

# Uig Development Brief

## Habitats Regulations Appraisal (HRA)

June 2018

## **Foreword**

This document has been prepared under the requirements of the EU Habitats Directive and has applied the requirements set out by Scottish Government Policy in the Conservation (Natural Habitats, &c.) Regulations as amended.

It is the Highland Council's responsibility to consider whether the policies and proposals within the Uig Development Brief ('the Brief') are likely to have any significant effect on the Special Protection Areas (including potential SPAs), Special Areas of Conservation (including possible and candidate SACs), having regard to the qualifying interests and conservation objectives of those sites.

Where a likely significant effect has been identified, either individually or in combination with other plans or projects, appropriate assessment has been undertaken and mitigation measures provided to reduce the likely significant effect and avoid adversely affecting the integrity of the site. This has involved incorporating mitigation and making changes to the Brief where necessary.

During the preparation of this document and the consideration of relevant representations on the Brief, The Highland Council has had early engagement and discussions with and input from Scottish Natural Heritage (SNH) which have helped identify and address any potential effects. In addition, data provided by SNH has been referred to in order to identify the need for and inform the definition of mitigation measures. Mitigation measures and relevant changes have been developed in conjunction with SNH where appropriate.

A consultation draft of the Brief was approved by the Skye and Raasay Committee on 4<sup>th</sup> June 2018. A public consultation period will be undertaken between July and September 2018.

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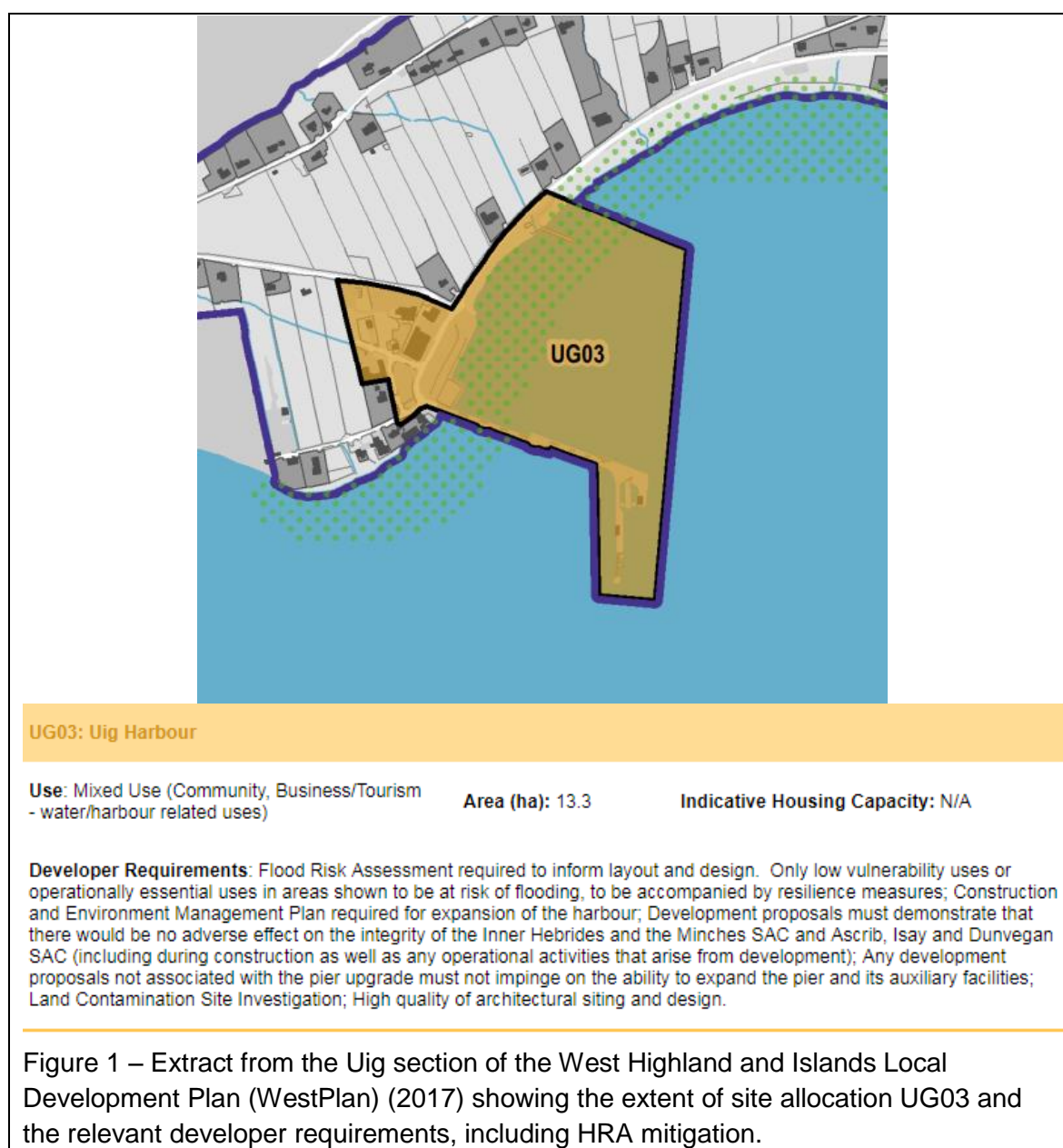
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## **1. Introduction and Context**

- 1.1. A 2005 ruling by the European Court of Justice and subsequent decision by Scottish Ministers mean that the Brief must undertake an appropriate assessment of the potential to have significant effects on Natura sites. This HRA considers whether the Brief is likely to have any significant effects.
- 1.2. Scottish Planning Policy (2014) sets out that any development plan or proposal likely to have a significant effect on Natura sites must be subject to 'appropriate assessment' and may only be approved if it is confirmed that there will be no adverse effect on the integrity of the site.
- 1.3. This HRA Record will be placed on the Council's website alongside the Brief. It has been compiled using the best available information, but subsequent planning applications may require further assessment to ensure the integrity of Natura sites will not be adversely affected. This is required by Policy 57 of the Highland-wide Local Development Plan (HwLDP).

## 2. Aims and Objectives of the Uig Development Brief

- 1.1 The [West Highlands and Islands Local Plan \(2010\)](#) and the [West Highland and Islands Local Development Plan \(WestPlan\) \(2017\)](#) contain the site allocation policy to which the [Uig Development Brief](#) is giving additional guidance. This parent policy has been subject to Habitats Regulations Appraisal as part of the preparation of WestPlan. Within the WestPlan HRA the site allocation (shown below in Figure 1) was assessed and mitigation identified for the safeguarding of the relevant Natura sites.



- 1.2 The Brief covers an area around the commercial core of Uig which lies immediately to the west of the Harbour. The fundamental purpose of the Brief is to provide a structured framework for the physical development and transformation of the area over the next 20 years. A key part of this is to identify and coordinate development and regeneration opportunities which may arise from Transport Scotland's investment in the Skye

Triangle ferry routes which includes a new and improved ferry vessel and major upgrade of Uig Harbour.

- 1.3 The Development Brief sets out details of an agreed vision for the area including the identification development sites, acceptable land uses, together with guidance on appropriate siting and design of development, phasing and service provision. Once approved in its final form, the Brief will provide a detailed planning policy framework which the Council will use to inform its decisions on any future planning applications. It is also expected to help steer public sector investment decisions.
- 1.4 This Habitats Regulations Appraisal (HRA) considers the vision, policies and proposals set out in the Brief. Where a planning application for development gives rise to likely significant effects on a Natura site beyond the scope of that considered in this HRA, an appropriate assessment will be required to be undertaken as set out in Policy 57 of the Highland wide Local Development Plan.
- 1.5 The Brief can be viewed online at <http://consult.highland.gov.uk/portal>

### 3. Information on Natura sites

2.1 Uig Development Brief covers an area around the commercial core of Uig which lies immediately to the west of the Harbour. There are a total of four Natura Sites which either intersect or are within a 20km radius of the Brief boundary, all of which are Special Areas of Conservation (SACs). The map below (Figure 2) shows the four Natura sites in relation to the Brief boundary.

2.2 For more details of Natura sites located within or close to the plan area see SNH's [Sitelink](#) web application and [interactive map](#)

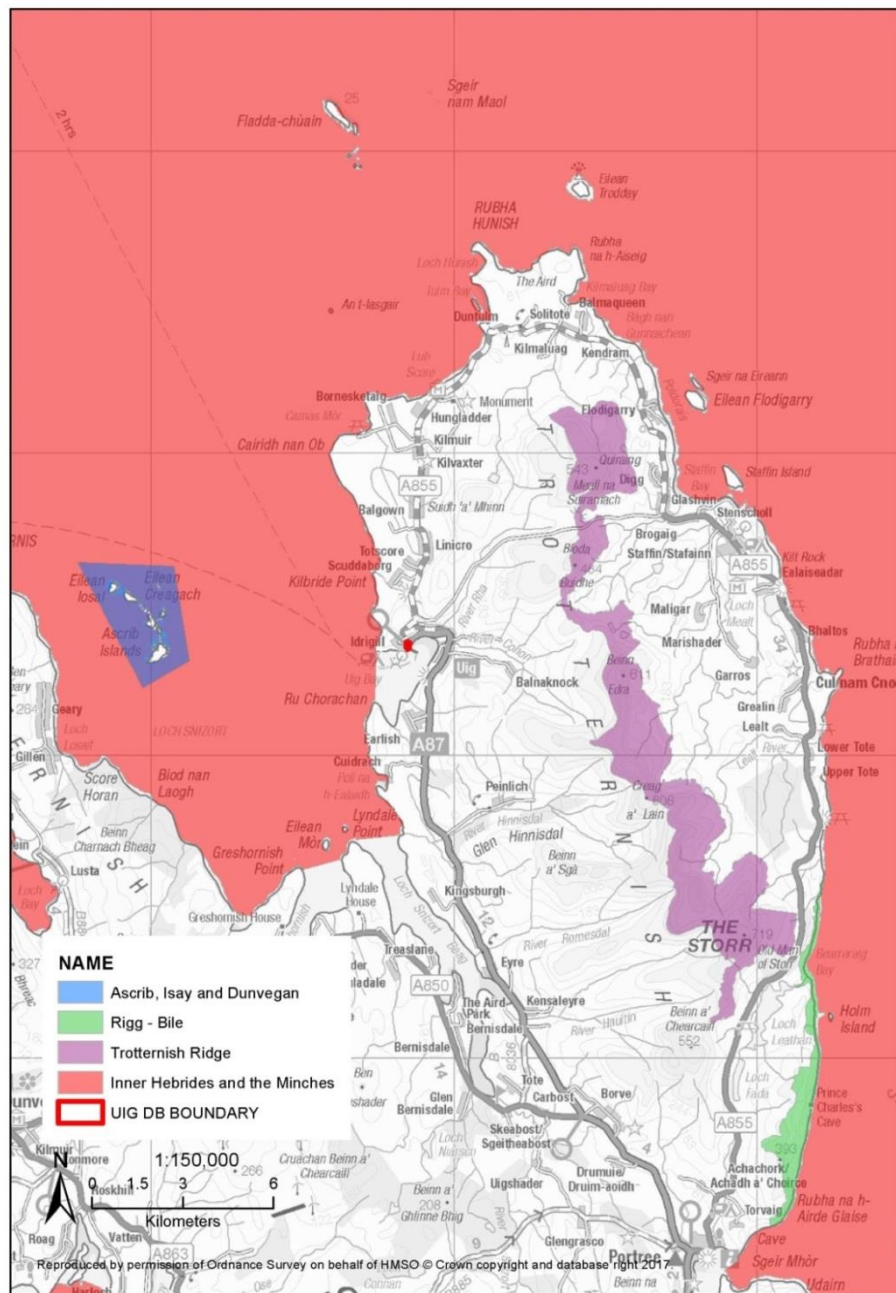


Figure 2: Natura Sites within 20km of the Brief area

## 4. Methodology for Assessment

- 3.1 The following methodology was established, in line with SNH Guidance [Habitats Regulations Appraisal of Plans – Guidance for Plan-making Bodies in Scotland](#) (2015).
- 3.2 Highland Council worked with SNH to carry out this appraisal and to seek advice on wording of the guidance to mitigate potential adverse effects and ensure the Brief is tailored to meet the conservation objectives and qualifying interests.
- 3.3 The HRA considers all sections of the Brief including the detailed guidance and spatial elements. All policies and proposals in the Brief have been screened both individually and cumulatively to determine the possible effects that may arise due to their implementation. Each of these Natura sites has been screened to determine the likelihood of being directly or indirectly affected by development sites specifically identified in the plan. Policies which have been identified as having no effect or are unlikely to have a significant effect have been detailed and reasons for this have been given. Sections of the Brief which have been identified as likely to have a significant effect will be subject an appropriate assessment.
- 3.4 Likely significant effect is defined as any effect that may reasonably be predicted as a consequence of a plan or project that may undermine the conservation objectives of the features for which the site was designated.



## 5. Screening Process

5.1 As set out in Table 1 (below), each of the main sections within the Brief have been assessed as to whether they are likely significant effects on Natura sites. The reasons for the screening decision are also shown within the table.

Table 1: Screening of content of the Brief		
Element Screened	Screening Outcome	Reason(s)
Introduction: Background and Purpose, Stages of Preparation and Consultation	Screened out	This section of the guidance provides factual information or is too general and non-site specific. For these reasons these sections have been screened out.
Context: Planning Policy and Area Analysis	Screened out	This section of the guidance outlines the existing planning policy which sets out HRA mitigation for site allocation UG03 as identified within WestPlan. Whilst the Area Analysis section of the Brief has spatial aspects to it, it is generally factual details or is too general. For these reasons these sections have been screened out.
Development Framework: Development Objectives, Indicative Masterplan, Developer Requirements and Developer Contributions	Screened In	This section of the guidance sets the vision and land use plan for the area. It also identifies specific developer requirements which will help to influence development proposals. For these reasons this section is screened in and an appropriate assessment is provided below.

As set out in Table 2, each of the four Natura sites within 20km of the Brief boundary have been screened to determine the likelihood of being directly or indirectly affected by development sites specifically identified in the plan.

Table 2: Screening of potential effects on nearby Natura sites		
Element Screened	Screening Outcome	Reason(s)

Trotternish Ridge	Screened out	Potential for impact on qualifying interests (grasslands, screes and rocky slopes with chasmophytic vegetation) is unlikely due to the type, scale and location of development being proposed within the Brief.
Rigg - Bile	Screened out	Potential for impact on qualifying interests (vegetated sea cliffs of the Atlantic and Baltic Coasts) is unlikely due to the type, scale and location of development being proposed within the Brief.
Inner Hebrides and the Minches	Screened In	Potential for impact on qualifying interests (harbour porpoise) from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments , as well as noise and disturbance caused during construction and operation affecting the qualifying interest, their prey and the habitats on which they rely on.
Ascrib, Islay and Dunvegan	Screened In	Potential for impact on qualifying interest (harbour seals) from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments, as well as noise and disturbance caused during construction and operation affecting the qualifying interest, their prey and the habitats on which they rely on.

5.5 There are no sites with Minor Residual Effects.

### ***In-Combination Assessment of the Brief with other Relevant Plans***

5.10 The table below sets out other relevant plans that may have in-combination effects with the Brief.

<b>Table 3: Other relevant plans that may have in-combination effects with <i>the Brief</i></b>			
<b>Other Plan / Project</b>	<b>Responsible Authority</b>	<b>LSE in combination with the Brief? (Y/N?)</b>	<b>Justification</b>
HwLDP and associated Supplementary Guidance	The Highland Council	N	As stated in Policy 57 of the Highland wide Local Development Plan, when dealing with a planning application for a development (which is likely to have a significant effect on a European site either alone or in combination with other

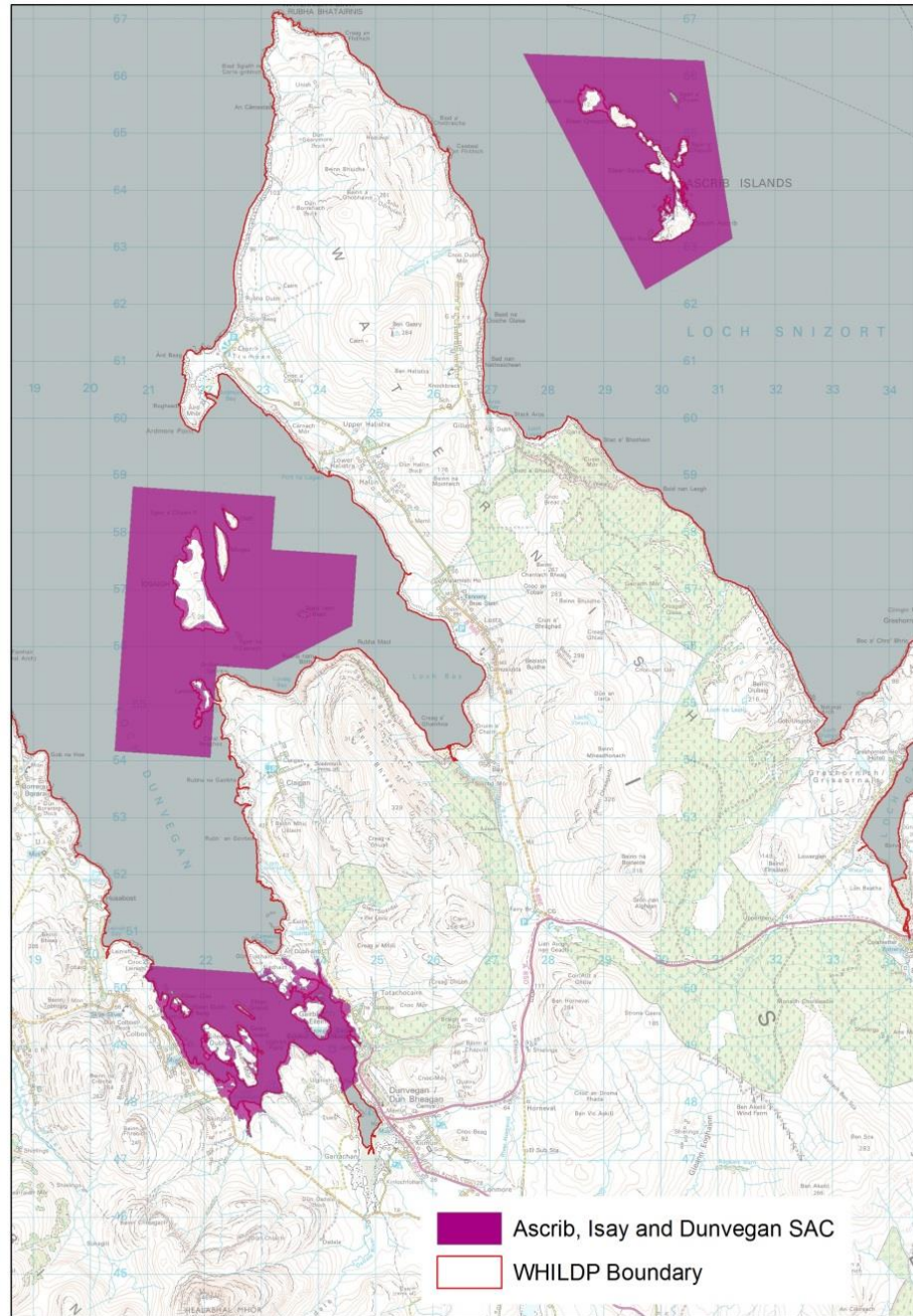
			plans and projects) where we are unable to ascertain that a proposal will not adversely affect the integrity of a European site, the proposal will not be granted permission in accordance with the development plan.
WestPlan	The Highland Council	N	WestPlan includes Uig as a Main Settlement, which means a development boundary, Placemaking Priorities and site allocations have been identified. Overall WestPlan is not expected to have a likely significant in-combination effect because the Placemaking Priorities are reflected within the aims of the Brief and the other site allocations within WestPlan are sufficiently separated for the harbour area.

## 6. Appropriate Assessment

6.1 This part of the HRA record sets out the assessment of those elements of the Brief screened in from Tables 1 and 2. The Appropriate Assessment is a test to determine whether the Brief will adversely affect the integrity of Natura sites. The assessment identifies the potential impacts of a plan or project, and provides the information to allow the competent authority to put in place sufficient mitigation measures in order to avoid any adverse impacts.

Site Name	Ascrib, Isay and Dunvegan
Designation	SAC
Date of Designation	17 March 2005
Qualifying Interests	Common/harbour seal
Conservation Objectives	<p>To avoid deterioration of the habitats of qualifying species (Common seal <i>Phoca vitulina</i>) 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 the qualifying interest.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site</li> <li>• Distribution of the species within site</li> <li>• Distribution and extent of habitats supporting the species</li> <li>• Structure, function and supporting processes of habitats supporting the species</li> <li>• No significant disturbance of the species</li> </ul>
Condition of the qualifying interests	Unfavourable
Factors currently influencing the site	Unspecified
Vulnerabilities to change through the potential effects of the plan	Potential for impact on qualifying interest from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments, including from activities arising from them (e.g. increased shipping activity). Potential for underwater noise and disturbance during construction in particular (e.g. from piling and construction noise), as well as operational activities. These impacts may also affect their prey and the habitats they rely on. Also potential for impact from boat strike where development increases shipping activity in areas of seal activity

Extent of Natura Site



Section of the Brief

Impacts and Mitigation

Section 3 -  
“Development Framework”

**Potential Impact:**

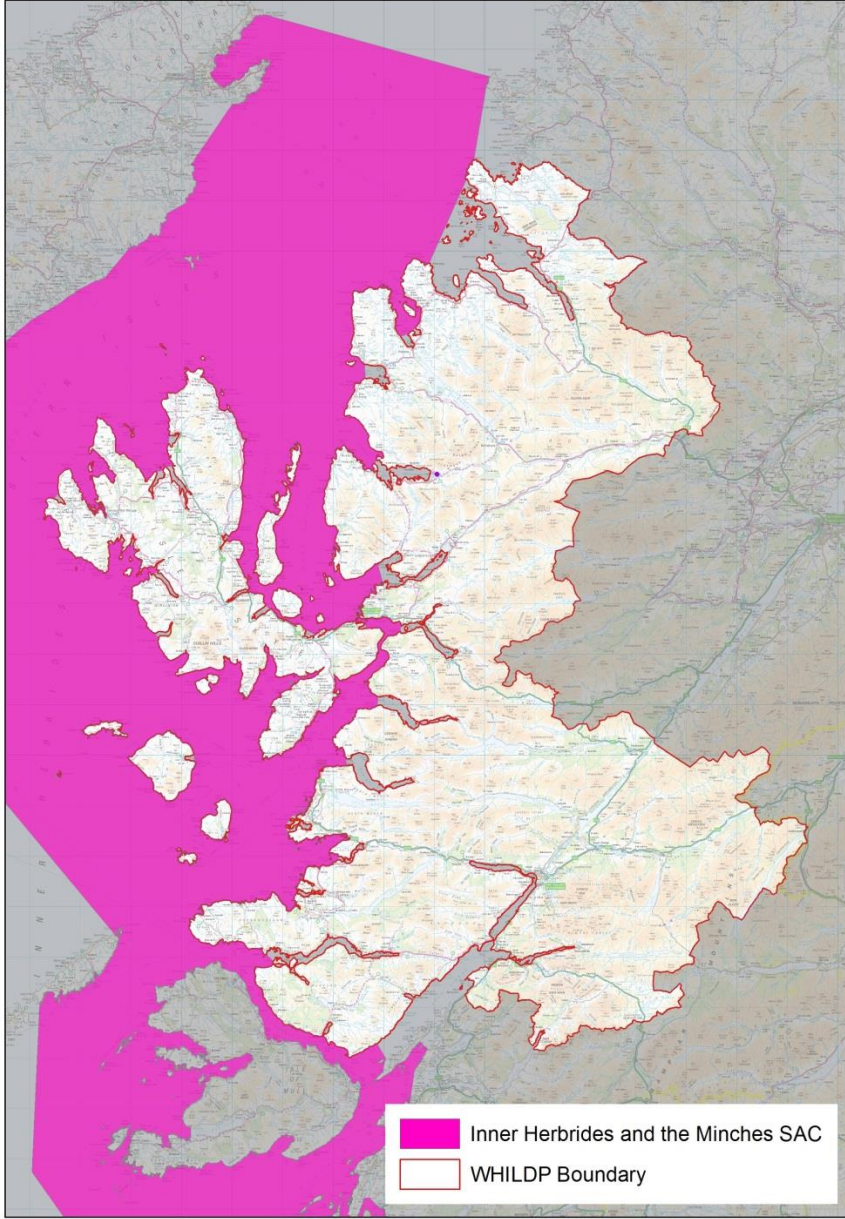
The construction and maintenance of structures, both within and adjacent to the sea, have the potential to cause disturbance during the breeding, pupping and moulting seasons. This activity also has the potential to cause loss or deterioration of the habitats upon which the seals depend during the same critical periods. Activities arising as a result of development (e.g. increase in marine activities such as shipping and water based recreation) also have the potential to cause disturbance.

**Mitigation:**

	<p>The following text has been added to the Guiding Principles section of the Brief:</p> <p>“Development in and around the harbour at Uig has the potential to have a likely significant effect on two natura sites alone or in combination with other developments. These include the Ascrib, Isay and Dunvegan Special Area of Conservation (SAC) which an important environment for common seals and the Inner Hebrides and the Minches SAC which is an important environment for harbour porpoise. Potential for impact on qualifying interest may arise from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments. To ensure that these impacts are avoided, proposals within the Development Brief boundary will be required to assess and demonstrate appropriate mitigation measures which ensure avoidance of any adverse effect on the integrity of these designations.”</p> <p><b>Residual Impact:</b> No residual adverse effect on the integrity of the European site. There may be a residual likely significant effect, however any cumulative effects arising from a combination of residual effects would be assessed for each individual application. Where these reach a level of adverse effect on site integrity, that and further applications would be refused unless there were imperative reasons of overriding public interest (as defined by the Habitats Regulations) and viable compensation measures could be secured.</p>
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<b>Site Name</b>	<b>Inner Hebrides and the Minches</b>
<b>Designation</b>	<b>SAC</b>
Date of Designation	October 2016
Qualifying Interests	Harbour porpoise
Draft Conservation Objectives	<ol style="list-style-type: none"> <li>1. To avoid deterioration of the habitats or significant disturbance of harbour porpoise thus ensuring that the integrity of the site is maintained and it continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status in UK waters.</li> <li>2. To ensure that, within the context of environmental changes, the following are maintained in the long term: <ol style="list-style-type: none"> <li>a. The relatively high density of harbour porpoise within the site compared to other parts of the continental shelf within the West Scotland Management Unit.</li> <li>b. The distribution of harbour porpoise throughout the site by avoiding significant disturbance</li> <li>c. The condition of supporting habitats and processes, and the availability of prey for harbour porpoise.</li> </ol> </li> </ol>



Condition of the qualifying interests	As this is a new SAC, it has not been subject to site condition monitoring yet.
Factors currently influencing the site	There are a large range of factors currently affecting harbour porpoise: removal of non-target species (bycatch in fisheries), acoustic disturbance, physical disturbance, collisions, marine pollution and ecological issues (e.g. parasites, predation, availability of prey, etc) Document <a href="http://www.gov.scot/Resource/0049/00498260.pdf">http://www.gov.scot/Resource/0049/00498260.pdf</a> provides more detail on each pressure.
Vulnerabilities to change through the potential effects of the plan	Harbour porpoise are sensitive to pollution, underwater noise, disturbance and collision / boat strike. They are also sensitive to impacts that affect their prey species and the habitats on which they rely. All of these impacts may occur as a result of development proposed in the plan, if carried out without regard for the SAC.
Extent of Natura Site	 <p>The map displays the geographical extent of the Inner Hebrides and the Minches Special Area of Conservation (SAC). The SAC area is highlighted in a solid magenta color, covering the Inner Hebrides (including islands like Lewis, Harris, Na h-Eileanan Siar, and the Minches) and the surrounding waters. A red outline indicates the WHILDP (Wildlife and Heritage Land Development Plan) Boundary. A legend in the bottom right corner identifies the magenta area as 'Inner Hebrides and the Minches SAC' and the red outline as 'WHILDP Boundary'.</p>

Section of the Brief	Impacts and Mitigation
Section 3 - “Development Framework”	<p><b>Potential Impacts:</b></p> <p>Potential for impact on qualifying interest from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments, including from activities arising from them (eg increased shipping activity). Potential for underwater noise and disturbance during construction in particular (e.g. from piling and construction noise), as well as operational activities. These impacts may also affect their prey and the habitats they rely on. Also potential for impact from boat strike where development increases shipping activity in areas of porpoise activity</p> <p><b>Mitigation:</b></p> <p>The following text has been added to the Guiding Principles section of the Brief:</p> <p>“Development in and around the harbour at Uig has the potential to have a likely significant effect on two natura sites alone or in combination with other developments. These include the Ascrib, Isay and Dunvegan Special Area of Conservation (SAC) which an important environment for common seals and the Inner Hebrides and the Minches SAC which is an important environment for harbour porpoise. Potential for impact on qualifying interest may arise from deterioration in water quality through sediment release or pollutants entering the marine environment during construction and operation of proposed developments. To ensure that these impacts are avoided, proposals within the Development Brief boundary will be required to assess and demonstrate appropriate mitigation measures which ensure avoidance of any adverse effect on the integrity of these designations.”</p> <p><b>Residual Impact:</b> No residual adverse effect on the integrity of the European site. There may be a residual likely significant effect, however any cumulative effects arising from a combination of residual effects would be assessed for each individual application. Where these reach a level of adverse effect on site integrity, that and further applications would be refused unless there were imperative reasons of overriding public interest (as defined by the Habitats Regulations) and viable compensation measures could be secured.</p>



## **7. Conclusion**

- 7.1 All Natura sites with the potential to be affected by development that arises as a result of the Brief have been identified and mapped, and all elements of the Brief have been screened individually to determine the likelihood of significant effects on Natura sites that may arise due to their implementation. Elements of the Brief which have been identified as having no effect, or where any effect is too general to assess, have been listed and detailed in Table 2, including reasons for the decision to screen them out.
- 7.2 All Natura sites potentially affected by the Brief have been identified and mapped, and all policies, policy tools and proposals contained within the plan have been screened both individually and cumulatively to determine the likelihood of significant effects on these Natura sites that may arise due to their implementation. Policy tools and policies which have been identified as having no effect on Natura sites have been listed and detailed in Tables 2 and 3, including reasons for the decision to screen them out. Projects referred to in, but not proposed by West Plan have been listed in Table 4 and accordingly screened out. Proposals which would have no effect on any Natura site have been listed in Table 5.
- 7.3 The remaining proposals likely to have a significant effect on a Natura site either alone or in combination were identified and listed in Tables 6 and 7 as requiring Appropriate Assessment.
- 7.4 As a result the Highland Council concludes that, with the mitigation set out in this Habitats Regulations Appraisal, which has been incorporated into the Brief, it will either have no likely significant effects on Natura sites, either individually or in combination with other plans or projects, or will not adversely affect the integrity of Natura sites, again either individually or in combination with other plans or projects.