirements for sites.
- 9.3 For certain sites it is the Council’s preference that any new development should drain to sea loch rather than freshwater catchment. (NB. This potential mitigation measure has in fact not been needed for this Local Plan.)
- 9.4 It was stated within the Deposit Draft Local Plan Policy 9 – Flood Risk Assessment that “Development proposals within or bordering areas susceptible

to flooding, being areas with a medium to high flood risk (1:200 or greater annual probability of flooding), will need to demonstrate that the probability of flooding and any required mitigation has been assessed; a flood risk assessment will need to be submitted with the planning application. Development proposals outwith the medium to high flood risk areas may be acceptable unless local circumstances dictate otherwise, and a Flood Risk Assessment may be required". Further changes to Policy 9 were commended to the Examination Reporter with reference to Scottish Planning Policy 7 (SPP7) which were to help clarify when a flood risk assessment would be required. The Policy has subsequently been modified in different fashion but to similar effect. In addition the Council commended to the Examination Reporter under Examination Issue 102 and under other, settlement and site-specific Issues the inclusion of particular developer requirements for certain sites. Further to those commended changes, and for the avoidance of doubt, the Council as a consequence of this appropriate assessment further commended to the Reporter as follows: that for both Invershin SDA and South Bonar Industrial Estate SDA a development factor should be included which referred to the need for the design of waste water arrangements in development proposals to have regard to the risk of, and seek to avoid, flooding leading to contamination of the Natura site. The Local Plan has subsequently been modified to include the relevant SDA development factors and developer requirements for sites.

9.5 General policies have been modified to alleviate the concerns that development proposals and policies may have an impact on Natura sites. Modifications to the policies provide greater protection to these sites. (Additionally it may be noted that the Council commended a change (under Examination Issue 102) to add a development factor for SDAs to reference any adjacent Natura sites, and the Plan has subsequently been modified to include those development factors.)

9.6 Open Space areas are safeguarded within Settlement Development Areas (SDAs) through Policy 1 - Settlement Development Areas and outwith SDAs by Policy 3 – Wider Countryside. Policy 2 – Land Allocations relates to the allocation of Open Space and within the glossary states that the Local Plan "specifically allocates (green space) in order to safeguard them from development". This reduces the likelihood of open spaces being developed for other uses which might more significantly affect Natura sites than does the open space use.

9.7 The Local Plan's proposals do not promote vehicle access to sand dunes at Dornoch and coastal protection schemes can help protect sediment issues. However, whilst the policies and proposals offer some safeguarding, there remains a likely significant effect that could possibly lead to adverse effect on the integrity of the Natura sites. This is due to pressure on sand dunes for recreational access that may involve vehicular access as far as a parking point and access on foot thereafter, and potential disturbance to wintering or breeding birds. This is particularly of concern given the likely significant effect arising from proposals in combination with one another and the high level of use already existing. These concerns also arise at Embo. Mitigation measures were commended to the Reporter by the Council in respect of Dornoch; following consideration of the matter, the Plan has subsequently been modified in respect of both settlements, broadly as follows:

- That for each of Dornoch and Embo SDAs, this issue is explained in the supporting text and a development factor included which states: that where appropriate, new development proposals on sites allocated for development (in Dornoch) or significant new development proposals (in Embo) shall be accompanied by a recreational management plan which

examines any likely increased pressures from recreational accessing of the sand dunes or disturbance to wintering or breeding birds, arising from the development (with appropriate assessment to be undertaken if the Natura site interests are likely to be significantly affected) and that where necessary, avoidance or mitigation measures should be provided;

- That the Plan also indicate that the Council will liaise with SNH and key local interests to coordinate submitted management plans and assess cumulative effects, and that the procedure will be subject to monitoring under the Action Programme for the Local Plan.

9.8 Where appropriate, new development proposals may be required to carry out an otter survey and any other appropriate surveys to ensure no significant effect on qualifying features caused by disturbance, pollution or any other impact. Policy 11 – Protected Species – states “where there is good reason to believe that a protected species is present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence before determining the application”. For relevant SDAs the following development factor has been agreed with SNH was commended to the Reporter for inclusion in the Plan: *“Adjacent SAC qualifying features include otter. A survey to determine the presence or absence of otters should accompany any planning applications, except for modest extensions and alterations to existing buildings, within 250m of a watercourse, coast, loch or pond.”* The Plan has subsequently been modified to include that development factor where relevant, subject to minor rewording that does not materially change its meaning.

**Appropriate Assessment on Ramsar:
Dornoch Firth & Loch Fleet**

ABOUT THE RAMSAR

Description of Natura Site and Location:

Dornoch Firth & Loch Fleet Ramsar site is a large area covering the two northernmost estuaries in the Moray Basin ecosystem. The Dornoch Firth extends eastwards for 25 km from Newton Point to the point of Tarbat Ness. It is relatively unaffected by industrial development and supports large areas of sandflats and mudflats, heath and sand dunes, saltmarsh and a stretch of rocky shore. Loch Fleet is a narrow-mouthed estuary containing extensive sandflats which are bordered by dunes, pinewood and alderwood. The dunes at Dornoch Links and Morrich More are of international importance for their flora and geomorphology. The boundaries of the site follow those of Dornoch Firth SSSI, Morrich More SSSI, Tarbat Ness SSSI, Loch Fleet SSSI and Mound Alderwoods SSSI except for the exclusion of a thin corridor of land on Morrich More SSSI.

(Ref: http://gateway.snh.gov.uk/pls/portal/Sitelink.Show_Site_Document?p_pa_code=8420&p_Doc_Type_ID=20)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

The Dornoch Firth and Loch Fleet Ramsar site qualifies under Criterion 1 by virtue of supporting a variety of important wetland features. Mound Alderwoods at the head of Loch Fleet is the largest estuarine alderwood in Britain. The Dornoch Firth is a particularly good example of an east coast firth and, unlike other nearby firths, has been relatively unaffected by industrial developments. Morrich More is one of the most outstanding coastal sites in Britain. It is especially noteworthy for the development of an extensive low-level sandy plain on which a set of parabolic dunes are superimposed.

The Ramsar site qualifies under Criterion 2a by regularly supporting rare plants and animals. The site supports at least five Nationally Scarce wetland plants: Baltic rush, seaside centaury, dwarf eelgrass, narrow-leaved eelgrass and curved sedge. The invertebrate fauna includes at least two wetland Red Data Book species and the mammal fauna includes common seal and otter.

The Ramsar site qualifies under Criterion 3a by regularly supporting in winter over 20,000 waterfowl. In the five-year period 1989/90 to 1993/94 a winter peak mean of approximately 34,500 waterfowl was recorded, comprising 22,000 wildfowl and 12,500 waders.

The Ramsar site also qualifies under Criterion 3c by regularly supporting internationally important wintering populations (1989/90-93/94 winter peak means) of Icelandic greylag goose (1,146, 1% of total world population, all of which winters in Britain), wigeon (15,304, 5% of GB, 2% of NW Europe) and bar-tailed godwit (1,184, 2% of GB, 1% of Western Europe).

The diverse assemblage of wintering waterfowl includes nationally important wintering populations of teal, scaup, curlew and redshank. The site is also a nationally important feeding area for ospreys.

This citation is accompanied by the citation for the entire Moray Basin Firths and Bays Ramsar site which explains the overall international importance of the Moray Basin as a wetland.

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
11/02/2001	<i>Waterfowl assemblage, non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Bar-tailed godwit (Limosa lapponica), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Wigeon (Anas penelope), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
06/03/2001	<i>Saltmarsh</i>	<i>Littoral sediment (Coast)</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
28/08/2003	<i>Greylag goose (Anser anser), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
03/06/2004	<i>Wet woodland</i>	<i>Broad-leaved, mixed and yew woodland</i>	Favourable Maintained	Destruction and disturbance of habitats through construction methods.
18/06/2004	<i>Sand dune</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable Declining	Changes in dune dynamics due to construction methods and recreational activities
09/09/1996	<i>Mudflat</i>	<i>Littoral sediment (Marine)</i>	Favourable Maintained	Direct impacts from disturbance of sediment from recreation or works in the intertidal zone or pollution through changes in the water quality. Indirect impacts as a result of changes in sediment movement from coastal development, climate change, sea defences, dredging, dumping at sea. Also large scale engineering works in the catchment which might

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
09/09/1996	<i>Reefs</i>	<i>Littoral rock (Marine)</i>	Favourable Maintained	result in large scale deposition downstream. As for <i>Mudflat</i> above.

LOCAL PLAN PROPOSALS

For the Appropriate Assessment of the Local Plan Proposals likely to significantly affect the Dornoch Firth and Loch Fleet Ramsar site, see Dornoch Firth and Loch Fleet SPA on next page.

Appropriate Assessment on Special Protection Area (SPA): Dornoch Firth & Loch Fleet

ABOUT THE SPA

Description of Natura Site and Location:

The Dornoch Firth is located in north-eastern Scotland and is one of the two northernmost estuaries in the Moray Basin ecosystem. The Dornoch Firth and Loch Fleet SPA is one of the best examples in northwest Europe of a large complex estuary which has been relatively unaffected by industrial development, whilst Loch Fleet itself is an example of a shallow, bar-built estuary. Extensive sand-flats and mud-flats are backed by saltmarsh and sand dunes with transitions to dune heath and Alder *Alnus glutinosa* woodland. The tidal flats support internationally important numbers of waterbirds on migration and in winter, and are the most northerly and substantial extent of intertidal habitat for wintering waterbirds in the UK, as well as Europe. The Firth is also of importance as a feeding area for locally breeding Osprey *Pandion haliaetus*.

Dornoch Firth and Loch Fleet SPA forms an integral ecological component of Moray Basin Firths and Bays of which it forms the most northerly component area.

(Ref: <http://www.jncc.gov.uk/default.aspx?page=1877>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *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.*

Qualifying Species:

- Bar-tailed godwit
- Curlew
- Dunlin
- Greylag goose
- Osprey*
- Oystercatcher
- Teal
- Wigeon
- Waterfowl assemblage

* Indicates that qualifying feature is particularly vulnerable to disturbance from development and recreational activities.

The site overlaps with Dornoch Firth and Morrich More Special Area of Conservation, Moray Firth Special Area of Conservation and Mound Alderwoods Special Area of Conservation.

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
11/02/2001	<i>Curlew (Numenius arquata), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Dunlin (Calidris alpina alpina), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Oystercatcher (Haematopus ostralegus), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Teal (Anas crecca), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Waterfowl assemblage, non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Bar-tailed godwit (Limosa lapponica), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
11/02/2001	<i>Wigeon (Anas penelope), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
31/07/2003	<i>Osprey (Pandion haliaetus), breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.
13/09/2003	<i>Greylag goose (Anser anser), non-breeding</i>	<i>Birds - aggregations of non-breeding birds</i>	Favourable Maintained	Disturbance to qualifying interests from construction, access and recreation, domestic pets.

LOCAL PLAN PROPOSALS

DORNOCH			
Location in relation to <i>Dornoch Firth and Loch Fleet SPA and Dornoch Firth and Loch Fleet Ramsar</i>			
The SDA which contains the Site Allocations lies close to the SPA and the Ramsar site.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. • Pressure on sand dunes from recreational activities. • Disturbance to wintering or breeding bird features from recreational activities. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Dornoch SDA	Yes	Yes	Decision was taken to amend SDA to remove flood risk area to the south of settlement, reducing risk of potential flooding and contamination issues; also to adjust the boundary to the north. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT which has been deleted. No adverse effects on site integrity as a result of this decision.
H1 – Bishopsfield	Yes	Yes	Decision was taken to retain allocation and extend it to the west.
H2 – Earl’s Cross	Yes	Yes	Decision was taken to retain allocation.
H3 – Sutherland Road	Yes	Yes	Decision was taken to retain allocation.
H4 – Meadows Park Road	Yes	Yes	Decision was taken to retain allocation.
MU1 – Dornoch North	Yes	Yes	Decision was taken to retain allocation with some adjustments to its boundary. Update: As a consequence of the Examination Site MU1 has been enlarged at its south-east extremity to include the slater’s yard. No adverse effects on site integrity as a result of this decision.
LT – Dornoch North Expansion	Yes	Yes	Decision was taken to retain the long term site with some adjustments to its boundary. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
C1 – Academy fields	Yes	Yes	Decision was taken to retain site but redesignate as Open Space (OS – Academy fields).
OS – Meadows Park	Yes	Yes	Decision was taken to retain site but reallocate for community uses (C1 – Meadows Park).
OS - Station Wood and Earl’s Cross	Yes	Yes	Decision was taken to retain allocation.
B1 – Dornoch	Yes	Yes	Decision was taken to retain allocation but reduce

Business Park			extent to remove flood risk area, reducing risk of potential flooding and contamination issues.
<p>Mitigation (See Mitigation Measures, page 30)</p> <ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). • SDA development factor requiring recreational management plans to accompany proposals on sites allocated for development, covering potential effects arising on sand dunes and potential disturbance to wintering or breeding bird features (9.7). <p>Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.</p>			
<p>Residual Impacts</p> <p>No residual adverse effect on the integrity of the European site.</p>			

EMBO			
Location in relation to <i>Dornoch Firth and Loch Fleet SPA and Dornoch Firth and Loch Fleet Ramsar</i>			
The SDA which contains the Site Allocations lies adjacent to the SPA and the Ramsar site.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. • Pressure on sand dunes from recreational activities. • Disturbance to wintering or breeding bird features from recreational activities. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Embo SDA	Yes	Yes	Decision was taken to extend SDA boundary to include caravan park at Grannies Heilan Hame and football field. Update: As a consequence of the Examination the SDA has been reduced to exclude Sites H1 and MU1 which have been deleted. No adverse effects on site integrity as a result of this decision.
H1 – North of Station House	Yes	Yes	Decision was taken to retain site. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
MU1 – West Embo	Yes	Yes	Decision was taken to retain site. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
OS – Football Field	No	Yes	Decision was taken to introduce as new allocation.
B1 – Holiday Park	No	Yes	Decision was taken to introduce as new allocation.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). • SDA development factor requiring recreational management plans to accompany proposals on sites allocated for development, covering potential effects arising on sand dunes and potential disturbance to wintering or breeding bird features (9.7). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

EDDERTON			
Location in relation to <i>Dornoch Firth and Loch Fleet SPA and Dornoch Firth and Loch Fleet Ramsar</i>			
The SDA which contains the Site Allocations lies close to the SPA and the Ramsar site.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations			
	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Edderton SDA	Yes	Yes	Decision was taken to retain SDA with minor enlargement.
H1 – West of Station Road	Yes	Yes	Decision was taken to retain site allocation.
MU1 – Adjacent Glebe Cottage	Yes	Yes	Decision was taken to retain site allocation.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

Appropriate Assessment on Special Area of Conservation (SAC): Dornoch Firth & Morrich More

ABOUT THE SAC

Description of Natura Site and Location:

Dornoch Firth is the most northerly large, complex **estuary** in the UK. The estuary is fed by the Kyle of Sutherland and is virtually unaffected by industrial development. There is a complete transition from riverine to fully marine conditions and associated communities. Inland, and in sheltered bays, sediments are generally muddy. Gravelly patches occur in the central section of the Firth. Wide sandy beaches dominate the large bays at the mouth of the Firth, and areas of saltmarsh occur around the shores. Sublittoral sediments are predominantly medium sands with a low organic content. Several of the associated coastal habitats have been proposed as Annex I interests in their own right.

The Dornoch Firth is the most northerly complex **estuary** in the UK. Situated on the Scottish east coast, the estuary contains extensive areas of **mudflats and sandflats**. The flats extend in a wide belt along the northern and southern shores and are characteristic of a range of environmental conditions. There is a continuous gradient in the physical structure of the flats, from medium-sand beaches on the open coast to stable, fine-sediment mudflats and muddy sands further inland. This results in a high diversity of animal and plant communities supporting polychaetes, oligochaetes, amphipods, gastropods and bivalves. The sheltered bays provide a habitat for communities of algae, eelgrass *Zostera* spp. and the pioneer saltmarsh plant glasswort *Salicornia* spp.

Dornoch Firth and Morrich More has the most extensive area of pioneer glasswort *Salicornia* spp. saltmarsh in Scotland. It is the most northerly site selected for this Annex I type, and represents the habitat type in the northern part of its range in the UK. It forms part of a complete transition from pioneer to upper saltmeadow and important sand dune habitats.

Dornoch Firth and Morrich More is the most northerly site selected for **Atlantic salt meadows** and represents this habitat type in the northern part of its UK range. The site supports a wide variety of community types, with the characteristic zonation from pioneer to upper marsh vegetation. At Morrich More the saltmarshes lie adjacent to sand dunes and there are important transitions between these habitats.

There are well-marked lyme-grass *Leymus arenarius*-dominated areas of **Embryonic shifting dunes** fronting the prograding sections of this site. Dornoch Firth and Morrich More is one of three sites representing **Embryonic shifting dunes** on the east coast of Scotland and is the most northerly example of the habitat type in the SAC series. The process of continued progradation is central to the conservation of this habitat type at this site, which has the largest, most complete area of sand dune in the UK, in part owing to the exceptionally high rate of progradation.

This large dune system on the east coast of Scotland is physically diverse, with areas of active accretion, areas of marine erosion and areas of internal instability. There are well-formed parabolic dunes in one area. All of these formations provide opportunities for **Shifting dunes along the shoreline with *Ammophila arenaria*** to develop. As a result this habitat type is relatively extensive within the site. The vegetation is representative of northern mobile dune vegetation, with lyme-grass *Leymus arenarius* prominent in some stands. The site is largely undisturbed, resulting in a natural habitat structure.

This extensive complex dune system lies in the inner Moray Firth in north-east Scotland. It consists of a low dune plain which is still developing in its outer part. The dune system consists of a series of ridges with heath and juniper scrub on the older ridges which grade into the fixed dune vegetation of maritime grassland in the mid and outer parts.

In this part of the Moray Firth, north-east Scotland, dune vegetation has developed on a coastline that has been generally rising relative to sea level in the 7,000 years since the last glaciation. A combination of leaching, stabilisation and the decreased influence of salt water has produced a sequence of dry, stable dune ridges, interspersed with wet dune hollows. There is a large area of **Decalcified fixed dunes with *Empetrum nigrum*** vegetation on this site, occurring in a complicated mosaic of acidic fixed dune vegetation types, principally **2150 Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)**. Within this complex of habitats there are examples of dune, saltmarsh and transitional communities that include large populations of several northern dune species, such as Baltic rush *Juncus balticus*. This is the most important acidic dune site in Scotland because of its size and the exceptional diversity of habitats within it. Despite some localised industrial development, structure and function are well-conserved at this site and accretion is continuing.

Dornoch Firth and Morrich More represents **Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)** in north-east Scotland, with dune heath containing heather *Calluna vulgaris* and sand sedge *Carex arenaria*. At this site, dune vegetation has developed on a coastline that has been generally rising relative to sea level in the 7,000 years since the last glaciation. A combination of leaching, stabilisation and the decreased influence of saltwater has produced a sequence of dry, stable dune ridges, interspersed with wet dune hollows. The **Atlantic decalcified fixed dunes** vegetation covers a large area on this site and forms part of a complex mosaic of fixed dune vegetation types, principally **2140 Decalcified fixed dunes with *Empetrum nigrum***, together with saltmarsh and transitional communities that include large populations of several northern dune species, such as Baltic rush *Juncus balticus*. This is the most important acidic dune site in Scotland, owing to its size and the exceptional diversity of habitats within it. Despite some localised industrial development, structure and function are well-conserved at this site and accretion is continuing.

Morrich More in north-east Scotland is one of the largest acidic dune sites in the UK. The sequence of development has resulted in the formation of extensive humid slack communities of an acidic character which lie as parallel hollows between the dune ridges and form part of a complex mosaic of dune habitats, several of which have been proposed as Annex I habitat types in their own right. This is the most important acidic dune system in Scotland, owing to its size and the exceptional diversity of the habitats within it.

Morrich More is the most important site in the UK for juniper *Juniperus* spp. stands on dune. Stands of juniper cover approximately 10 ha, with scattered individuals over a larger area. The juniper is extremely well-developed on the dry ridges and transitions to dune slacks. The best stands occur in grasslands in the southern sector, but prostrate individuals also extend into wet heath and slack habitats within the site.

(Ref: <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0019806>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitats that the following are maintained in the long term:

- *Extent of the habitat on site.*
- *Distribution of the habitat within site.*
- *Structure and function of the habitat.*
- *Processes supporting the habitat.*
- *Distribution of typical species of the habitat.*
- *Viability of typical species as components of the habitat.*
- *No significant disturbance of typical species of the habitat.*

Qualifying Habitats:

- *Atlantic salt meadows.*
- *Coastal dune heathland.*
- *Dune grassland.*
- *Dunes with juniper thickets.*
- *Estuaries.**
- *Glasswort and other annuals colonising mud and sand.**
- *Humid dune slacks.*
- *Intertidal mudflats and sandflats.**
- *Lime-deficient dune heathland with crowberry.*
- *Reefs.**
- *Shifting dunes.*
- *Shifting dunes with marram.*
- *Subtidal sandbanks.**

* Indicates that these features are particularly vulnerable to changes in water quality, however, Local Plan policies safeguard these from likely significant impacts.

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *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.*

Qualifying Species:

- Common seal.
- Otter.

Regulation 33(2), of *The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)*, gives Scottish Natural Heritage a statutory responsibility to advise other relevant authorities as to the conservation objectives for marine SACs in Scotland, and any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated.

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
10/08/2001	<i>Shifting dunes</i>	<i>Supralittoral sediment (Coast)</i>	Favourable Maintained	Changes in dune dynamics due to construction methods.
10/08/2001	<i>Dune grassland</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No change	Changes in dune dynamics due to construction methods and recreational activities
10/08/2001	<i>Glasswort and other annuals</i>	<i>Littoral sediment (Coast)</i>	Favourable Maintained	Destruction and disturbance of habitat due to construction methods

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
10/08/2001	<i>colonising mud and sand</i> <i>Atlantic salt meadows</i>	<i>Littoral sediment (Coast)</i>	Favourable Maintained	Destruction and disturbance of habitat due to construction methods
10/08/2001	<i>Humid dune slacks</i>	<i>Supralittoral sediment (Coast)</i>	Favourable Maintained	Changes in dune dynamics due to construction methods and recreational activities
10/08/2001	<i>Coastal dune heathland</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No change	Changes in dune dynamics due to construction methods and recreational activities
10/08/2001	<i>Lime-deficient dune heathland with crowberry</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No change	Destruction and disturbance of habitat due to construction methods
10/08/2001	<i>Shifting dunes with marram</i>	<i>Supralittoral sediment (Coast)</i>	Favourable Maintained	Changes in dune dynamics due to construction methods and recreational activities
06/08/2004	<i>Otter (Lutra lutra)</i>	<i>Mammals</i>	Favourable Maintained	Loss of water, riparian and/or wetland habitats. Direct disturbance of habitats. Disturbance from construction.
13/08/2004	<i>Common seal (Phoca vitulina – Likely along shore and coastal areas)</i>	<i>Mammals (Marine)</i>	Unfavourable Recovering	Direct disturbance of habitats – Close to water-based recreation. Grosse pollution Disturbance from construction. Pollution and disturbance to food source – Water quality.
10/11/2004	<i>Dunes with juniper thickets</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No Change	As other dune habitats. Direct impacts from development. Indirect impacts from increased recreational pressure,

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
09/09/1996	<i>Intertidal mudflats and sandflats</i>	<i>Littoral sediment (Marine)</i>	Favourable Maintained	coastal erosion. Direct impacts from disturbance of sediment from recreation or works in the intertidal zone or pollution through changes in the water quality. Indirect impacts as a result of changes in sediment movement from coastal development, climate change, sea defences, dredging, dumping at sea. Also large scale engineering works in the catchment which might result in large scale deposition downstream.
09/09/1996	<i>Reefs</i>	<i>Inshore sublittoral rock (Marine)</i>	Favourable Maintained	<i>As Intertidal mudflats and sandflats above.</i>
09/09/1996	<i>Subtidal sandbanks</i>	<i>Inshore sublittoral sediment (Marine)</i>	Favourable Maintained	<i>As Intertidal mudflats and sandflats above.</i>

LOCAL PLAN PROPOSALS

BONAR BRIDGE			
Location in relation to <i>Dornoch Firth and Morrich More SAC</i> The Settlement Development Area which includes the Site Allocations is located close to the SAC and part lies immediately adjacent to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. • Disturbance to otters and their habitats. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Bonar Bridge SDA	Yes	Yes	Decision was taken to reduce SDA boundary to exclude Site H1 previously allocated for housing use. This reduces the risk of significant adverse impacts on the adjacent SAC site. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT1 which has been deleted. No adverse effects on site integrity as a result of this decision.
H1 – Swordale	Yes	No	Decision was taken to de-allocate site, partly to reduce the risk of impact on the adjacent SAC site. A small part of the original site area remains within the SDA.
MU1 – Cherry Grove	Yes	Yes	Decision was taken to retain proposal.
LT1 – South of Cherry Grove	Yes	Yes	Decision was taken to retain proposal. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
OS – Opposite school	Yes	Yes	Decision was taken to retain proposal.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). • SDA development factor setting out circumstances in which otter surveys will be required (9.8). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

SOUTH BONAR INDUSTRIAL ESTATE			
Location in relation to <i>Dornoch Firth and Morrich More SAC</i> The SDA which includes the Site Allocation lies close to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Contamination from waste water in event of flooding. • Disturbance to otters and their habitats. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
South Bonar Industrial Estate SDA	Yes	Yes	Decision was taken to reduce the extent of the SDA to the south. No adverse effects on site integrity as a result of this decision.
I1 – South Bonar Industrial Estate	Yes	Yes	Decision was taken to reduce the extent of the site to the south. Requirement clarified that flood risk assessment to be submitted with any planning application.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • SDA development factor to refer to the need for the design of waste water arrangements in development proposals to have regard to the risk of, and seek to avoid, flooding leading to contamination of the Natura site (9.4). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • SDA development factor setting out circumstances in which otter surveys will be required (9.8). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

ARDGAY			
Location in relation to <i>Dornoch Firth and Morrich More SAC</i> The Settlement Development Area which includes the Site Allocations is located close to the SAC and part lies immediately adjacent to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Disturbance to otters and their habitats. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Ardgay SDA	Yes	Yes	Decision was taken to reduce SDA boundary to exclude land previously allocated H1 South of Oakwood Place and to exclude the deallocated part of site H2 Adjacent to primary school and north of Church Street. Update: As a consequence of the Examination the SDA has been reduced to exclude the Site originally referenced LT1, then referenced H1 (North of Manse Road) which has been deleted. No adverse effects on site integrity as a result of this decision.
H1 – South of Oakwood Place	Yes	No	Decision was taken to deallocate the site.
H2 – Adjacent to primary school and north of Church Street	Yes	Yes	Decision was taken to retain allocation but reduce its extent to the east. Update: As a consequence of other Modifications to the Plan, this site is now referenced H1.
LT1 – North of Manse Road	Yes	Yes	Decision was taken to retain site but bring forward now as new housing allocation H1. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
B1 - Ardgay railway station yard north	Yes	Yes	Decision was taken to retain allocation but reduce the boundary of the allocated site.
B2 - Ardgay railway station yard south	Yes	Yes	Decision was taken to retain allocation.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • SDA development factor setting out circumstances in which otter surveys will be required (9.8). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			

Residual Impacts
No residual adverse effect on the integrity of the European site.

EDDERTON			
Location in relation to <i>Dornoch Firth and Morrich More SAC</i>			
The Settlement Development Area which includes the Site Allocations is located close to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Disturbance to otters and their habitats. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Edderton SDA	Yes	Yes	Decision was taken to retain SDA with minor enlargement.
H1 – West of Station Road	Yes	Yes	Decision was taken to retain site allocation.
MU1 – Adjacent Glebe Cottage	Yes	Yes	Decision was taken to retain site allocation.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan’s General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • SDA development factor setting out circumstances in which otter surveys will be required (9.8). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

DORNOCH			
Location in relation to <i>Dornoch Firth and Morrich More SAC</i>			
The Settlement Development Area which includes the Site Allocations is located close to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. • Pressure on sand dunes from recreational activities. • Disturbance to otters and their habitats. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Dornoch SDA	Yes	Yes	Decision was taken to amend SDA to remove flood risk area to the south of settlement, reducing risk of potential flooding and contamination issues; also to adjust the boundary to the north. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT which has been deleted. No adverse effects on site integrity as a result of this decision.
H1 – Bishopsfield	Yes	Yes	Decision was taken to retain allocation and extend it to the west.
H2 – Earl’s Cross	Yes	Yes	Decision was taken to retain allocation.
H3 – Sutherland Road	Yes	Yes	Decision was taken to retain allocation.
H4 – Meadows Park Road	Yes	Yes	Decision was taken to retain allocation.
MU1 – Dornoch North	Yes	Yes	Decision was taken to retain allocation with some adjustments to its boundary. Update: As a consequence of the Examination Site MU1 has been enlarged at its south-east extremity to include the slater’s yard. No adverse effects on site integrity as a result of this decision.
LT – Dornoch North Expansion	Yes	Yes	Decision was taken to retain the long term site with some adjustments to its boundary. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA.
C1 – Academy fields	Yes	Yes	Decision was taken to retain site but redesignate as Open Space (OS – Academy fields).
OS – Meadows Park	Yes	Yes	Decision was taken to retain site but reallocate for community uses (C1 – Meadows Park).
OS - Station Wood and Earl’s Cross	Yes	Yes	Decision was taken to retain allocation.
B1 – Dornoch Business Park	Yes	Yes	Decision was taken to retain allocation but reduce extent to remove flood risk area, reducing risk of potential flooding and contamination issues.

Mitigation (See Mitigation Measures, page 30)

- SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2).
- Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5).
- Open Space areas are safeguarded through policy (9.6).
- SDA development factor requiring recreational management plans to accompany proposals on sites allocated for development, covering potential effects arising on sand dunes (9.7).
- SDA development factor setting out circumstances in which otter surveys will be required (9.8).

Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.

Residual Impacts

No residual adverse effect on the integrity of the European site.

Appropriate Assessment on Special Area of Conservation (SAC): Moray Firth

ABOUT THE SAC

Description of Natura Site and Location:

The Moray Firth in north-east Scotland supports the only known resident population of **bottlenose dolphin *Tursiops truncatus*** in the North Sea. The population is estimated to be around 130 individuals (Wilson *et al.* 1999). Dolphins are present all year round, and, while they range widely in the Moray Firth, they appear to favour particular areas.

(Ref: <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0019808>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitats that the following are maintained in the long term:

- *Extent of the habitat on site.*
- *Distribution of the habitat within site.*
- *Structure and function of the habitat.*
- *Processes supporting the habitat.*
- *Distribution of typical species of the habitat.*
- *Viability of typical species as components of the habitat.*
- *No significant disturbance of typical species of the habitat.*

Qualifying Habitats:

- *Sub-tidal sandbanks.*

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *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.*

Qualifying Species:

- Bottlenose dolphin

The site overlaps with Cromarty Firth, and Dornoch Firth and Loch Fleet SPAs.

Regulation 33(2), of *the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)*, gives Scottish Natural Heritage a statutory responsibility to advise other relevant authorities as to the conservation objectives for marine SACs in Scotland, and any operations which may

cause deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated.

After consulting “*The Moray Firth candidate Special Area of Conservation Management Scheme*” file the following likely significant impacts were decided.

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
12/08/2004	<i>Subtidal sandbanks</i>	<i>Inshore sublittoral sediment (Marine)</i>	Favourable Maintained	Disturbance to habitat through construction methods.
31/03/2005	<i>Bottlenose dolphin (Tursiops truncatus)</i>	<i>Mammals (Marine)</i>	Unfavourable Recovering	<p>Direct disturbance of habitats within SAC.</p> <p>Direct loss of open water, riparian and/or wetland habitats in the catchment.</p> <p>Disturbance to qualifying interests from construction, access and recreation, including water based, and domestic pets.</p> <p>Abstraction from river system resulting in lower flows.</p>

LOCAL PLAN PROPOSALS

EDDERTON			
Location in relation to <i>Moray Firth SAC</i> The SDA lies close to the SAC.			
Potential Impacts <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Edderton SDA	Yes	Yes	Decision was taken to retain SDA and make slight extension.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30) <ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts No residual adverse effect on the integrity of the European site.			

DORNOCH			
Location in relation to <i>Moray Firth SAC</i> The SDA which contains the Site Allocations lies close to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Dornoch SDA	Yes	Yes	Decision was taken to amend SDA to remove flood risk area to the south of settlement. Reducing risk of potential flooding and contamination issues. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT which has been deleted. No adverse effects on site integrity as a result of this decision.
MU1 – Dornoch North	Yes	Yes	Decision was taken to retain allocation and text amended to state “flood risk assessment will be required”. Assessment will reduce the risk of flooding and water contamination. Update: As a consequence of the Examination Site MU1 has been enlarged at its south-east extremity to include the slater’s yard. No adverse effects on site integrity as a result of this decision.
B1 – Dornoch Business Park	Yes	Yes	Decision was taken to retain allocation but amend boundary to remove flood risk area and removal from SDA. Reducing risk of potential flooding and contamination issues
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). Apply Local Plan’s General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts No residual adverse effect on the integrity of the European site.			

EMBO			
Location in relation to <i>Moray Firth SAC</i> The SDA which contains the Site Allocations lies adjacent to the SAC.			
Potential Impacts <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Embo SDA	Yes	Yes	Decision was taken to extend SDA boundary to include caravan park at Grannies Heilan Hame and football field. Update: As a consequence of the Examination the SDA has been reduced to exclude Sites H1 and MU1 which have been deleted. No adverse effects on site integrity as a result of this decision.
B1 - Holiday Park	No	Yes	Decision was taken to introduce as new allocation.
OS – Football Field	No	Yes	Decision was taken to introduce as new allocation.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30) <ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts No residual adverse effect on the integrity of the European site.			

GOLSPIE			
Location in relation to <i>Moray Firth SAC</i> The SDA which contains the Site Allocations lies adjacent to the SAC.			
Potential Impacts <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Golspie SDA	Yes	Yes	Decision was taken to amend SDA to exclude MU3 allocation to west of settlement and include Open Space to south of settlement. Update: As a consequence of the Examination the SDA has been reduced to exclude land to the east of Ben Bhraggie Drive. No adverse effects on site integrity as a result of this decision.
OS - various	No	Yes	Decision was taken to introduce as new allocations.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30) <ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts No residual adverse effect on the integrity of the European site.			

BRORA			
Location in relation to Moray Firth SAC			
The SDA which contains the Site Allocations lies close to the SAC and part is immediately adjacent the SAC (and contained part of SAC until SDA changed to exclude SAC).			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Brora SDA	Yes	Yes	Decision was taken to reduce the SDA and omit Inverbrora SSSI and The Moray Firth SSSI and SAC site from SDA to reduce the risk of adverse impacts. Update: As a consequence of the Examination the SDA has been enlarged to the rear of Ashcroft, Victoria Road. No adverse effects on site integrity as a result of this decision.
H4 – Rosslyn Street/ former Mackay's yard	Yes	Yes	Decision was taken to retain allocation but split site and allow for new Mixed Use allocation on eastern part, being MU4 – Former Mackay's Garage.
MU1 – Former radio station	Yes	Yes	Decision was taken to retain allocation.
MU2 – Scotia House	No	Yes	Decision was taken to introduce as a new allocation.
MU3 – Carrol House	No	Yes	Decision was taken to introduce as a new allocation.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

HELMSDALE			
Location in relation to <i>Moray Firth SAC</i>			
The SDA contains the Site Allocations and lies immediately adjacent to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Open Space sites identified as maintaining and protecting the existing value of the land. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Helmsdale SDA	Yes	Yes	Decision was taken to extend SDA to allow extension of I1 allocation. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT which has been deleted. No adverse effects on site integrity as a result of this decision.
OS – Adjacent river	Yes	Yes	Decision was taken to retain allocation; this allocation and existing policy safeguards the existing value of the land
MU1 – Shore Street	Yes	Yes	Decision was taken to retain allocation; add to text requirement to assess flood risks to reduce the risk of water contamination.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

**Appropriate Assessment on Special Area of Conservation (SAC):
River Evelix**

ABOUT THE SAC

Description of Natura Site and Location:

The Evelix is the only remaining small East Coast River in Scotland that supports a surviving functional **freshwater pearl mussel** *Margaritifera margaritifera* population, particularly within the upper reaches of the river. Mussels have also occurred in the lower stretches of the river, but in lower numbers than upstream and with fewer juveniles were present. Pearl-fishing is thought to be the principal reason for the decreased numbers in the lower stretches, but the presence of juveniles in the upper sections indicates that despite losses, the population is successfully recruiting.

(Ref: <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0030254>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

Conservation Objectives

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *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.*
- *Distribution and viability of freshwater pearl mussel host species.*
- *Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species.*

Qualifying Species:

- Freshwater pearl mussel.

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
27/03/2008	<i>Freshwater pearl mussel (Margaritifera margaritifera)</i>	<i>Other invertebrates</i>	Unfavourable No change	Direct disturbance of habitats. Disturbance from construction, access and recreation. Increased siltation of watercourses especially during construction. Discharges/changes in water quality.

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
				Abstraction from river system resulting in lower flows.

LOCAL PLAN PROPOSALS

EVELIX			
Location in relation to <i>River Evelix SAC</i> SDA lies in close proximity to SAC site.			
Potential Impacts <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Evelix SDA	Yes	Yes	Decision was taken to retain SDA.
Mitigation (See Mitigation Measures, page 30) <ul style="list-style-type: none"> • SDA development factor as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). <p>Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.</p>			
Residual Impacts No residual adverse effect on the integrity of the European site.			

Appropriate Assessment on Special Area of Conservation (SAC): River Oykel

ABOUT THE SAC

Description of Natura Site and Location:

The Oykel is a long, meandering river in the northern Highlands of Scotland that flows into the Kyle of Sutherland on the east coast. The river supports an excellent, high-quality **freshwater pearl mussel *Margaritifera margaritifera*** population with high densities recorded at some locations, including a bed numbering several thousand individuals. Surveys have also recorded high percentages of juveniles within the population, indicating that there has been recent successful recruitment. There is also evidence of unsurveyed pearl mussel populations in deep water that may increase the conservation importance of the river.

(Ref: <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0030261>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

Conservation Objectives

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *Population of the species, including range of genetic types of salmon, 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.*
- *Distribution and viability of freshwater pearl mussel host species.*
- *Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species.*

Qualifying Species:

- *Atlantic Salmon*
- *Freshwater pearl mussel.*

The site overlaps with Inverpolly, Loch Urigill and nearby Lochs (SPA).

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
20/07/2003	<i>Freshwater pearl mussel (Margaritifera margaritifera)</i>	<i>Other invertebrates</i>	Unfavourable Recovering	Direct disturbance of habitats.
14/08/2004	<i>Atlantic salmon (Salmo salar)</i>	<i>Fish</i>	Unfavourable Recovering	Loss of water, riparian and/or wetland habitats. Disturbance from construction. Increased siltation of watercourses especially during construction of developments. Discharges/Changes to water quality. Abstraction from river system resulting in lower flows.

LOCAL PLAN PROPOSALS

ROSEHALL			
Location in relation to <i>River Oykel</i> SAC SDA lies immediately adjacent to SAC site.			
Potential Impacts <ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Rosehall SDA	Yes	Yes	Decision was taken to amend SDA at North East of village to exclude the area of land between the River and the A837. No adverse effects on site integrity as a result of this decision.
H1 – Rear of the post office	Yes	Yes	Decision was taken to retain allocation.
H2 – Opposite the post office	Yes	No	Decision was taken to de-allocate due to a number of reasons including; the boundary of the site lying immediately adjacent the SAC site and the possible water contamination development may have caused. No adverse effects on site integrity as a result of this decision.
Mitigation (See Mitigation Measures, page 30) <ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts No residual adverse effect on the integrity of the European site.			

LAIRG			
Location in relation to <i>River Oykel</i> SAC			
The SDA which contains the Site Allocations lies adjacent Little Loch Shin which flows via the River Shin into the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Lairg SDA	Yes	Yes	Decision was taken to extend SDA and include new allocations. Update: As a consequence of the Examination the SDA has been reduced to exclude Sites LT1 and LT2 which have been deleted. No adverse effects on site integrity as a result of this decision.
H1 – South West of Main Street	Yes	Yes	Decision was taken to retain allocation.
H2 – North of Manse Road	Yes	Yes	Decision was taken to retain allocation.
H3 – East of Manse Road	Yes	Yes	Decision was taken to retain allocation.
H4 – Ord Place	Yes	Yes	Decision was taken to retain allocation.
LT1 – North of Milnclarin	Yes	Yes	Decision was taken to retain long term site. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA. No adverse effects on site integrity as a result of this decision.
LT2 – North-west of Lochside	Yes	Yes	Decision was taken to retain long term site. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA. No adverse effects on site integrity as a result of this decision.
B1 – Former laundry	Yes	Yes	Decision was taken to retain allocation.
B2 – West of Church Hill Road	Yes	Yes	Decision was taken to retain allocation.
MU1 – Former Hotel/Outbuildings.	Yes	Yes	Decision was taken to retain allocation.
OS – Near Ferrycroft Centre	Yes	Yes	Decision was taken to retain allocation.
H5 – Opposite the Fire Station	No	Yes	Decision was taken to include new allocation.
B3 – South-west of Ord Place	No	Yes	Decision was taken to include new allocation.
C1 – North-west of Ferrycroft	No	Yes	Decision was taken to include new allocation.
Mitigation (See Mitigation Measures, page 30)			

- SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2).
- Apply Local Plan’s General Policies to ensure consideration of and strongly protect Natura site interests (9.5).

Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.

Residual Impacts

No residual adverse effect on the integrity of the European site.

CULRAIN			
Location in relation to <i>River Oykel</i> SAC The SDA lies close to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Culrain SDA	Yes	Yes	Decision was taken to retain SDA.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1). • Apply Local Plan’s General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

INVERSHIN			
Location in relation to <i>River Oykel</i> SAC			
The SDA which contains the Site Allocation lies immediately adjacent to the SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Contamination from waste water in event of flooding. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Invershin SDA	Yes	Yes	Decision was taken to enlarge SDA to North but retain allocation H1 within SDA. Update: As a consequence of the Examination the SDA has been reduced to exclude Site H1 which has been deleted. No adverse effects on site integrity as a result of this decision.
Invershin H1 – Former Balblair workings	Yes	Yes	Decision was taken to Retain allocation H1 but enlarge allocation to South East with no additional units. Requirement clarified that flood risk assessment to be submitted with any planning application. Requirement for housing to be set back from the river. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA. No adverse effects on site integrity as a result of this decision.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • SDA development factor to refer to the need for the design of waste water arrangements in development proposals to have regard to the risk of, and seek to avoid, flooding leading to contamination of the Natura site (9.4). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

BONAR BRIDGE			
Location in relation to <i>River Oykel</i> SAC			
The SDA which contains the Site Allocations lies adjacent the SAC where the SAC flows into the Dornoch Firth and Morrich More SAC.			
Potential Impacts			
<ul style="list-style-type: none"> Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Bonar Bridge SDA	Yes	Yes	Decision was taken to reduce SDA boundary to exclude Site H1 previously allocated for housing use. This reduces the risk of significant adverse impacts on the adjacent SAC site. Update: As a consequence of the Examination the SDA has been reduced to exclude Site LT1 which has been deleted. No adverse effects on site integrity as a result of this decision.
H1 – Swordale	Yes	No	Decision was taken to de-allocate site, partly to reduce the risk of impact on the adjacent SAC site. A small part of the original site area remains within the SDA.
MU1 – Cherry Grove	Yes	Yes	Decision was taken to retain proposal.
LT1 – South of Cherry Grove	Yes	Yes	Decision was taken to retain proposal. Update: As a consequence of the Examination this site is no longer identified in the Plan, nor is it included within the SDA. No adverse effects on site integrity as a result of this decision.
OS – Opposite school	Yes	Yes	Decision was taken to retain proposal.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

SOUTH BONAR INDUSTRIAL ESTATE			
Location in relation to <i>River Oykel</i> SAC			
The SDA which contains the Site Allocations lies close to the SAC where the SAC flows into the Dornoch Firth and Morrich More SAC.			
Potential Impacts			
<ul style="list-style-type: none"> • Development may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Discharge from new developments could have a significant impact on water quality. • Contamination from waste water in event of flooding. 			
Settlement Development Area and Site Allocations			
	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
South Bonar Industrial Estate SDA	Yes	Yes	Decision was taken to reduce the extent of the SDA to the south. No adverse effects on site integrity as a result of this decision.
I1 – South Bonar Industrial Estate	Yes	Yes	Decision was taken to reduce the extent of the site to the south. Requirement clarified that flood risk assessment to be submitted with any planning application.
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • SDA development factor to refer to the need for the design of waste water arrangements in development proposals to have regard to the risk of, and seek to avoid, flooding leading to contamination of the Natura site (9.4). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			

Appropriate Assessment on Special Area of Conservation (SAC): Durness

ABOUT THE SAC

Description of Natura Site and Location:

Durness contains one of the largest sand dune systems in the north of Scotland. It is an example of an extreme northern variant of **fixed dunes with herbaceous vegetation**. The site is maintained by very active physical and biological processes. Fixed dune vegetation at this site occurs on an extensive and diverse sequence of dunes and on soils covered with blown sand. A rich variety of calcareous dune grassland species grow here in association with arctic-alpine plants such as mountain avens *Dryas octopetala*.

Durness contains a cluster of three marl lochs (Croispol, Borrallie and Caladail) on Dalradian Durness limestone in the extreme north-west of Scotland. These are the northernmost examples of marl lakes in the UK and one of the few high-quality occurrences of the habitat type in Scotland. The water is very clear, low in nutrients and with little phytoplankton production. There are extensive growths of submerged macrophytes, including seven species of pondweed *Potamogeton* and three species of stonewort *Chara*. In addition, Borrallie is the only marl lake in the UK with a population of Arctic charr *Salvelinus alpinus*.

Durness is one of four sites representing the low-altitude **Alpine and subalpine calcareous grasslands** that are restricted to the north-west mainland of Scotland. Durness contains the largest stands of CG13 *Dryas octopetala* – *Carex flacca* heath in the UK, developed on dolomitic limestone at 0–60 m. The site has an outstanding representation of characteristic species, including wild thyme *Thymus polytrichus*, ribwort plantain *Plantago lanceolata*, sea plantain *Plantago maritima*, purging flax *Linum catharticum* and common bird's-foot-trefoil *Lotus corniculatus*. The endemic Scottish primrose *Primula scotica* is present, and other uncommon species include mountain everlasting *Antennaria dioica*, hair sedge *Carex capillaris*, lesser meadow-rue *Thalictrum minus*, frog orchid *Coeloglossum viride* and hart's-tongue *Phyllitis scolopendrium*. Locally, the calcifuge species crowberry *Empetrum nigrum* occurs, giving rise to an unusual sub-type of *Dryas* heath. There are transitions to a wide range of other communities, including coastal dunes, other types of base-rich grasslands, and a range of dwarf-shrub heaths.

This site on Cambro–Ordovician Durness limestone is the most north-westerly occurrence of **Limestone pavements** in the UK. It is one of five sites representing the northern variant of this habitat type. Because of its location it supports a diverse flora rich in northern and arctic-alpine species. The site supports communities with a maritime element, similar to those on Strath, with burnet rose *Rosa pimpinellifolia*, stone bramble *Rubus saxatilis*, mountain avens *Dryas octopetala*, dark-red helleborine *Epipactis atrorubens* and black spleenwort *Asplenium adiantum-nigrum*. Both lesser meadow-rue *Thalictrum minus* and alpine meadow-rue *Thalictrum alpinum* occur here. Further inland, brittle bladder-fern *Cystopteris fragilis* and hard shield-fern *Polystichum aculeatum* flourish.

(Ref: <http://www.jncc.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0012786>)

Conservation Objectives and Qualifying Interest (Species/ Habitats):

Conservation Objectives

To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitats that the following are maintained in the long term:

- *Extent of the habitat on site.*

- *Distribution of the habitat within site.*
- *Structure and function of the habitat.*
- *Processes supporting the habitat.*
- *Distribution of typical species of the habitat.*
- *Viability of typical species as components of the habitat.*
- *No significant disturbance of typical species of the habitat.*

Qualifying Habitats:

- *Alpine and subalpine calcareous grasslands.*
- *Base-rich fens.*
- *Calcium-rich nutrient-poor lakes, lochs and pools.*
- *Dry heaths.*
- *Dune grassland.*
- *Humid dune slacks.*
- *Limestone pavements.*
- *Shifting dunes with marram.*
- *Tall herb communities.*
- *Wet heathland with cross-leaved heath.*

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- *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.*

Qualifying Species:

- *Otter.*

Site Condition:

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
30/09/2004	<i>Alpine and subalpine calcareous grasslands</i>	<i>Montane habitats</i>	Unfavourable No change	Direct impact from development which could result in the loss of habitat and/or species through construction including the provision of services.
30/09/2004	<i>Base-rich fens</i>	<i>Fen, marsh and swamp (Upland)</i>	Unfavourable No change	<i>As Alpine and subalpine calcareous grasslands above.</i> Additionally, indirect impacts from disruption to, or changes, in ground water movements. Also, enrichment or pollution, particularly of the

Scottish Natural Heritage (SNH) site condition:				
Visit Date	Feature Description	Feature Category	Condition	Likely significant effect (Sensitivity)
29/07/2004	<i>Calcium-rich nutrient-poor lakes, lochs and pools</i>	<i>Standing open water and canals</i>	Favourable Maintained	groundwater which could include discharges. Discharges / water quality including surface water run-off. Significant increase in the water supply beyond licenced levels which currently comes from one of the SAC lochs.
30/09/2004	<i>Dry heaths</i>	<i>Dwarf shrub heath (Upland)</i>	Unfavourable No change	<i>As Alpine and subalpine calcareous grasslands above.</i>
30/09/2004	<i>Dune grassland</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No change	<i>As Alpine and subalpine calcareous grasslands above. Additionally, indirect impacts as a result of changes in sediment movement from coastal development, climate change and increased recreational pressure.</i>
30/09/2004	<i>Humid dune slacks</i>	<i>Supralittoral sediment (Coast)</i>	Unfavourable No change	<i>As Dune grassland above.</i>
30/09/2004	<i>Limestone pavements</i>	<i>Inland rock</i>	Unfavourable Declining	<i>As Alpine and subalpine calcareous grasslands above.</i>
30/10/2004	<i>Otter (Lutra lutra)</i>	<i>Mammals</i>	Favourable Maintained	Direct impact from development through construction including the provision of services. Disturbance from development and recreational pressure. Impacts on water quality from pollution and discharges which could affect food supply.
30/09/2004	<i>Shifting dunes with marram</i>	<i>Supralittoral sediment (Coast)</i>	Favourable Maintained	<i>As Dune grassland above.</i>
30/09/2004	<i>Tall herb communities</i>	<i>Inland rock</i>	Favourable Maintained	<i>As Alpine and subalpine calcareous grasslands above.</i>
30/09/2004	<i>Wet heathland with cross-leaved heath</i>	<i>Dwarf shrub heath (Upland)</i>	Unfavourable No change	<i>As Alpine and subalpine calcareous grasslands above.</i>

LOCAL PLAN PROPOSALS

DURNESS			
Location in relation to <i>Durness SAC</i>			
The SDA which contains the Site Allocations lies close to the SAC and part is immediately adjacent the SAC (and contained part of the SAC until SDA was changed to exclude SAC).			
Potential Impacts			
<ul style="list-style-type: none"> • Development within may result in the loss of habitats and/or species due to the creation of additional noise, pollution and disturbance through construction and provision of any additional services and facilities required. • Open Space sites identified as maintaining and protecting the existing value of the land. • Discharge from new developments could have a significant impact on water quality. 			
Settlement Development Area and Site Allocations	Plan Version		Actions Taken between Plan Drafts
	Deposit Draft 2007?	Deposit Draft 2008?	
Durness SDA	Yes	Yes	SDA reduced to exclude the SAC and enlarged to include additional land in MU1.
H1 - School Road	Yes	Yes	Decision taken to retain site.
MU1 - Adjacent to the war memorial	Yes	Yes	Decision taken to retain site. Allocation MU1 expanded to include land formerly identified as MU2 and additional land. Now MU1 - Adjacent to the shop and across road adjacent to the War Memorial.
MU2 - Adjacent to the village shop	Yes	Yes	Site enlarged to east and incorporated into MU1 – Adjacent to the shop and across road adjacent to the War Memorial.
OS – School	Yes	Yes	Decision taken to retain site.
OS – East of school	Yes	Yes	Decision taken to retain site.
NB. On consideration of the likely significant effects (sensitivities), not all allocations in this settlement have required to be included in this appropriate assessment.			
Mitigation (See Mitigation Measures, page 30)			
<ul style="list-style-type: none"> • SDA development factor and/or Site Allocation developer requirements as required, for waste water arrangements that accord with Policy 7 and are designed to mitigate likely significant effects on Natura sites (9.1/9.2). • Apply Local Plan's General Policies to ensure consideration of and strongly protect Natura site interests (9.5). • Open Space areas are safeguarded through policy (9.6). • SDA development factor setting out circumstances in which otter surveys will be required (9.8). 			
Update: The Plan As Modified includes what is required to be in it for these Mitigation purposes.			
Residual Impacts			
No residual adverse effect on the integrity of the European site.			