

# **Ross and Cromarty East Local Plan Appropriate Assessment**

## **Introduction**

The European Court of Justice has ruled that the UK is not compliant with the Habitats Directive because the transposition of the Directive to the UK Habitats Regulations does not specifically require land use plans to be considered under Articles 6 (3) and 6 (4) of the Directive. Local Plans can not therefore be approved by planning authorities unless:

- there has been a determination by the planning authority based on objective information that the provisions of the plan are not likely to have a significant effect on any European site; or
- an appropriate assessment has been carried out in respect of the provisions of the plan in line with the requirements of Article 6.3 and 6.4 of the Habitats Directive.

This report sets out an assessment by the planning authority based on objective information of the impacts of the Ross & Cromarty East Local Plan on European designated sites within the area. Local Plan is currently at Intention to Adopt stage, and it is hoped that it can be adopted by Highland Council in 2006.

This document sets out a description of the Plan area, the context to the preparation of the Plan, a summary of the content of the Plan and a detailed assessment of the effect of the Local Plan on each individual Special Protection Area, Special Area of Conservation or RAMSAR site in the Plan area.

## The Plan Area

The Local Plan covers an area of 2400 square kilometres stretching from Achnasheen and Beinn Dearg in the west to the Dornoch Firth and Tarbat Ness in the north east. The Beaully Firth and Strathconon define the southern limits while the fertile farm lands of the Black Isle, Mid and Easter Ross and the waters of the Inner Moray Firth dominate the eastern part of the area. These sheltered waters are a rich resource supporting settlements over the last 6-7000 years. Until the 17<sup>th</sup> Century, with the exception of the four Royal Burghs of Tain, Cromarty, Fortrose and Dingwall, the population lived in small farming communities. The creation of burghs of barony led to increasing commercial opportunities, together with changes to communications, settlement and social structure. Industrialisation in the 19<sup>th</sup> century created the foundations for the modern economy around the Cromarty Firth with its role in the exploitation of North Sea oil. The area now looks towards new areas of investment in information technology, tourism and the environment.

Around half the 44,000 population lives in the five main towns of Alness, Dingwall, Invergordon, Muir of Ord and Tain. By contrast, the extensive hinterland, stretching from Strath Rory in Easter Ross, through Ben Wyvis to the mountains of the west, has a low population, concentrated in the main straths through to the west coast. Elsewhere a number of smaller communities, such as Avoch, Conon Bridge, Fortrose and North Kessock, together with the more densely populated countryside, lie within easy commuting distance of Inverness

### Map 1: Plan Area



## **Preparation and Consultation Timetable**

The Ross & Cromarty East Local Plan is now at Intention to Adopt stage. The table below shows the stages the plan preparation has gone through to date.

It should be noted that several objections made by SNH to the wording of policies or specific allocations contained within the Local plan were dealt with either through a negotiated agreement or through the Public Local Inquiry which was held in June and July 2005. Discussions with SNH indicate that the outcomes of the Public Local Inquiry are acceptable and that there is agreement with the text and general content of the Local Plan.

### **Preparation and Consultation Timetable**

#### **COMMENCEMENT**

- February 2000 – Notice of Intention to Prepare.
- June 2000 to June 2001 – Initial consultations/community workshops.

#### **CONSULTATIVE DRAFT**

- 15 April 2002 – Ross and Cromarty Area Planning Committee agreed to publish Draft Plan.
- 31 May to 9 August 2002 – Consultation period.
- 15 September and 1 October 2003 - representations reported to Ross and Cromarty Area Planning and Highland Planning, Development, Europe and Tourism Committees to agree changes and publication of Deposit Draft.

#### **DEPOSIT DRAFT**

- 7 November 2003 to 17 January 2004 - Deposit/consultation period.
- 25 January 2005 – report on objections and representations on Deposit Draft to Ross and Cromarty Area Planning Committee and agreement to proposed pre-Inquiry Modifications.
- 4 February to 18 March 2005 – Deposit/consultation period for proposed Modifications prior to Public Local Inquiry.

#### **PUBLIC LOCAL INQUIRY**

- 7 June to 7 July 2005 – Hearings and full Inquiry sessions
- 20 and 23 March 2006 – Report of Inquiry considered by Ross and Cromarty Area Planning and Highland Planning, Development, Europe and Tourism Committees to agree changes and publication of Deposit Draft with Modifications (2).

#### **DEPOSIT DRAFT WITH MODIFICATIONS (2)**

- 19th September and 27th September 2006 – Objections to Deposit Draft with Modifications (2) considered by Ross and Cromarty Area Planning and Highland Planning, Development, Europe and Tourism Committees.

#### **NOTICE OF INTENTION TO ADOPT**

- 27th October to 24th November 2006 – Deposit period.

#### **What Happens Next?**

- Adoption – December 2006

## **Content of the Plan**

The Ross & Cromarty East Local Plan consists of a Written Statement, Proposals Maps and Inset Maps. The Written Statement contains three types of guidance on the Council's views on land use issues:

1. Policies express the Council's attitude towards the use of land within the Plan area.
2. Proposals are actions to be carried out by public or private bodies, normally within the Plan period, which promote development. However, any dates and costs shown against proposals are liable to change as programmes and the availability of resources are reviewed annually.
3. Recommendations relate to matters outwith the Council's control, where the Council wishes to make its views known to the appropriate body.

On the Proposals and Inset Maps, a set of General Policies are applied across the Local Plan area where indicated. These are referred to as Background and Settlement Policies. An explanation of these policies, including detailed definitions and background, is contained in the Appendix I of the Local Plan. Specific attention is drawn to the BP4 policy which covers European sites. The BP4 policy states that, within Special Protection Areas, Special Areas of Conservation or Ramsar sites:

***“The Council will not favour development unless there are over-riding environmental or public health and safety grounds or unless there are imperative reasons of over-riding public interest including those of a social or economic nature”.***

The full text of the Ross & Cromarty East Local Plan is available on The Highland Council web-site at [www.highland.gov.uk/yourenvironment/planning/localplans/rossandcromartyeastlocalplan.htm](http://www.highland.gov.uk/yourenvironment/planning/localplans/rossandcromartyeastlocalplan.htm).

## **Detailed Assessment**

A Map indicating the location of the European sites which lie within or adjacent to the Ross & Cromarty East Local Plan boundary is attached at Appendix 1 for reference. The following tables set out the key implications and effects of the Local Plan on these European sites.

**Name of European Site:** Inner Moray Firth

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

The SPA qualifies under Article 4.1 by regularly providing foraging grounds for nationally important numbers of breeding osprey *Pandion haliaetus* and a nationally important breeding population of common tern *Sterna hirundo* (310 pairs, 2% of GB). It also qualifies by supporting an internationally important wintering population of bar-tailed godwit *Limosa lapponica* (1992/3-96/97 winter peak mean of 1090, 2% of GB and 1% of West European population).

The Inner Moray Firth SPA qualifies under Article 4.2 by regularly supporting internationally important wintering populations (1992/93-96/97 winter peak means) of greylag goose *Anser anser* (2651, 3% of total Icelandic population, all of which winters in GB), red-breasted merganser *Mergus serrator* (1,184, 1% of NW Europe, 12% of GB) and redshank *Tringa totanus* (1,621, 1% of British & East Atlantic Flyway).

The SPA further qualifies under Article 4.2 by regularly supporting over 20,000 waterfowl with a 1992/93-1996/97 winter peak mean of 26,800 comprising 16,800 wildfowl and 10,000 waders. This assemblage contains nationally important populations of 7 species (1992/93-96/97 winter peak means): cormorant *Phalacrocorax carbo* (409, 3% of GB), wigeon *Anas penelope* (7310, 3%), teal *A. crecca* (2066, 1%), scaup *Aythya marila* (118, 1%), goldeneye *Bucephala clangula* (218, 1%), goosander *Mergus merganser* (325, 4%) and curlew *Numenius arquata* (1262, 1%).

**Assessment:**

The Inner Moray Firth SPA comprises the Beaully Firth and Inverness Firth which together form the easternmost estuarine component of the Moray Basin ecosystem. The SPA supports large intertidal flats and some saltmarsh and sand dunes. The boundary of the SPA follows those of the Beaully Firth SSSI, Munlochy Bay SSSI, Longman & Castle Stuart Bays SSSI and Whiteness Head SSSI.

There are no specific proposals for development outlined in the Plan which lie within the SPA. Part of the SPA does lie adjacent to Munlochy within which there are several allocations for development, although there no significant areas of concern have been highlighted. The Plan does note that development outside the boundary of a European (BP4) site, but which is judged to potentially affect the site, must be considered on that basis.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be

ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.



**Name of European Site:** Inner Moray Firth

**Site Type:** RAMSAR Site

**Qualifying Interest(s):**

The Ramsar site qualifies under Criterion 1b by supporting outstanding examples of wetland habitats. Saltmarsh and intertidal flats are well represented in the Inner Moray Firth. Whiteness Head is a good example of a sand and shingle spit enclosing an accreting intertidal system of saltings, sand and mud flats, with associated saltmarsh and carseland.

The Ramsar site qualifies under Criterion 3a by regularly supporting over 20,000 waterfowl with a 1992/93-96/97 winter peak mean of 26,800 waterfowl, comprising 16,800 wildfowl and 10,000 waders.

The Ramsar site qualifies under Criterion 3c by regularly supporting internationally important wintering populations (1992/93-96/97 winter peak means) of greylag goose *Anser anser* (2651, 3% of total Icelandic population, all of which winters in GB), red-breasted merganser *Mergus serrator* (1,184, 1% of NW Europe, 12% of GB), bar-tailed godwit *Limosa lapponica* (1992/3-96/97 winter peak mean of 1090, 2% of GB and 1% of West European population) and redshank *Tringa totanus* (1,621, 1% of British & East Atlantic Flyway).

**Assessment:**

The Inner Moray Firth Ramsar site comprises the Beaully Firth and Inverness Firth which together form the south-eastern estuarine component of the Moray Basin ecosystem. The Ramsar site supports large intertidal flats and some saltmarsh and sand dunes. The boundary of the Ramsar site follows those of the Beaully Firth, Munloch Bay, Longman & Castle Stuart Bays and Whiteness Head SSSIs.

There are no specific proposals for development outlined in the Plan which lie within the Ramsar site. Part of the Ramsar site does lie adjacent to Munloch within which there are several allocations for development, although there no significant areas of concern have been highlighted. The Local Plan does note that development outside the boundary of a European (BP4) site, but which is judged to potentially affect the site, must be considered on that basis.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Cromarty Firth

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season;

Common Tern *Sterna hirundo*, 294 pairs representing at least 2.4% of the breeding population in Great Britain (5 year mean, 1989-1993)

Osprey *Pandion haliaetus*, 1 pairs representing at least 1.0% of the breeding population in Great Britain (Early 1990s)

Over winter;

Bar-tailed Godwit *Limosa lapponica*, 1,420 individuals representing at least 2.7% of the wintering population in Great Britain (winter peak mean)

Whooper Swan *Cygnus cygnus*, 55 individuals representing at least 1.0% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter;

Greylag Goose *Anser anser*, 1,777 individuals representing at least 1.8% of the wintering Iceland/UK/Ireland population (winter peak mean)

Assemblage qualification: A wetland of international importance.

The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl

Over winter, the area regularly supports 34,847 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Redshank *Tringa totanus*, Curlew *Numenius arquata*, Dunlin *Calidris alpina alpina*, Knot *Calidris canutus*, Oystercatcher *Haematopus ostralegus*, Red-breasted Merganser *Mergus serrator*, Scaup *Aythya marila*, Pintail *Anas acuta*, Wigeon *Anas penelope*, Greylag Goose *Anser anser*, Bar-tailed Godwit *Limosa lapponica*, Whooper Swan *Cygnus cygnus* .

**Assessment:**

The Cromarty Firth SPA is a large, narrow-mouthed estuary which supports the largest intertidal flats in the Moray Basin. The site extends eastwards for approximately 30 km from the islands at the mouth of the River Conon to the town of Cromarty. The boundary of the SPA follows those of the Cromarty Firth SSSI and the estuarine section of Lower River Conon SSSI.

There are no specific proposals for development outlined in the Plan which lie directly within the SPA.

Given the area covered by the Cromarty Firth SPA, there are a number of settlements which lie directly adjacent to it. As can be seen from the Map in Appendix 1, these settlements are Dingwall, Conon Bridge, Maryburgh, Evanton, Invergordon and Nigg. These settlements do contain a number of allocations for development, although as noted above, none lie directly within the SPA. The only issue raised in relation to these allocations are the proposals for the Riverside Field in Dingwall. The Local Plan states that the detailed potential of the area should be examined and proposals for comprehensive redevelopment brought forward through the preparation of a development/design brief and/or Masterplan in consultation with the community, prospective developers and other interested parties. The potential impact on the SPA will be a fundamental aspect of this exercise, and Scottish Natural Heritage are content with the approach set out within the Local Plan.

There are two significant areas of industrial development which lie adjacent to the SPA. The first is the Highland Deephaven Industrial Estate at Evanton, where the site is allocated for business, industry and bulk storage. Following objection from SNH, the site was redefined within the plan to exclude the intertidal areas associated with SPA. The Local Plan policy (Policy 34) clearly sets out the relationship with the Cromarty Firth SPA and the need for it to be taken into account.

The proposals at Nigg are support for the diversification of the Barmac Yard into other appropriate industrial uses, if not required for continued oil related development. Some 312 hectares of land are also reserved from Pitcalzean Mains Farm to Nigg Beach for major petrochemical development. A Masterplan will be prepared prior to any development of this site, and it is important to note that the Local Plan sets out the importance of the natural and cultural heritage in the area. It is also important to note that there were no outstanding objections from Scottish Natural Heritage in respect of the development of this site.

The Plan does note that development outside the boundary of a European (BP4) site, but which is judged to potentially affect the site, must be considered on that basis. This will ensure that development opportunities that lie adjacent to the site were fully considered for their impact on it.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can demonstrate that there are over-riding environmental or public health and safety grounds or unless there are imperative reasons of over-riding public interest including those of a social or economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Cromarty Firth

**Site Type:** RAMSAR Site

**Qualifying Interest(s):**

The Cromarty Firth Ramsar site qualifies under Criterion 1b by supporting outstanding examples of wetland habitat. The site holds the largest mudflats in Highland and at the mouth of the River Conon there is a rare surviving example of a transition from woodland, through scrub and freshwater fen, to brackish and finally saltmarsh communities.

The Cromarty Firth Ramsar site qualifies under Criterion 3a by regularly supporting over 20,000 waterfowl in winter. In the five-year period 1992/93 to 1996/97, a winter peak mean of 30,200 waterfowl was recorded, comprising 14,800 wildfowl and 15,400 waders.

The Cromarty Firth Ramsar site further qualifies under Criterion 3c by supporting internationally important wintering populations (1992/93-96/97 winter peak means) of greylag goose *Anser anser* (1,782, 2% of total Icelandic population, all of which winters in GB) and bar-tailed godwit *Limosa lapponica* (1,355, 3% of GB and 1% of W. European population).

**Assessment:**

The Cromarty Firth Ramsar site is a large, narrow-mouthed estuary which supports the largest intertidal flats in the Moray Basin. The site extends eastwards for approximately 30 km from the islands at the mouth of the River Conon to the town of Cromarty, in the Ross & Cromarty District of Highland Region. The boundary of the site follows those of Cromarty Firth SSSI and the estuarine section of Lower River Conon SSSI.

There are no specific proposals for development outlined in the Plan which lie directly within the Ramsar site.

Given the area covered by the Cromarty Firth Ramsar site, there are a number of settlements which lie directly adjacent to it. As can be seen from the Map in Appendix 1, these settlements are Dingwall, Conon Bridge, Evanton, Invergordon and Nigg. These settlement do contain a number of allocations for development, although as noted above, none lie directly within the Ramsar site. The only issue raised in relation to these allocations are the proposals for the Riverside Field in Dingwall. The Local Plan states that the detailed potential of the area should be examined and proposals for comprehensive redevelopment brought forward through the preparation of a development/design brief and/or Masterplan in consultation with the community, prospective developers and other interested parties. The potential impact on the Ramsar site will be a fundamental aspect of this exercise, and Scottish Natural Heritage are content with the approach set out within the Local Plan.

There are two significant areas of industrial development which lie adjacent to the

Ramsar site. The first is the Highland Deephaven Industrial Estate at Evanton, where the site is allocated for business, industry and bulk storage. Following objection from SNH, the site was redefined within the plan to exclude the intertidal areas associated with Ramsar site. The Local Plan policy (Policy 34) clearly sets out the relationship with the Cromarty Firth Ramsar site and the need for it to be taken into account.

The proposals at Nigg are support for the diversification of the Barmac Yard into other appropriate industrial uses, if not required for continued oil related development. Some 312 hectares of land are also reserved from Pitcalzean Mains Farm to Nigg Beach for major petrochemical development. A Masterplan will be prepared prior to any development of this site, and it is important to note that the Local Plan sets out the importance of the natural and cultural heritage in the area. It is also important to note that there were no outstanding objections from Scottish Natural Heritage in respect of the development of this site.

The Plan does note that development outside the boundary of a European (BP4) site, but which is judged to potentially affect the site, must be considered on that basis. This will ensure that development opportunities that lie adjacent to the site are fully considered for their impact on it.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Dornoch Firth & Loch Fleet

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season;

Osprey *Pandion haliaetus*, 10 pairs representing at least 10.0% of the breeding population in Great Britain (Count as at early 1990's)

Over winter;

Bar-tailed Godwit *Limosa lapponica*, 1,300 individuals representing at least 2.5% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter;

Greylag Goose *Anser anser*, 2,079 individuals representing at least 2.1% of the wintering Iceland/UK/Ireland population (5 year peak mean 1991/2 - 1995/6)

Wigeon *Anas penelope*, 15,304 individuals representing at least 1.2% of the wintering Western Siberia/Northwestern/Northeastern Europe population (5 year peak mean 1989/90-1993/4)

Assemblage qualification: A wetland of international importance.

The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl

Over winter, the area regularly supports 34,837 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Curlew *Numenius arquata*, Dunlin *Calidris alpina alpina*, Oystercatcher *Haematopus ostralegus*, Teal *Anas crecca*, Wigeon *Anas penelope*, Greylag Goose *Anser anser*, Bar-tailed Godwit *Limosa lapponica*.

**Assessment:**

Dornoch Firth & Loch Fleet Special Protection Area (SPA) 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 intertidal flats, 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 dune systems at Dornoch Links and Morrich More are



of international importance for their flora and geomorphology. The boundaries of the SPA 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.

There are no specific proposals for development outlined in the Plan which lie within the SPA. The SPA does however lie adjacent to a number of settlements which contain allocations for development – these being Edderton and Tain. The Local Plan does note that even where proposals for development lie outside the boundary of a European (BP4) site and they are judged to potentially affect the site, they will be must be considered on the basis of the BP4 policy.

At Fendom, east of Tain, approximately 11 ha. of the former airfield is identified as a large-scale business and industrial development site. The Local Plan states that The Council will presume against any proposals that would prejudice its longer term potential. In addition, development proposals that do come forward for the site will require a full Environmental Impact Assessment accounting for, amongst other things, the impact on the adjacent SPA and SAC. Scottish Natural Heritage are content that the content of the Plan now fully recognises that need for the impact on the SPA to be taken into account.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Dornoch Firth & Loch Fleet

**Site Type:** RAMSAR Site

**Qualifying Interest(s):**

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.

**Assessment:**

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.

There are no specific proposals for development outlined in the Plan which lie within the Ramsar site. It does however lie adjacent to a number of settlements which contain allocations for development – these being Edderton and Tain. The Local Plan does note that even where proposals for development lie outside the boundary of a European (BP4) site and they are judged to potentially affect the site, they will be must be considered on the basis of the BP4 policy.

At Fendom, east of Tain, approximately 11 ha. of the former airfield is identified as a large-scale business and industrial development site. The Local Plan states that The Council will presume against any proposals that would prejudice its longer term potential. In addition, development proposals that do come forward for the site will require a full Environmental Impact Assessment accounting for, amongst other things, the impact on the adjacent SPA and SAC. Scottish Natural Heritage are content that the content of the Plan now fully recognises that need for the impact on the Ramsar site to be taken into account.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Loch Eye

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

Over winter;

Whooper Swan *Cygnus cygnus*, 213 individuals representing at least 3.9% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter;

Greylag Goose *Anser anser*, 11,321 individuals representing at least 11.3% of the wintering Iceland/UK/Ireland population (5 year peak mean 1991/2 - 1995/6)

**Assessment:**

Loch Eye is located between the Cromarty and Dornoch Firths in the Highland region of Scotland. It is a relatively large, shallow, nutrient-rich inland water body, and is the best example of a eutrophic lowland loch north of the Highland boundary fault. The loch and surrounding area supports a diverse range of plant communities. In winter, the loch is an important roosting site for internationally important numbers of waterbirds, especially Whooper Swan *Cygnus cygnus* and Icelandic Greylag Goose *Anser anser*. The waterbirds using Loch Eye move on a regular basis between the loch and the nearby Dornoch and Cromarty Firths where there are abundant feeding opportunities, although the geese feed in surrounding areas of agricultural land outside the SPA. The loch is thus an integral component of the wider Moray Basin ecosystem.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

Conclusion:

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Loch Eye

**Site Type:** RAMSAR Site

**Qualifying Interest(s):**

This site qualifies as internationally important under criterion 1B by virtue of its provision of a winter roost for an average of 11200 greylag geese *Anser anser* (over 11% of the Icelandic-breeding population), and a wintering site for an average of 140 whooper swans *Cygnus cygnus* (over 1% of the European population). The site qualifies also under criterion 1A by regularly supporting over 10000 wildfowl.

**Assessment:**

Loch Eye is a relatively large, shallow, nutrient-rich inland water body located between the Cromarty and Dornoch Firths. In winter the loch acts as an important roosting site for internationally important numbers of waterfowl. The loch and surrounding area also supports a diverse range of higher plant communities.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the RAMSAR site.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection which was investigated at the Public Local Inquiry.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

<b>Name of European Site:</b> Achanalt Marshes
<b>Site Type:</b> Special Protection Area
<p><b>Qualifying Interest(s):</b></p> <p>The site qualifies under Article 4.1 by regularly supporting, in summer, a nationally important population of the Annex 1 species wood sandpiper <i>Tringa glareola</i> with an average of 3 breeding pairs between 1991-1995, representing 50% of the British breeding population.</p> <p>The site is also of interest for its assemblage of breeding waterfowl which includes, wigeon <i>Anas penelope</i> (6 pairs), teal <i>Anas crecca</i> (5 pairs), mallard <i>Anas platyrhynchos</i> (14 pairs), tufted duck <i>Aythya fuligula</i> (10 pairs), oystercatcher <i>Haematopus ostralegus</i> (3 pairs), lapwing <i>Vanellus vanellus</i> (3 pairs), dunlin <i>Calidris alpina</i> (3 pairs), snipe <i>Gallinago gallinago</i> (7 pairs), curlew <i>Numenius arquata</i> (7 pairs), redshank <i>Tringa totanus</i> (6 pairs), greenshank <i>Tringa nebularia</i> (4 pairs) and common sandpiper <i>Actitis hypoleucos</i> (5 pairs). The figures in brackets are the average number of breeding pairs recorded in the five-year period 1991-1995.</p>
<p><b>Assessment:</b></p> <p>Achanalt Marshes comprises the water bodies of Loch Achanalt and Loch Odhar with associated semi-natural grassland and fen communities interspersed with heathland and mire. This is a key part of the most extensive river valley flood plain in Easter Ross which still retains abundant semi-natural vegetation.</p> <p>The boundary of the SPA is coincident with that of the Achanalt Marshes SSSI.</p> <p>There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.</p> <p>Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.</p>
<p><b>Conclusion:</b></p> <p>It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.</p>

**Name of European Site:** Beinn Dearg

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

Qualifying features:

Beinn Dearg SPA is of outstanding nature conservation importance within the European Community because it supports a nationally important population of breeding dotterel *Charadrius morinellus*. Britain holds one of the largest populations of dotterel in the European Community, and because of its rarity in Europe, it is listed (Annex 1) as requiring special conservation measures under Article 4.1 of the Birds Directive. There are currently an estimated 840 breeding pairs of dotterel in Britain almost all of which breed in Scotland with only a few pairs found in England. Within Europe the main strongholds for breeding dotterel are in Norway (20-40,000) and Sweden (5-10,000).

From 1987 to 1993, an average of 22 pairs of dotterel bred within the Beinn Dearg SPA, representing 3% of the British breeding population. In spring, Beinn Dearg acts as a staging area for dotterel that go on to breed elsewhere in Britain and in Scandinavia. Beinn Dearg is also important to the species range in Britain as it lies well outside the core population in the Grampians.

Additional non-qualifying interest:

Beinn Dearg is exceptional among British mountain massifs because, in addition to dotterel, it supports a further five species of breeding wader, including the Annex I golden plover, instead of the one to three species more usually found at high altitude on such mountain massifs. It also supports typical montane species such as ptarmigan, dunlin, ring ouzel and snow bunting.

**Assessment:**

Beinn Dearg Special Protection Area (SPA) is a large mountain massif which lies to the north of Loch Broom, in the northern highlands of Scotland. Although Beinn Dearg is the highest point (1084m) it contains several summits over 900m, including Am Faochagach (954m) to the east and Seana Bhraigh (927m) to the north. This is the most northerly hill area in Britain with ground reaching 1070m.

The Beinn Dearg massif is considered to be the third most botanically diverse mountain system in Britain, after the Cairngorms and Ben Lawers-Meall nan Tarmachan, and it is the most outstanding in the northern Highlands. It supports an extremely wide range of habitats including montane dwarf-shrub heaths, moss-heaths, snow-bed communities, high-altitude blanket mires, acidic and calcareous springs and flushes, together with running and standing water. The boundary of the SPA mostly follows the 650m contour line within the Beinn Dearg Site of Special Scientific Interest.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.



Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Beinn Dearg

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*

4060 Alpine and Boreal heaths

6150 Siliceous alpine and boreal grasslands

6170 Alpine and subalpine calcareous grasslands

6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels

7240 Alpine pioneer formations of the *Caricion bicoloris-atrofuscae* \* Priority feature

8210 Calcareous rocky slopes with chasmophytic vegetation

8220 Siliceous rocky slopes with chasmophytic vegetation

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

4010 Northern Atlantic wet heaths with *Erica tetralix*

4030 European dry heaths

4080 Sub-Arctic *Salix* spp. scrub

6230 Species-rich *Nardus* grassland, on siliceous substrates in mountain areas (and submountain areas in continental Europe) \* Priority feature

7130 Blanket bogs \* Priority feature

8110 Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)

91C0 Caledonian forest \* Priority feature

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest,

including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Ben Wyvis

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

Ben Wyvis SPA is of outstanding nature conservation importance within the European Community because it supports a nationally important population of breeding dotterel *Charadrius morinellus*.

From 1987 to 1993, an average of 20 pairs of dotterel bred within the Ben Wyvis SPA, representing 2% of the British breeding population. This is one of the highest density breeding populations in Britain. In spring, Ben Wyvis SPA acts as a staging area for dotterel that go on to breed elsewhere in Britain and in Scandinavia and it is also important to the species' range in Britain as it lies outside the core population in the Grampians.

**Additional non-qualifying interest:**

Ben Wyvis SPA supports an important assemblage of montane species, including two further Annex 1 species: golden eagle (1 pair) and golden plover (13 pairs). Other montane species which breed on the site are ptarmigan (10 pairs) and ring ouzel (1 pair).

**Assessment:**

Ben Wyvis SPA lies north of Dingwall in the northern highlands of Scotland and is the only major mountain massif in the north-eastern Highlands. Its size, altitude (1046m) and location give it a unique ecological character midway between the continental Cairngorms massif and the oceanic mountains of the western Highlands. The upland slopes and plateaux have mire, heath and alpine communities. The SPA is of outstanding botanical importance in Europe and is known to support eight internationally important montane communities. The boundary of the SPA occupies the entire area of the Ben Wyvis massif above the 650m contour line within the Ben Wyvis Site of Special Scientific Interest.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Ben Wyvis

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

4060 Alpine and Boreal heaths  
6150 Siliceous alpine and boreal grasslands  
7130 Blanket bogs \* Priority feature

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*  
4030 European dry heaths  
6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels  
8110 Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)  
8220 Siliceous rocky slopes with chasmophytic vegetation

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Morangie Forest

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

The Morangie Forest SPA qualifies under Article 4.1 by regularly supporting a breeding population of European importance of the Annex I species capercaillie *Tetrao urogallus*. The site supports approximately 30 individuals, representing about 2.8 % of the GB population.

**Assessment:**

The Morangie Forest Special Protection Area (SPA) is a coniferous plantation on the north side of the Cromarty Firth. The boundary of the SPA broadly follows the boundary of the Morangie Forest including part of Kinrive-Strathroy SSSI but excluding the majority of coniferous plantations that are too young to support breeding capercaillie. The SPA therefore consists of two woodland areas separated by the valley of the Strathroy River. Although most of the site is commercial forestry less than 70 years old, large areas retain a ground flora of heather (*Calluna vulgaris*) and blaeberry (*Vaccinium myrtillus*) more typical of native pine woodlands. There are also two areas of old pinewood within the SPA. Kinrive Wood, part of Kinrive-Strathroy SSSI, is ancient woodland and Scotsburn Wood is a long-established woodland of plantation origin.

There are no specific proposals for development outlined in the Plan which lie within the SPA. The Plan does however contain a proposal to promote access to this particular area, particularly through the Core Path Planning process.

The Scotsburn settlement lies directly adjacent to the SPA. The Plan recognises that there is an indicative capacity for 12 houses in this settlement, but draws specific attention to the fact that the allocation borders the Morangie Forest Special Protection Area and due regard will be taken of this consideration.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Novar

**Site Type:** Special Protection Area

**Qualifying Interest(s):**

The Novar SPA qualifies under Article 4.1 by regularly supporting a breeding population of European importance of the Annex I species capercaillie *Tetrao urogallus*. The site supports approximately 13 individuals (mean 1999 – 2003), representing about 1.2 % of the GB population.

**Assessment:**

The Novar Special Protection Area (SPA) is a coniferous plantation on the north side of the Cromarty Firth. The boundary of the SPA broadly follows the fenced boundary of the commercial woodland between Glen Glass, in the south-west, and the Boath Road, in the north-east. The SPA therefore consists of a single large block of woodland consisting predominantly of Scots Pine (*Pinus sylvestris*) but larch (*Larix* spp.), spruce (*Picea* spp.), fir (*Pseudotsuga* spp.), other conifers and a limited amount of birch (*Betula* spp.) are also present. Although most of the site is commercial forestry much of it is of long established origin and large areas retain a ground flora of heather (*Calluna vulgaris*) and blaeberry (*Vaccinium myrtillus*) more typical of native pine woodlands.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA. The Plan does however contain a policy which states that the Council will also have regard to the landscape impact of development in the Novar Estate, given that is within the Inventory of Gardens and Designed Landscapes.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.



**Name of European Site:** Conon Islands

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) \* Priority feature

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

Not applicable.

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

Conon Islands, at the mouth of the River Conon in north-east Scotland, is an example of a relatively unmodified dynamic alluvial forest system – a rare situation in Europe. It provides one of the most complete examples in the SAC series of a transition from woodland through scrub and freshwater fen to saltmarsh communities. The upper part of the site supports alder *Alnus glutinosa* wood, which is subject to regular inundation and which gives way downstream to alder and willow *Salix* spp. woodland.

There are no specific proposals for development outlined in the Plan which lie within the SPA. It does however lie adjacent to the settlements of Conon Bridge and Maryburgh.

Of particular note is an allocation for potential housing development within the settlement of Conon Bridge which lies adjacent to the Conon Islands SAC. This site, the former fish processing factory site, is reserved for future development pending the outcome of a flood study. Although there could be some potential impact on the site if a proposal comes forward for this site, SNH is content that the wording of the policy specific to that allocation, as well as the overriding BP4 policy is sufficient.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage,

following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Dam Wood

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

5130 *Juniperus communis* formations on heaths or calcareous grasslands

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

7230 Alkaline fens

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

Dam Wood represents the most northerly example of *Juniperus communis* formations in the SAC series. This is one of the few remnants of juniper scrub on the Black Isle and occurs within the largest remaining fragment of lowland *Calluna* heath that once characterised the central part of the Black Isle. Associated habitats include grasslands and lime-rich seepages. The habitat is in good condition and the juniper is regenerating well.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Dornoch Firth and Morrich More

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

1130 Estuaries  
1140 Mudflats and sandflats not covered by seawater at low tide  
1310 *Salicornia* and other annuals colonising mud and sand  
1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)  
2110 Embryonic shifting dunes  
2120 Shifting dunes along the shoreline with *Ammophila arenaria* (‘white dunes’)  
2130 Fixed dunes with herbaceous vegetation (‘grey dunes’) \* Priority feature  
2140 Decalcified fixed dunes with *Empetrum nigrum* \* Priority feature  
2150 Atlantic decalcified fixed dunes (*Calluno-Ulicetea*) \* Priority feature  
2190 Humid dune slacks  
2250 Coastal dunes with *Juniperus* spp. \* Priority feature

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

1110 Sandbanks which are slightly covered by sea water all the time  
1170 Reefs

**Annex II species that are a primary reason for selection of this site**

1355 Otter *Lutra lutra*  
1365 Common seal *Phoca vitulina*

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within the SAC. It does however lie adjacent to a number of settlements which contain allocations for development – these being Edderton and Tain. The Local Plan does note that even where proposals for development lie outside the boundary of a European (BP4) site and they are judged to potentially affect the site, they will be must be considered on the basis of the BP4 policy.

At Fendom, east of Tain, approximately 11 ha. of the former airfield is identified as a large-scale business and industrial development site. The Local Plan states that The Council will presume against any proposals that would prejudice its longer term potential. In addition, development proposals that do come forward for the site will require a full Environmental Impact Assessment accounting for, amongst other things, the impact on the adjacent SPA and SAC. Scottish Natural Heritage are content that the content of the Plan now fully recognises that need for the impact on the SAC to be taken into account.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Fannich Hills

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

4010 Northern Atlantic wet heaths with *Erica tetralix*

4060 Alpine and Boreal heaths

6150 Siliceous alpine and boreal grasslands

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*

4030 European dry heaths

7130 Blanket bogs \* Priority feature

8110 Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)

8220 Siliceous rocky slopes with chasmophytic vegetation

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

<b>Name of European Site:</b> Loch Achnacloich
<b>Site Type:</b> Special Area of Conservation
<p><b>Qualifying Interest(s):</b></p> <p><b>Annex I habitats that are a primary reason for selection of this site</b> 3150 Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</p> <p><b>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</b> Not applicable.</p> <p><b>Annex II species that are a primary reason for selection of this site</b> Not applicable.</p> <p><b>Annex II species present as a qualifying feature, but not a primary reason for site selection</b> Not applicable.</p>
<p><b>Assessment:</b></p> <p>Loch Achnacloich is an example of a high quality naturally eutrophic loch with a profuse and diverse growth of aquatic plants, particularly on its southern and western edges. It is found towards the top of a small catchment which drains into the Balnagowan River, and then into the Cromarty Firth. Many of the species found in Loch Achnacloich are more commonly associated with more southern and lowland parts of the UK. The loch supports six pondweed <i>Potamogeton</i> species as well as the nationally scarce least water-lily <i>Nuphar pumila</i>.</p> <p>There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.</p> <p>Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly. In this specific respect the impact of any development on the nearby farm will require close scrutiny.</p>

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.



**Name of European Site:** Loch Ussie

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

Not applicable.

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within the SPA. The Plan does however set out a policy (Policy 71) to safeguard the area around Loch Ussie which has been designated as an Area of Local landscape Significance from unsympathetic development. Where recreation is an integral part of the designations importance, the Council will encourage appropriate sympathetic management measures and consider the scope for improved interpretation and small scale visitor facilities.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Monadh Mor

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

7140 Transition mires and quaking bogs  
91D0 Bog woodland \* Priority feature

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

Not applicable.

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

**Assessment:**

Loch Achnacloich is an example of a high quality naturally eutrophic loch with a profuse and diverse growth of aquatic plants, particularly on its southern and western edges. It is found towards the top of a small catchment which drains into the Balnagowan River, and then into the Cromarty Firth. Many of the species found in Loch Achnacloich are more commonly associated with more southern and lowland parts of the UK. The loch supports six pondweed *Potamogeton* species as well as the nationally scarce least water-lily *Nuphar pumila*.

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SPA.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly. In this specific respect the impact of any development on the nearby farm will require close scrutiny.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Moray Firth

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

Not applicable

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

1110 Sandbanks which are slightly covered by sea water all the time

**Annex II species that are a primary reason for selection of this site**

1349 Bottlenose dolphin *Tursiops truncatus*

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within the Moray Firth SAC. It does however lie directly adjacent to the entire eastern coast of the Local Plan Area. In this respect therefore it lies adjacent to a number of settlements which contain development allocations for housing, business, community and other special uses. Throughout the Plan preparation, no objections were raised by Scottish natural Heritage on the impact of any proposal on this SAC.

As noted elsewhere, the Local Plan does stress that even where proposals for development lie outside the boundary of a European (BP4) site and they are judged to potentially affect the site, they will be must be considered on the basis of the BP4 policy.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly. In this specific respect the impact of any development on the nearby farm will require close scrutiny.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

**Name of European Site:** Pitmaduthy Moss

**Site Type:** Special Area of Conservation

**Qualifying Interest(s):**

**Annex I habitats that are a primary reason for selection of this site**

91D0 Bog woodland \* Priority feature

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site**

Not applicable.

**Annex II species that are a primary reason for selection of this site**

Not applicable.

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

Not applicable.

**Assessment:**

There are no specific proposals for development outlined in the Plan which lie within or directly adjacent to the SAC.

Should any proposal come forward for development directly on the site through a planning application, it would fall to be considered under the terms of Policy BP4 of the Local Plan and any other relevant policies within the Local Plan or the Highland Structure Plan. This will ensure that no proposal can be agreed unless it can be ascertained it will not adversely affect the integrity of the site or it can be demonstrated that there are imperative reasons of over-riding public interest, including as appropriate those of an environmental, public health and safety, or social and economic nature. This approach has been agreed by Scottish Natural Heritage, following consideration of the Council's response to an initial objection. The Plan also notes that development outside the boundary, but which may still affect the site, must be considered accordingly.

**Conclusion:**

It is concluded that the provisions of the Plan, and in particular the safeguarding policies relating to any individual policies (BP4) will not adversely affect the integrity of the European site.

## **Conclusions**

It is considered that whilst some minor elements within the Plan are likely to have a significant effect on European sites, the provisions of the Plan policies have assisted in putting in place a framework against which proposals which do come forward through the planning application process can be fully considered in accordance with national guidance. This will ensure that no development can be permitted which will adversely affect the integrity of any site.

As a result of this safeguarding framework, it is concluded that the proposals within this Plan will not adversely affect the integrity of any European site. This conclusion has been reached with the full cooperation of Scottish Natural Heritage.

**Appendix 1 – European Sites in Ross and Cromarty East.**