



Record of Habitats Regulations Appraisal

**(including Appropriate
Assessment)**

May 2015



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1. BACKGROUND TO HABITAT REGULATIONS APPRAISAL

1.1 This section of the report identifies the legislative and policy requirements for a Habitats Regulations Appraisal of the TAYplan Proposed Strategic Development Plan.

Legislative Requirement for Habitats Regulations Appraisal (HRA)

1.2 A network of sites across the European Community, known as Natura 2000, comprise of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

1.3 [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds, commonly known as the Birds Directive, gives member states of the European Union the power and responsibility to classify Special Protection Areas (SPAs) to protect birds which are rare or vulnerable in Europe. The Habitats Directive 1992¹ requires member states to designate SACs. Member States are to protect and restore the sites included in this Network.

1.4 On 20th October 2005, the European Court of Justice ruled² that development plans in the United Kingdom should be subject to assessment, in the same way as projects require assessment, under the provisions of Article 6(3) and (4) of the Habitats Directive. The requirement to consider the effect on Natura sites of land use plans is transposed into domestic law by the Conservation (Natural Habitats, &c.) Regulations 1994 as amended. This is commonly referred to as the Habitats Regulations.

1.5 Regulation 85B of the Habitats Regulations requires that before any competent authority submits a plan for approval, that is not directly connected with or necessary to the management of a European Site (either SAC or SPA), it is necessary to consider:

- whether the plan is likely to have a significant effect on such a site; and,
- where this is the case, that an Appropriate Assessment has been carried out of the likely impacts.

1.6 The Habitats Directive applies the precautionary principle to SPAs and SACs. Plans and projects can only be permitted after having ascertained that there will be no adverse effect on the integrity of the site(s) in question. The interest features of the European Sites must be maintained so as to avoid deterioration of habitats and significant disturbance of species. However under the provisions of Article 6(4) of the Habitats Directive, where it cannot be shown that a plan or project will not adversely affect the integrity of a site it can only proceed if there are no alternative solutions and there are imperative reasons of overriding public interest for doing so. In such cases, compensation will be required to ensure the overall coherence of the Natura 2000 network is protected.

1.7 It is also a legal requirement for the appraisal to include consideration of candidate SACs prior to their full classification³. As a matter of policy⁴ proposed SPAs and proposed SACs should be given the same considerations.

¹ [Directive 92/43/EEC](#) on the conservation of natural habitats and wild fauna and flora

² [Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, Case C 6/04 in the second chamber of the European Court of Justice, judgement 20th October 2005](#)

³ [Conservation \(Natural Habitats, &c.\) Regulations 1994, Amendment \(Scotland\) Regulations 2007](#)

⁴ [Scottish Government \(2014\) Scottish Planning Policy \(SPP\)](#)

Ramsar sites are designated wetlands of international importance. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

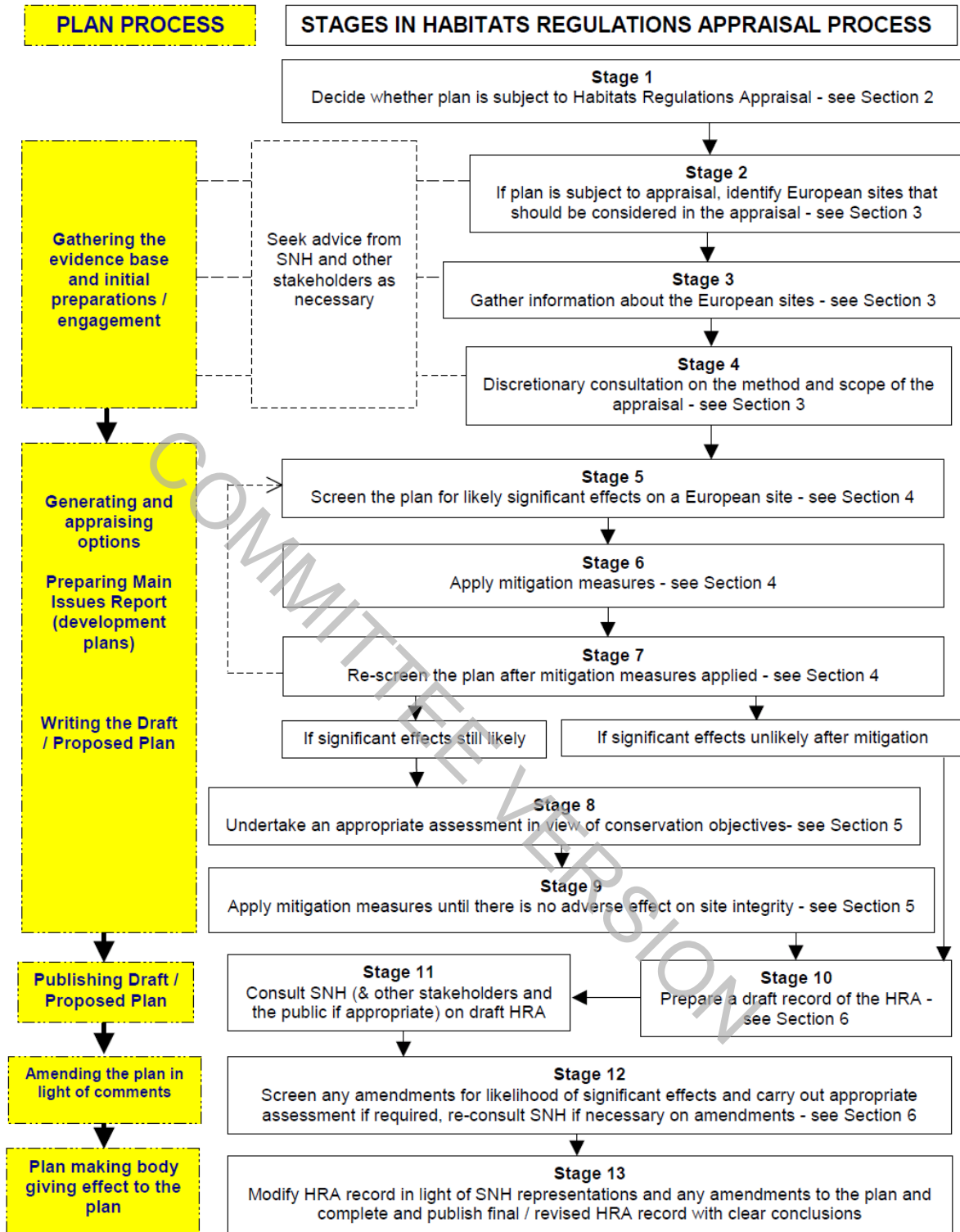
Policy Requirements for a Habitats Regulations Appraisal (HRA)

- 1.8 The legislative requirements above, are reflected in Government policy. Scottish Planning Policy⁵ provides guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. It requires any development plan or proposal likely to have a significant effect on a Natura site, which is not linked with their management or conservation, must be subject to an 'appropriate assessment'. SPP states that a 'derogation' is available where authorities can approve plans or projects which could adversely affect the integrity of a Natura site if:
- there are no alternative solutions;
 - there are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.
- 1.9 It adds that where an authority wishes to use this derogation, Scottish Ministers must be notified. For plans or projects hosting a Natura site priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment.
- 1.10 A revised [Development Planning Circular 6/2013](#) was published in December 2013 replacing Planning Circular 1 2009 and Appendix 1 on Habitat Regulations Appraisal. [Circular 6/2013](#) provides more limited guidance on the application of the Habitats Regulations.
- 1.11 It states that authorities undertaking the HRA should consult with SNH when determining likely significant effect or prior to concluding that an Appropriate Assessment is not required. However SNH **must** be consulted where an Appropriate Assessment is required and have regard to any representations made. The Circular refers to further advice on the methodology of carrying out Habitats Regulations Appraisal in Scottish Natural Heritage's Guidance for Plan-Making Bodies in Scotland⁶. The document prepared by David Tyldesley and Associates provides detailed guidance on the separate stages of carrying out an appraisal, and the considerations that will need to be taken into account. Figure 1.1 (below), taken from the guidance shows the key stages of a Habitats Regulations Appraisal.

⁵ [Scottish Government \(2014\) Scottish Planning Policy \(SPP\)](#)

⁶ [Scottish Natural Heritage \(2010, updated 2012\) Habitats Regulation Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland](#)

Fig 1.1 Key Stages in the Habitats Regulations Appraisal Process for Plans



2 ASSESSMENT METHODOLOGY

- 2.1 This section identifies the guidance followed in undertaking this assessment; details the screening process used to identify sites for which an Appropriate Assessment was carried out; and details the methodology employed to identify the potential impacts on those designated sites.
- 2.2 In carrying out the Habitats Regulations Appraisal, the following guidance was used:
- Managing Natura Sites 2000: The Provisions of Article 6 of the [Habitats Directive 92/43/EEC](#);
 - Scottish Government (2013) Planning [Circular 6/2013 Development Planning](#); and,
 - [Scottish Natural Heritage \(2012\) Habitats Regulation Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland](#).

Previous Habitats Regulations Appraisal (2011)

- 2.3 A draft Habitats Regulations Appraisal was prepared alongside the previous Main Issues Report (April, 2010) prior to the finalised HRA (2011). However, this time around, a draft Appraisal has not been undertaken for the Main Issues Report (2014) on the basis that there have been no changes since the preparation of the previous [Strategic Development Plan \(2012\)](#) that would affect the requirement to undertake an HRA.
- 2.4 The previous [Habitats Regulations Appraisal \(2011\)](#) report comprehensively covered all stages of the process including the identification of sites to be covered by the appraisal (Stage 2), gathering information on sites (Stage 3) and consultation on the method and scope of the appraisal (Stage 4). In addition it tackled Stages 5 (screening the plan for likely effects on Natura sites), 8 (Appropriate Assessment of potential impacts) and 9 (identification of potential mitigation).
- 2.5 It identified a number of sites that have the potential to be adversely impacted, particularly in coastal regions, and that further assessment would be required to determine impacts on the sites qualifying interests, and to propose adequate mitigation measures.
- 2.6 It also proposed mitigation measures such as the recommendation of introducing policy when preparing the Proposed Strategic Development Plan to ensure that statutory duties in relation to the Habitats Regulations Appraisal are explicitly stated, or that specific caveats are added to certain policies/proposals to protect Natura sites. The latter approach appears to be the more favoured by recent guidance.
- 2.7 There are a number of policy areas and proposals in the Proposed Plan that do not contain any significant changes from the current [Strategic Development Plan \(2012\)](#) and [Habitats Regulations Appraisal \(2011\)](#). Where appropriate, previous assessments have been revisited where there are no material changes that would impact or affect the existing outcomes in the Screening process and Appropriate Assessment.

Proposed Plan

Screening

- 2.8 The screening has identified those aspects of the Plan that are likely to have a significant effect on the qualifying interests of a European site and for which appropriate assessment should be carried out. All changes to existing policies and developments within this Proposed Plan have been screened, however due to the small scale of changes, it has not been necessary to consult stakeholders other than SNH at this stage.

Early Mitigation and Re-screening

- 2.9 Early mitigation measures were identified. Policy 3 was amended to include policy for the protection of Natura 2000 designated sites. It is recognised that this is a precautionary measure which cannot be solely relied upon to ensure that the Plan will not adversely affect the integrity of a Natura site. Given the general nature of the amendment it was considered that this would not significantly alter the results of the screening process. Therefore re-screening was not required.

Appropriate Assessment

- 2.10 Following screening impacts on Natura sites arising from policies and proposals within the plan could not be ruled out. Therefore an Appropriate Assessment has been prepared alongside the Proposed Plan. The Appropriate Assessment forms Section 7 of this Report.

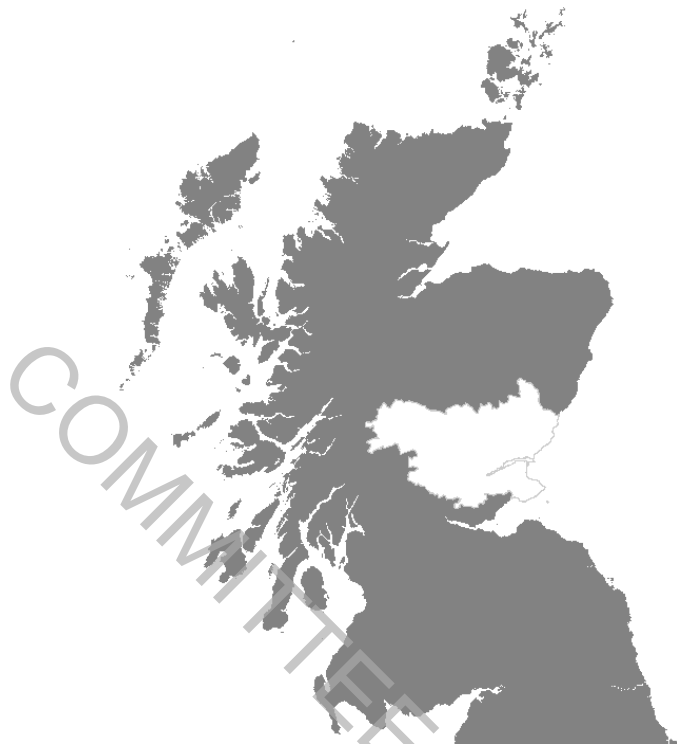
Next Stages

- 2.11 This document provides a record of the Habitats Regulations Appraisal and incorporates informal comments received from SNH during the drafting of the HRA alongside the drafting of the Proposed Plan (Oct – Dec 2014). It will be published alongside the submission of the Proposed Plan in April 2015. Scottish Natural Heritage and other stakeholders such as SEPA, the National Park Authorities and RSPB will be consulted on the document as it progresses.
- 2.12 If any amendments to the Strategic Development Plan are required following consultation these will require to be screened for likelihood of significant effects on the qualifying interests of a European site. Any amendments screened in at this stage will require Appropriate Assessment. Amendments not likely to have a significant effect can be screened out.
- 2.13 SNH would be consulted at this stage. Following this stage a finalised Habitats Regulations Appraisal will be published with clear conclusions.

3. PLAN CONTEXT

- 3.1 TAYplan is the Strategic Development Planning Authority (SDPA) which covers the areas of Perth and Kinross, Dundee City, Angus and North Fife (see figure 3.1).

Figure 3.1: Map of the TAYplan Area Boundary



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- 3.2 The role of the SDPA is to prepare and maintain a Strategic Development Plan for the TAYplan area. The first step of delivering the Strategic Development Plan was the production of a Main Issues Report which was published for consultation in April 2014.
- 3.3 The boundary of the Cairngorms National Park was extended to include northern parts of the TAYplan area during the previous SDP process and in accordance with legislation was included within the TAYplan SDP's (2012) boundary. However, this area can now be removed from the Plan's boundary and TAYplan no longer provides the strategic planning framework for this area.
- 3.4 This stage of the Habitats Regulations Appraisal has been prepared to assist in the preparation of the Proposed Plan. The Proposed Plan is strategic in focus and explores what is required at a high level to provide the context in which more localised decisions can be made to achieve the overall social, economic and environmental outcomes for the region.
- 3.5 As well as identifying the main cross-boundary land use planning issues, the Proposed Plan presents a vision of how the area should develop over the next 20 years. It also indicates where development should and should not take place in Angus, Dundee City, Perth and Kinross and North-East Fife. If you want to find out more about the Strategic Development Plan details are available on the TAYplan website (www.tayplan-sdpa.gov.uk).

- 3.6 The Strategic Development Plan is subject to the requirements of Article 6 of the [Habitats Directive \(92/43/EEC\)](#) and Part IVA of the Habitats Regulations. This requirement is that plans likely to have a significant effect on Natura 2000 Sites - Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) - can only be approved after an Appropriate Assessment has been undertaken, and has ascertained that the Plan will not have an adverse effect on the integrity of a Natura site.
- 3.7 A Strategic Environmental Assessment (SEA) was carried out at the Main Issues Report stage to inform the planning process and this will be reviewed to see if further assessment is required in light of the Proposed Plan.
- 3.8 The Habitats Regulations Appraisal is being revised and kept up to date at each key stage of the Plan preparation process. A record of the Habitats Regulations Appraisal will accompany the Proposed Plan.
- 3.9 The purpose of this appraisal is to assess the potential impacts of the Plan's policies and proposals against the conservation objectives and qualifying features of the relevant European sites and to apply mitigation measures accordingly. The assessment must ascertain that the Plan would not adversely affect the integrity of any Natura site in terms of its nature conservation objectives. If any negative effects remain after mitigation has been identified then other options need to be examined to ensure that these would not have an adverse effect on the integrity of a European Site.

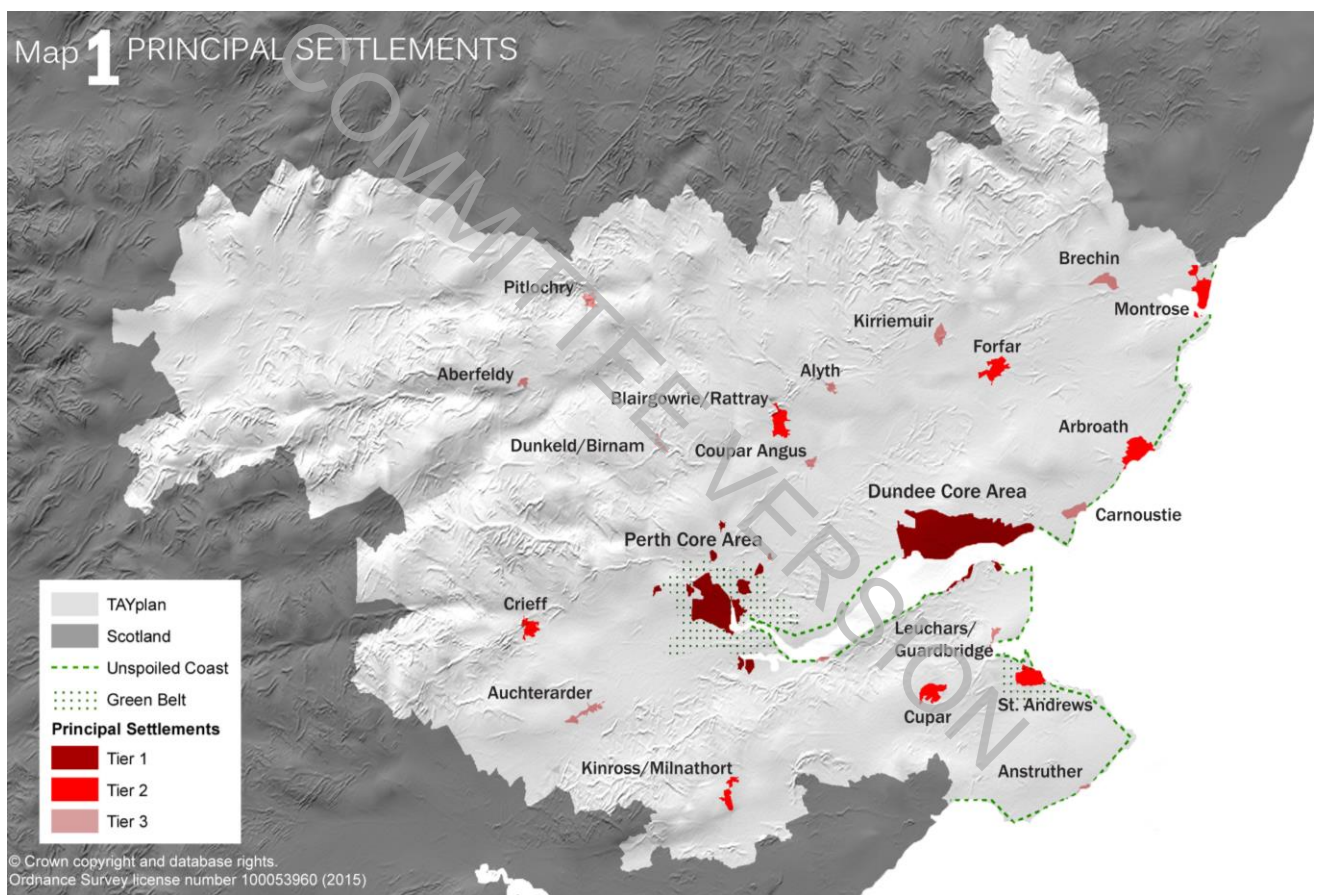
4. PROPOSED SPATIAL STRATEGIES FOR DEVELOPMENT IN THE TAYPLAN AREA

4.1 This section identifies the scale of development for the TAYplan area, the spatial strategy, and specific proposals and policies contained within the Proposed Plan.

Spatial Strategy

4.2 The region's Principal Settlements (Tier 1, 2 and 3) are the largest settlements where most people live and which provide the most jobs and services. Development would be concentrated mostly in Dundee and Perth Core Areas with the rest accommodated primarily in the other principal settlements (see figure 4.1).

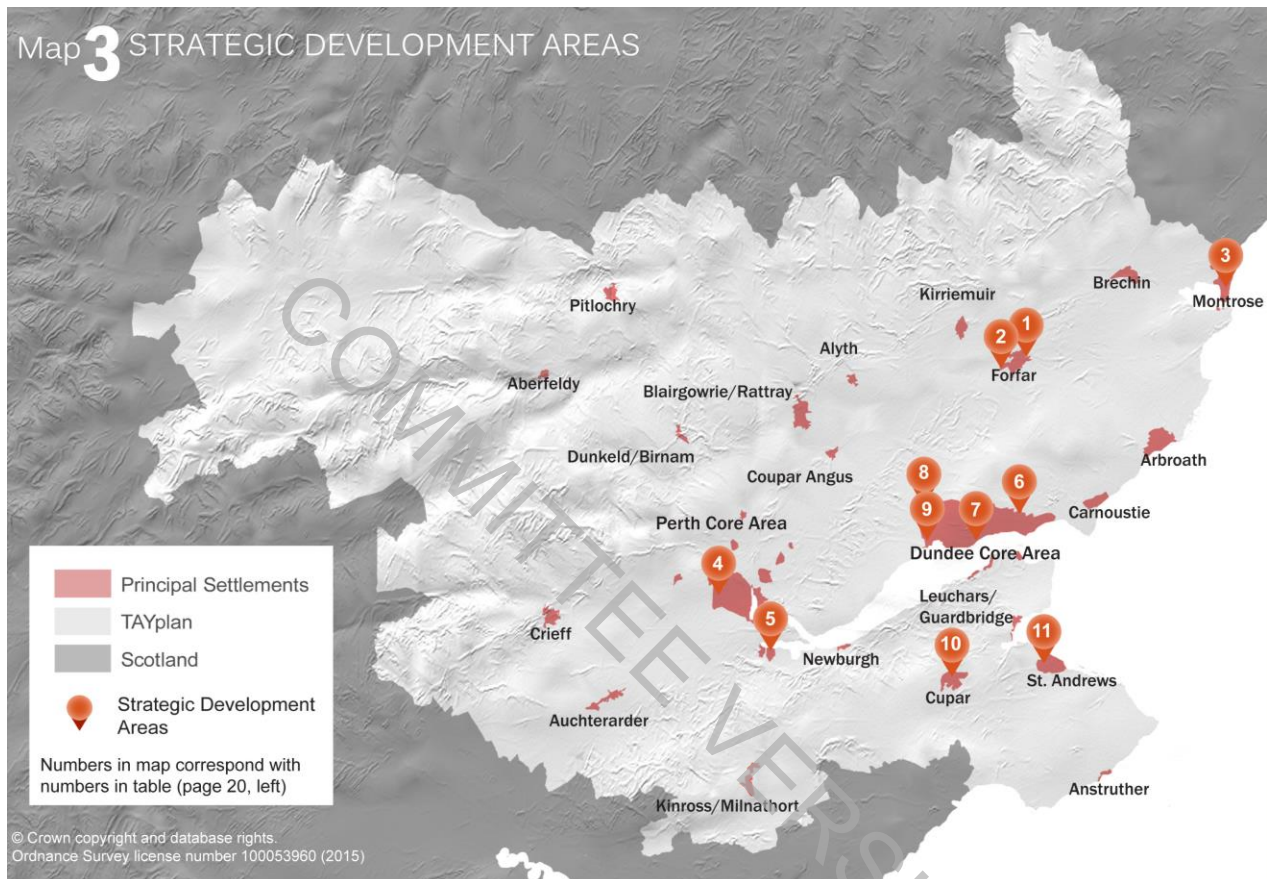
Figure 4.1: TAYplan Spatial Strategy for development: Principal settlements



Strategic Development Proposals

4.3 The Proposed Plan requires that Local Development Plans identify specific sites for the uses and scale set out below. The proposals for Perth West/North West will require new allocations of land in addition to that already identified. Figure 4.2 the shows the locations of the Strategic Development Areas and proposed uses.

Figure 4.2: TAYplan Strategic Development Areas (Map 3)

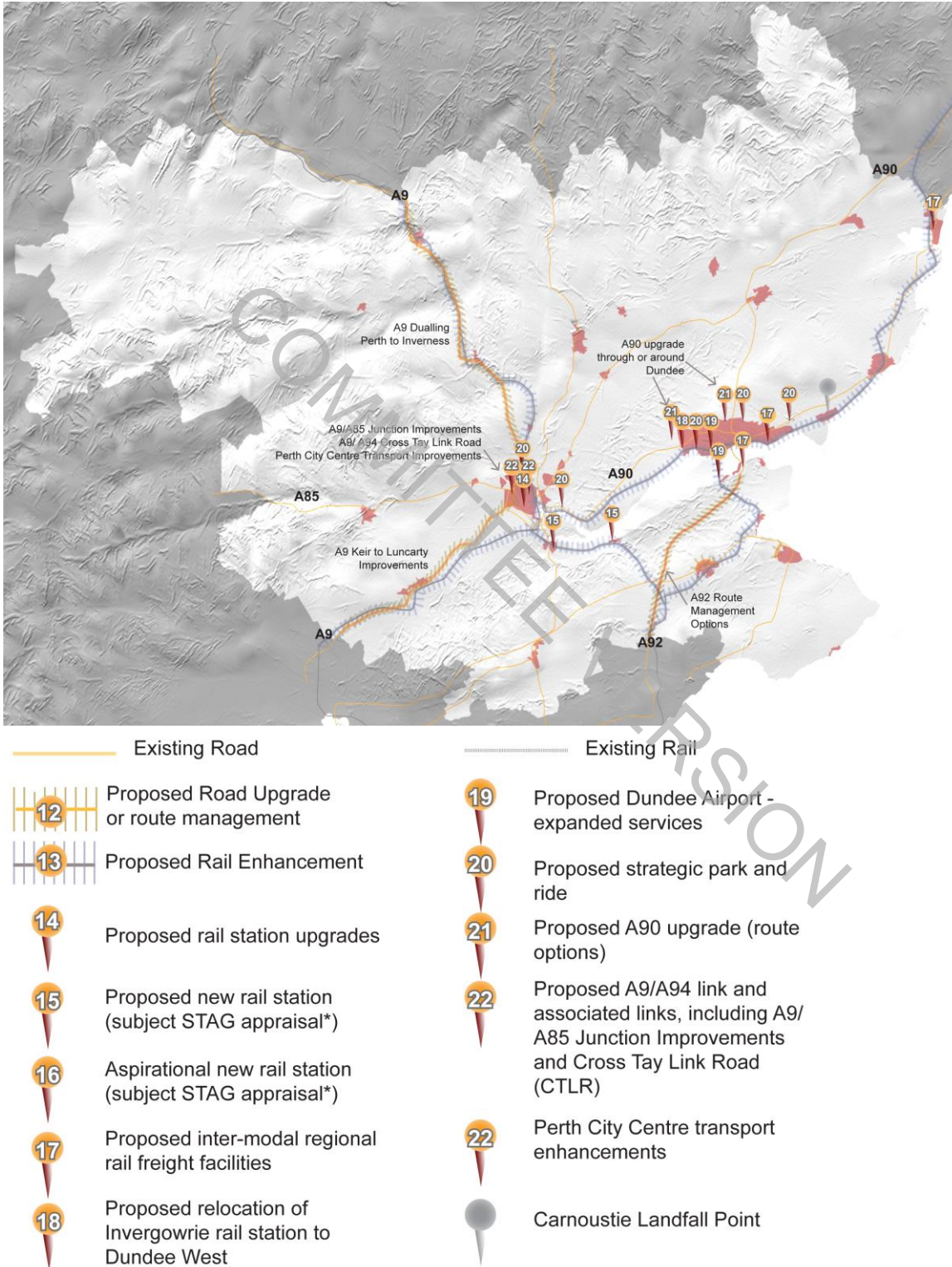


Strategic Development Areas	Proposed Uses
1. Forfar Agricultural Service Centre	Employment land for agricultural services
2. Orchard Bank, Forfar	25ha of employment land
3. Montrose Port	Employment land for port related uses
4. West/North West Perth	4,000+ homes, 50 ha employment land and new roads
5. Oudenarde, Bridge of Earn	1,200+ homes and 34ha employment land
6. Linlathen, Dundee	40ha of employment land
7. Dundee Wider Waterfront	Mixed uses including business, commercial, leisure, retail, homes and port related uses
8. Dundee Western Gateway	750+ homes and 50ha of employment land
9. James Hutton Institute	5 to 10ha employment land for food and agricultural research
10. Cupar North	1,400 homes, 10ha employment land and bulky goods retail.
11. St Andrews West & Science Park	1,090 homes, 10ha employment land and 10ha for a science park.

4.4 Figure 4.3 shows transport infrastructure proposals contained in the Proposed Plan. The transport proposals include projects identified in Transport Scotland's [Strategic Transport Projects Review \(STPR\) \(2008\)](#) and TACTRAN's Regional Transport Strategy which is currently being updated. However these will not be delivered by this

Plan. Strategic HRA is being undertaken separately for the Strategic Transport Projects Review and Regional Transport Strategy (as well as the National Renewables Infrastructure Plan) with their associated conclusions and generic mitigation to be taken into account at lower level HRA assessment.

Figure 4.3: Transport Infrastructure Projects



* STAG: Scottish Transport Appraisal Guidance. Transport Scotland has no commitment towards funding the delivery of stations at these locations.

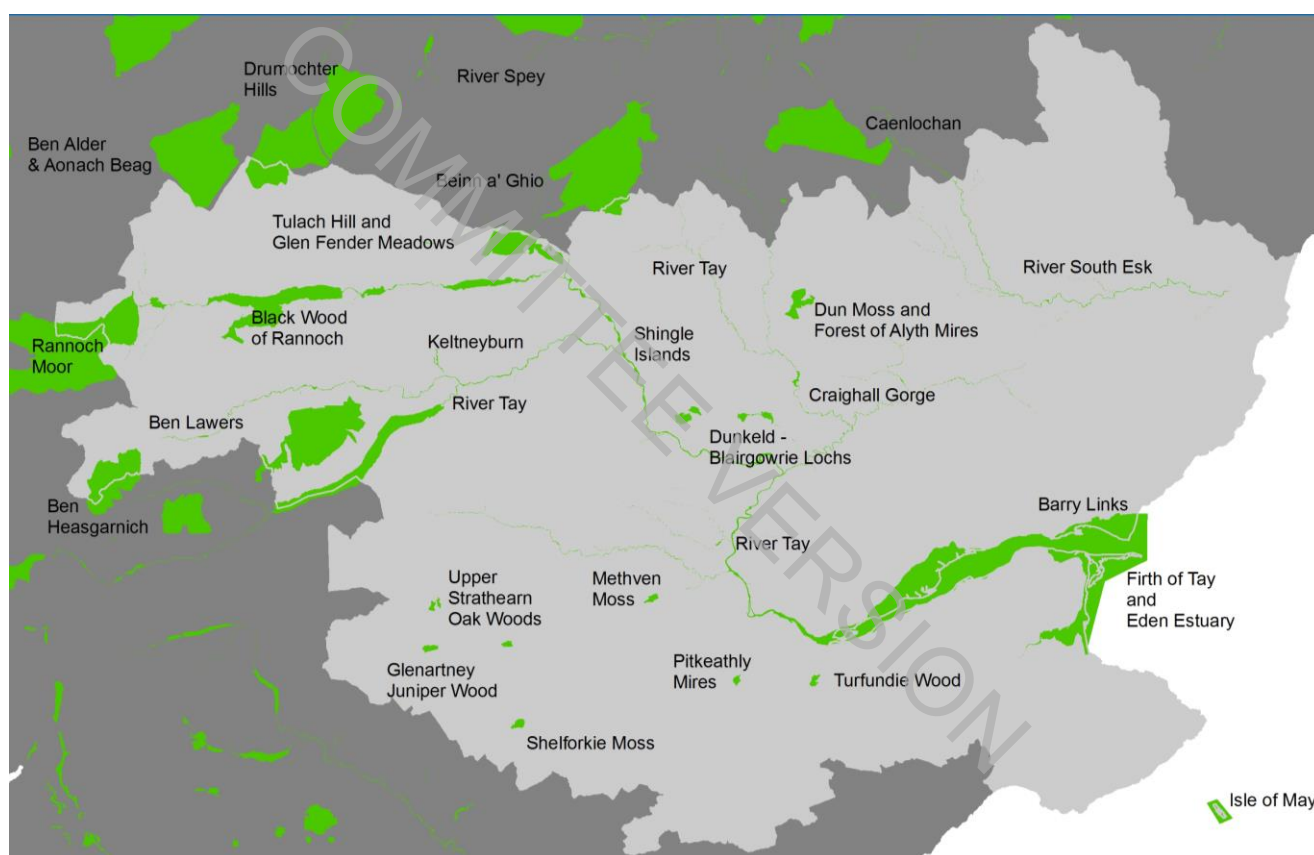
5. IDENTIFICATION OF DESIGNATED SITES WITHIN AND ADJACENT TO THE TAYPLAN AREA

5.1 The TAYplan area has a rich and diverse natural environment, and within the plan boundary area there are 24 SACs and 14 SPAs. These sites are listed below with those adjacent to the plan area also highlighted.

Special Areas of Conservation (SACs)

5.2 SACs are selected for a number of habitats and species, both terrestrial and marine, which are listed in the Habitats Directive. The SACs relating (including those outside but with links) to the TAYplan area are shown in Figure 5.1.

Figure 5.1: SACs relating to the TAYplan area



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Please note that the Moray Firth SAC is also included in Table 5.1 (not shown in the map above)

Table 5.1: Special Areas of Conservation relating to the TAYplan area.

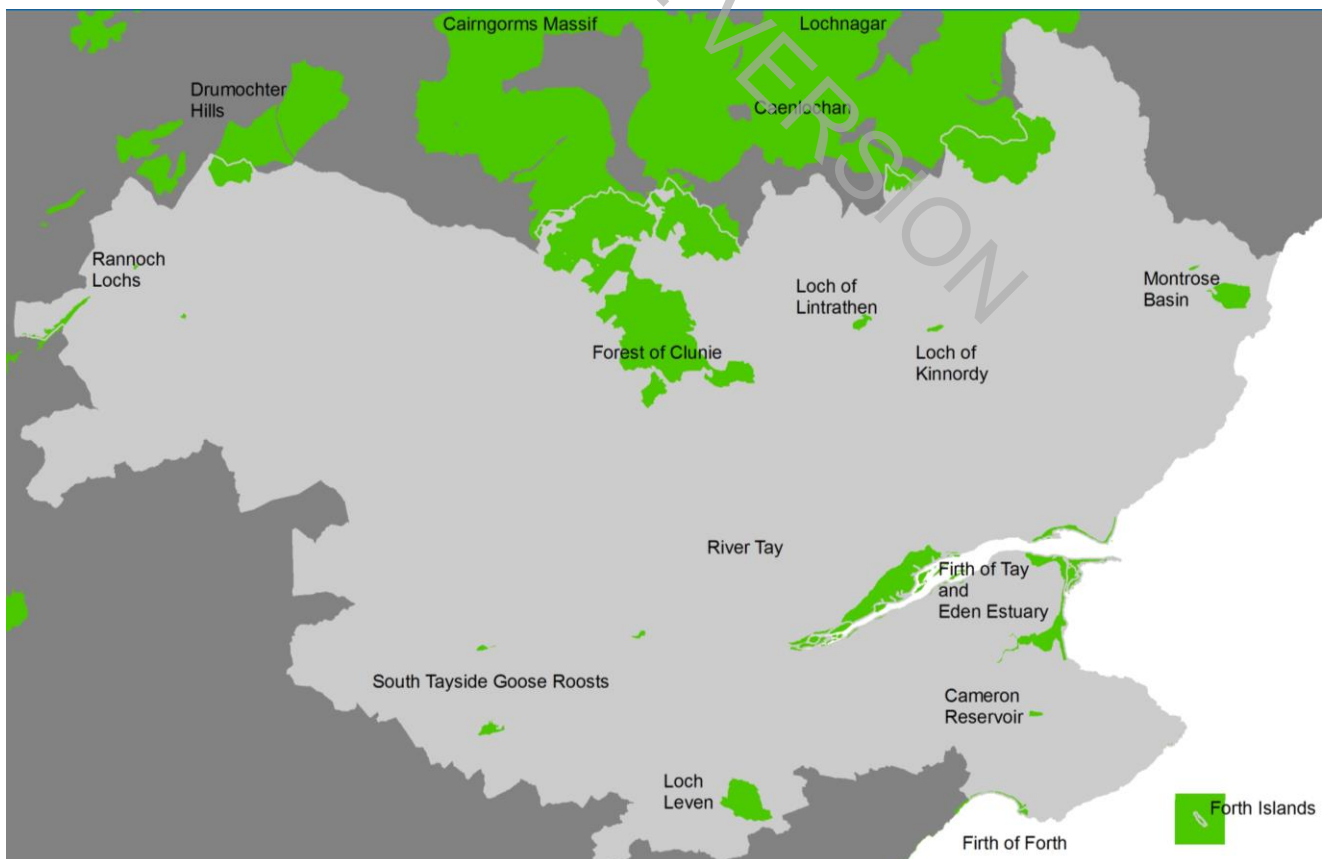
Site	Responsible Local Authority
Barry Links	Angus
Ben Alder & Aonach Beag (part)	Highland and Perth and Kinross
Beinn a' Ghlo	Perth & Kinross/Cairngorms NP
Ben Heasgarnich	Perth & Kinross
Ben Lawers	Perth & Kinross
Black Wood of Rannoch	Perth & Kinross
Caenlochan	Within revised Cairngorms NP boundary

Craighall Gorge	Perth & Kinross
Dunkeld - Blairgowrie Lochs	Perth & Kinross
Drumochter Hills	Perth & Kinross/Cairngorms NP
Dun Moss and Forest of Alyth Mires	Perth & Kinross/Cairngorms NP
Firth of Tay and Eden Estuary	All
Isle of May	Fife
Glenartney Juniper Wood	Perth & Kinross
Keltneyburn	Perth & Kinross
Methven Moss	Perth & Kinross
Moray Firth	Highland and Moray
Pitkeathly Mires	Perth & Kinross
Rannoch Moor	Perth & Kinross
River South Esk	Aberdeenshire and Angus
River Spey	Cairngorms NP/Highland/Moray
River Tay	Perth & Kinross
Shingle Islands	Perth & Kinross
Shelforkie Moss	Perth & Kinross
Tulach Hill and Glen Fender Meadows	Perth & Kinross
Turflundie Wood	Fife/Perth and Kinross
Upper Strathearn Oakwoods	Perth & Kinross

Special Protected Areas (SPAs)

- 5.3 SPAs are selected for a number of rare, threatened or vulnerable bird species listed in Annex I of the Birds Directive, and also for regularly occurring migratory species. The SPAs within and adjacent to the TAYplan area are shown in Figure 5.2.

Figure 5.2: SPAs relating to the TAYplan area



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Table 5.2: Special Protection Areas (SPAs) relating to the TAYplan area

Site	Responsible Local Authority
Caenlochan	Within revised Cairngorms NP boundary
Cairngorms Massif	Cairngorms NP/Perth & Kinross/Angus
Cameron Reservoir	Fife
Drumochter Hills (part)	Perth & Kinross
Firth of Forth (part)	Fife
Firth of Tay and Eden Estuary	All
Forest of Clunie	Perth & Kinross/Cairngorms NP
Forth Islands	Fife
Loch of Kinnordy	Angus
Loch Leven	Perth & Kinross
Loch of Lintrathen	Angus
Lochnagar	Cairngorms NP
Montrose Basin	Angus
Rannoch Lochs	Perth & Kinross
South Tayside Goose Roosts	Perth & Kinross

COMMITTEE VERSION

6. SCREENING & EARLY MITIGATION MEASURES

Screening Process

- 6.1 Screening has been carried out on all of the policies and proposals in the Proposed Plan in order to rule out of the assessment elements of the plan not likely to have a significant effect on a European site, and to ensure that those areas of the plan that pose a potential risk of significant effects to a European site are 'screened in' and subject to further assessment. In many cases, there is little or no change to policies or proposals. Therefore the previous screening assessment/process has been revisited and where there is no material change, has been retained unchanged.
- 6.2 There are three reasons why policies/proposals have been screened out:
1. General policy statements – these set out strategic aspirations for the plan-making body for issues and may include criteria based policies for considering proposals. A distinction needs to be drawn with more specific criteria based policies which should be subject to further appraisal.
 2. Projects referred to, but not proposed by the plan – e.g. those in the National Planning Framework, national infrastructure promoted by national government e.g. through Transport Scotland, those promoted by regional transport strategies, or those that would be subject to consent directly by Scottish Ministers.
 3. Screening out aspects of a plan that could have no likely significant effect on a site, alone or in combination with other aspects of the same plan, or with other plans or projects.
- 6.3 Table 6.1 details the policies and proposals that were initially screened in/out and the reasons for doing so.

Table 6.1 Screening of Proposed Plan Policies and Proposals

Screened out	No likely significant effect or 'de minimis' effect
Screened in	Likely significant effect

Policy/Proposal and summary	Screened In/Out	Justification (and sites potentially affected)
<p><u>Proposed Vision</u></p> <p>'By 2036 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work and visit and where businesses choose to invest and create jobs'.</p>	Out	General policy statement. Unlikely to have a significant effect on a site.
<p><u>Principles</u></p> <ul style="list-style-type: none"> • More people are healthier; • Through sustainable economic 	Out	General policy statement. Unlikely to have a significant effect on a site. The Proposed Plan also contains 17

<p>growth the regions image will be enhanced;</p> <ul style="list-style-type: none"> • We live, work and play in better quality environments; and • We live within Earth's environmental limits. 		<p>objectives. These are general aspirations and policy statements which are reflected in the Plan's policies with the exception of an objective to create greenbelts for Perth and St Andrews which is screened through Policy 3.</p>
<p><u>Policy 1:Location Priorities</u></p> <p>A. <u>Principal Settlement Hierarchy</u></p> <p>Policy focuses the majority of development in the region's principal settlements and sets out the following settlement hierarchy:</p>	In	See below for details.
<p>Tier 1 settlements will accommodate the majority of development within:</p> <p>Dundee Core Area (Dundee City including Dundee Western Gateway and, Monifieth, Invergowrie, Muirhead/Birkhill, Newport/Wormit, Tayport)</p> <p>Perth Core Area (Perth, Scone, Bridge of Earn, Oudenarde, Almondbank, Methven, Stanley, Luncarty, Balbeggie, Perth Airport)</p>	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA and Barry Links SAC without adequate mitigation measures in place.
<p>Tier 2 settlements will accommodate a smaller share of additional development:</p>		
Arbroath	Out	Significant effects are considered unlikely due the distance/relationship of the settlement to designated sites.
Blairgowrie/Ratray	In	Potential for significant effects on River Tay SAC without adequate mitigation measures in place. Dunkeld – Blairgowrie Lochs SAC lies upstream of the settlements and is unlikely to be potentially affected.
Crieff	Out	Significant effects are considered unlikely due the distance/relationship of the settlement to designated sites.
Cupar	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA (via River Eden) without adequate mitigation measures in place.
Forfar	In	Potential for significant effects on River Tay SAC (via Forfar Loch) without adequate mitigation measures in place.
Kinross/Milnathort	In	Potential for significant effects on Loch Leven SPA without adequate mitigation measures in place.
Montrose	In	Potential for significant effects on Montrose Basin SPA and River South Esk SAC without adequate mitigation measures in place.
St Andrews	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA without adequate mitigation measures in place.

Tier 3 settlements will have a more modest role and accommodate a small share of additional development;		
Aberfeldy	In	Potential for significant effects on River Tay SAC without adequate mitigation measures in place.
Alyth	In	Potential for significant effects on River Tay SAC without adequate mitigation measures in place.
Anstruther	Out	Significant effects are considered unlikely due the modest scale of development proposed and distance/relationship of the settlement to designated sites.
Auchterarder	Out	Significant effects are considered unlikely due the distance/relationship of the settlement to designated sites.
Brechin	In	Potential for significant effects on River South Esk SAC without adequate mitigation measures in place.
Carnoustie	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA and Barry links SAC without adequate mitigation measures in place.
Coupar Angus	In	Potential for significant effects on River Tay SAC without adequate mitigation measures in place.
Dunkeld/Birnam	In	Potential for significant effects on River Tay SAC without adequate mitigation measures in place. Significant effects to the Dunkeld – Blairgowrie Lochs SAC are considered unlikely due the distance/relationship of the settlement to designated sites and the modest scale of development proposed.
Kirriemuir	Out	Significant effects are considered unlikely due the modest scale of development proposed and distance/relationship of the settlement to designated sites.
Leuchars/Guardbridge	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA without adequate mitigation measures in place.
Newburgh	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA without adequate mitigation measures in place.
Pitlochry	In	Potential for significant effects on River Tay SAC.
B. Sequential Approach Prioritise land release for development for all principal settlements using the sequential approach in this policy; and prioritise within each category, as appropriate, the re-use of previously developed land and buildings (particularly listed buildings) as follows: 1. Land within principal settlements;	Out	General policy criteria. Unlikely to have a significant effect on a site. With regard to the development of new settlements and standalone extensions, it is noted that the supporting text states that there is no need for new settlements.

<p>then;</p> <ol style="list-style-type: none"> 2. Land on the edge of principal settlements; then; 3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements and where it is consistent with Part A (above) and Policy 2 (Shaping better quality places), the expansion of other settlements should be considered. 		
<p>C. <u>Outside of Principal Settlements</u> Local Development Plans may also provide for some development in settlements that are not defined as principal settlements. This is provided it can be accommodated and supported by the settlement, and in the countryside; that development genuinely contributes to the objectives of this Plan, and meets specific local need or supports regeneration of respective settlements. Proposals in the countryside should be assessed against the need to avoid suburbanisation and unsustainable patterns of travel and development.</p>	Out	General policy statement. Effects impossible to determine at Strategic Development Plan level.
<p>D. <u>Green belts</u> Local Development Plans shall continue to;</p> <ul style="list-style-type: none"> • implement green belt boundaries in both St. Andrews and Perth to preserve their setting, views and special character including their historic core; • protect and provide access to open space and assist in safeguarding the countryside from encroachment • manage long-term planned growth including proposals including infrastructure and Strategic Development Areas (Policy 3) • Define development that is appropriate in the green belt as per Scottish Planning Policy (2014). 	In	<p>Include due to statement about using Perth green belt to provide sufficient land for planned development.</p> <p>Potential for significant effects on River Tay SAC.</p>
<p><u>Policy 2: Shaping Better Quality Places</u></p> <p>Policy requires Local Development Plans, design frameworks, masterplans/briefs and development proposals to be:</p> <p><u>A. Place-led</u> to deliver distinctive places by ensuring the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks and local design context.</p>	Out	<p>General policy statement. Unlikely to have a significant effect on a site. The Proposed changes do not constitute a material change to the policy and therefore should continue to be screened out.</p> <p>Note that planning for resilience to climate change includes the use of techniques to reduce surface run-off and use of SUDs.</p>

<p><u>B. Active and Healthy by design</u></p> <ul style="list-style-type: none"> i. The principles of lifetime communities are designed in; ii. New development is integrated with existing community infrastructure and provides new infrastructure where appropriate; iii. work with other delivery bodies to concentrate and co-locate new buildings, facilities and infrastructure; and; iv. The integration of transport and land use to reduce the need to travel and improve accessibility by foot, cycle and public transport and related facilities (a); utilise existing infrastructure for a walkable environment (b) and support land use and transport development integration by transport assessments/appraisals (c). <p><u>C. Resilient and future-ready</u></p> <p>The policy ensures that climate change adaptability and resilience is built into the natural and built environments, through:</p> <ul style="list-style-type: none"> i. A presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels ; ii. Assessing the probability of flood risk from all sources; iii. Implementing mitigation and management measures. Where appropriate, to reduce flood risk; iv. Managing and enhancing water systems within development sites to reduce surface run-off such as Sustainable Urban Drainage Systems; v. Protecting and utilising the natural water and carbon storage capacity of soils; vi. Identifying, retaining and enhancing existing and new green networks and infrastructure; and vii. Incorporate and utilise sustainable design elements including natural and manmade ventilation and shading, green spaces, green roofs and walls. <p><u>E. Efficient resource consumption</u></p> <p>Efficient resource consumption should be encouraged by ensuring that;</p> <ul style="list-style-type: none"> i. waste management solutions are incorporated into development; ii. high resource efficiency is 		
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<p>incorporated through the orientation and design of buildings (a); designing in low/zero carbon heat and power generating technologies within development to reduce carbon emissions and energy consumption (b) and connecting to heat networks or designing-in connection capabilities (c).</p>		
<p><u>Policy 3: A First Choice for Investment</u></p> <p>Local Development Plans should:</p> <ul style="list-style-type: none"> A. identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements; B. Identify and safeguard locations for distribution and warehousing industries with significant cargoes adjacent to rail heads and ports; C. further assist in growing the year-round role of the tourism sector and sporting and recreational uses; 	<p>In</p>	<p>This proposal has potential to cause risk to European sites without adequate mitigation measures in place. Further detail in relation to the identified clusters for business is required and should be assessed to consider their potential impacts on designations.</p> <p>Sites potentially affected include: Firth Of Tay and Eden Estuary SAC & SPA, Barry Links SAC, Montrose Basin SPA, Loch Leven SPA, River Tay SAC Methven Moss SAC, South Tay Goose Roosts SPA, River South Esk SAC, Isle of May SAC and Moray Firth SAC.</p>
<ul style="list-style-type: none"> D. Continue to support the development of the Strategic Development Areas set out in Fig. 4.2 (Map 3 in Proposed Plan); 	<p>In</p>	<p>See below for details for individual proposals.</p>
<p>Local Development Plans shall identify Strategic Development Areas at:</p>		
<p>Montrose Port</p>	<p>In</p>	<p>Potential for significant effects on Montrose Basin SPA.</p>
<p>Dundee Centre and Port</p>	<p>Out</p>	<p>No likely significant effect. The projects Masterplan (2001-2031) is in place, has been approved and development will proceed in accordance with this.</p>
<p>Dundee Linlathen</p>	<p>Out</p>	<p>No likely significant effect. The HRA undertaken by Dundee City for the Local Development Plan asserts that whilst the proposal makes provision for change but determines that it could have no conceivable effect on a European site because there is no link or pathway with the qualifying interests and it would not otherwise undermine the conservation objectives of the site.</p>
<p>Dundee Western Gateway</p>	<p>Out</p>	<p>No likely significant effect. The HRA undertaken by Dundee City for the Local Development Plan asserts that whilst the proposal makes provision for change but determines that it could have no conceivable effect on a European site because there is no link or pathway with the qualifying interests and it would not otherwise undermine the conservation</p>

		objectives of the site.
James Hutton Institute Invergowrie	Out	The HRA undertaken by Perth and Kinross for the Local Development Plan determined 'de minimis' impacts on the Firth of Tay & Eden Estuary SAC and no conceivable effect on the SPA.
Perth West/North West	Out	The HRA undertaken by Perth and Kinross for the Local Development Plan determined that the Oudenarde SDA could have no conceivable effect on the River Tay SAC because there is no link or pathway between the SDA and the qualifying interests of the SAC, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site. Effects on the South Tayside Goose Roosts SPA was determined 'de minimis'.
St Andrews West and Science Park	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA.
Cupar North	In	Potential for significant effects on Firth of Tay and Eden Estuary SAC/SPA via River Eden.
Forfar Regional Agricultural Centre	Out	No likely significant effects. The SDA is a concept to make the locality a centre for agricultural support services and does not involve a defined site area or development proposal.
Orchard Bank, Forfar	In	Potential for significant effects on River Tay SAC.
Oudenarde	Out	The HRA undertaken by Perth and Kinross for the Local Development Plan determined that the Oudenarde SDA could have no conceivable effect on a European site because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site.
E. Include (or cover in Supplementary Planning Guidance) Design Frameworks for all Strategic Development Areas where not already completed or required. These should reflect the overall policy requirements of this Plan and from which master plans will be developed, reflecting in particular the 6 principles of successful places advocated by Scottish Planning Policy (2014).	Out	No likely significant effect on a European site. General policy statement.
Policy 4: Homes Local Development Plans shall: A. Plan for the average annual housing	Out	It is not possible to determine effects on specific European sites as the proposals are too general. Further appraisal will be undertaken at the appropriate Local

<p>supply targets and housing land requirements to assist the delivery of the 20 year housing supply target of 41,700 homes between 2016 and 2036. For the 12 years up to 2028, the total housing supply target is 25,020 across TAYplan. In the period 2028 to 2036, the order of 16,680 units may be required subject to future plan reviews. To achieve this, Local Development Plans will identify land within each Housing market Area to meet the housing land requirement.</p> <p>B. Identify land which is effective or expected to become effective to meet the housing land requirement for each housing market area up to year 10 from the predicted date of adoption. They will ensure a minimum of 5 years effective land supply at all times.</p>		<p>Development Plan level.</p> <p>Strategic Development Areas, which include housing in many cases, are assessed in respect of Policy 3 as well as at the LDP level.</p>
<p>C. Ensure a mix of housing types, size and tenure to meet the aspirations of different households throughout their lives including an appropriate provision of affordable housing which should be based on local need. For the TAYplan area this will be an approximate ratio of 25% but may vary between authorities.</p> <p>D. Ensure flexibility - in cases of evidenced environmental or infrastructure capacity constraints – to provide for up to 10% (15% in Highland Perthshire) of the housing land requirement for one market area to be shared between neighbouring areas within the same authority taking account of meeting needs in that housing market area.</p> <p>E. For Dundee City only, have flexibility to plan for housing land requirement to exceed the figures in Map 4 of the Proposed Plan.</p> <p>F. Ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.</p>	<p>Out</p>	<p>No likely significant effect on a European site. General policy statement.</p>
<p><u>Policy 5: Town Centres</u></p> <p>A. Strategies, plans and development proposals should focus high footfall generating land uses (including shops, offices, leisure, education) in city and town centres (as defined in the network of centres in Policy 5 of the Proposed Plan) ahead of other locations. Other</p>	<p>Out</p>	<p>No likely significant effect on a European site. General policy statement.</p>

<p>land uses including residential, hospitality, civic and community uses and events should also be encouraged in town centres.</p> <p>B. Local Development Plans should identify specific boundaries, where appropriate, for town, local and commercial centres in the network (i) specify appropriate functions that can take place in commercial centres (ii) and identify any other town or commercial centres as appropriate (iii).</p> <p>C. Local Development Plans and planning decisions should recognise the prominent role of hospitality, catering and leisure facilities in supporting the visitor function of settlements. They should also support improvements to town centres to enable events, festivals or markets to take place.</p> <p>D. Planning decisions for land uses that generate significant footfall should be based on sequential priority (as per Scottish Planning Policy) and other local considerations as appropriate.</p>		
<p><u>Policy 6: Developer Contributions</u></p> <p>To ensure suitable infrastructure is in place to facilitate new development, developer contributions are sought to mitigate any adverse impact on infrastructure, services and amenities caused by the development. This may include contributions to schools, affordable housing, transport infrastructure and facilities.</p>	Out	No likely significant effect on a European site. General policy statement.
<p><u>Policy 7: Energy, Waste and Resources</u></p> <p>To achieve a low carbon future;</p> <p>A. Local Development Plans shall identify areas for different forms of energy, waste and resource management infrastructure and policy to support this. This can include, where appropriate, locations of existing heat producers, renewable sources of heat and electricity and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users</p>	Out	No likely significant effect on a European site. General policy statement. Whilst this policy is being expanded to include a mix of energy uses including unconventional energy extraction which in itself could have significant environmental effect, it is not possible to anticipate the location of any such proposals.
<p>B. Strategic waste management infrastructure, beyond community/small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the</p>	In	Development of waste/resource management infrastructure within or close to the Dundee/Perth Core Areas has potential to cause risk to European sites.

Dundee and/or Perth Core Areas.		
<p>C. Infrastructure associated with the extraction, transfer and distribution of solid, liquid and gas minerals may take advantage of locational flexibilities to overcome issues relating to scale and impacts of any buffer zones and residential proximity where it reflects 7D and Policy 2.</p>	Out	No likely significant effect on a European site. General policy statement.
<p>D. Local Development Plans and proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against:</p> <ul style="list-style-type: none"> i. land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas; ii. the Scottish Government's <i>Zero Waste Plan (2010) and Safeguarding Scotland's Resources (2013)</i> to support the delivery of the waste management hierarchy; iii. proximity of resources (e.g. woodland, wind or waste material), and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste produced as appropriate; iv. anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration, odour, surface and ground water pollution, drainage, waste disposal, hazardous substances radar installations and flight paths; v. sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests, listed/scheduled buildings, schedules monuments and conservation areas; vi. impacts of infrastructure required for associated new grid connections and distribution or access infrastructure; vii. cumulative impacts of the scale and massing of multiple developments; viii. Appropriate safety regimes and post-operation restoration of land; ix. Strategic cross-boundary impacts as a result of strategic energy proposals which may be strategically significant (as defined in supporting criteria on p.45 of the Proposed Plan) including landscape, historic and environmental and landscape 	Out	<p>No likely significant effect on a European site. General policy statement.</p> <p>The criteria and map referred to in point ix are also considered general in nature and therefore there are no anticipated likely significant effects.</p>

<p>considerations (identified within Map 7b of the Proposed Plan);</p> <p>x. Consistency with the National Planning Framework and its Action Programme.</p>		
<p>Policy 8: Green Networks</p> <p>A. Strategies, Plans and Policies should enhance green and blue networks by ensuring that:</p> <ul style="list-style-type: none"> i. Development should not result in the fragmentation of identified green networks; ii. Development should incorporate multi-functional green networks (that link with existing networks) that provides for the needs arising from the development itself; iii. The provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan. <p>B. Local Development Plans should identify existing key networks of green infrastructure and opportunities to enhance them to maximise their benefits. Improvements should include:</p> <ul style="list-style-type: none"> i. Better recreational access opportunities and active travel routes; ii. Improvements to habitat networks and green spaces; iii. More widespread use of green infrastructure for water management; and, iv. An overall enhancement to the quality of place. <p>C. Local Development Plans should focus on the following key elements of TAYplan's Green Network:</p> <ul style="list-style-type: none"> i. Strategic Development Areas should provide new, networked green spaces that integrate with green networks in adjacent urban and countryside; ii. Opportunities to use green infrastructure enhancements to improve health and access should be identifies in the core areas which focus around Dundee and Perth Core Areas (Map 8 of the Proposed Plan); iii. Identify opportunities to improve active travel links in line with the priorities on Map 8 (in the Proposed Plan) and connecting existing routes. 	<p>Out</p>	<p>The Policy does not identify any specific locations for improvements, and in that context it is impossible to predict the effects of the broad spatial strategy on any specific Natura sites. Ultimately the actual green network delivery would be an issue for Local Development Plans.</p>

<p>Policy 9: Managing TAYplan's assets:</p> <p>A. Finite resources Using the location priorities (policy 1) to:</p> <ul style="list-style-type: none"> i. Identify and protect known deposits of solid, liquid and gas minerals of economic importance; ii. Maintain a minimum 10 years supply of construction aggregates at all times in market areas; iii. Identify and protect deposits of national important minerals identified on the British Geological Survey's Critical list; and, iv. Protect prime agricultural land, carbon rich soils and new and existing forestry areas where the advantages of development do not outweigh the loss of this land. 	Out	No likely significant effect on a European site. Policy does not in itself provide for development or change.
<p>B. Protecting Natura 2000 sites ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy.</p> <p>C. Safeguarding the integrity of natural and historic assets by;</p> <ul style="list-style-type: none"> i. Understanding and respecting regional distinctiveness and scenic value by safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; ii. Protecting and improving the water environment (including groundwater) in accordance with the legal requirements in the Water Framework Directive 2000/60/EC and the Water Environment and Water Services (Scotland) Act 2003 which requires integration between planning and water through River Basin 	Out	No likely significant effect on a European site. Policy aims to protect features and habitats.

<p>Management Plans.</p> <p>D. Safeguarding the qualities of unspoiled coast by identifying and safeguarding parts of the unspoiled coastline along the River Tay Estuary and in Angus and North Fife unsuitable for development. Local Development Plans should set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.</p>		
<p><u>Proposed Policy 10: Connecting People, Places and Markets</u></p> <p>Local Development Plans should enhance connectivity of people, places and markets by:</p> <p>A. safeguarding land at Dundee and Montrose Ports, and other harbours as appropriate, for port related uses to support freight, economic growth, energy sectors and tourism; and,</p>	In	<p>Development of ports has potential to cause risk to European sites without adequate mitigation measures in place.</p> <p>Sites potentially affected include: Firth of Tay and Eden Estuary SAC & SPA, Montrose Basin SPA, Isle of May SAC and Moray Firth SAC.</p>
<p>B. Safeguarding of business land with rail/wharf access to promote rail/sea freight;</p> <p>C. Co-locating freight transport facilities to enable transhipment of cargo between road, rail and sea.</p> <p>D. safeguarding land for future infrastructure provision (including routes), that are;</p> <ol style="list-style-type: none"> i. integral to the delivery of Strategic Development Areas; ii. identified in the National Planning Framework, Strategic Transport Projects Review or Regional Transport Strategies in the TAYplan area; iii. other locations or routes, as appropriate, including those essential to support a shift from reliance on the car and road-based freight and support a reduction in carbon emissions and improvements to air quality. 	Out	<p>Transport proposals are considered under Proposals 1: Map Transport Proposals.</p> <p>There are 16 harbours in the TAYplan area. Any proposals for these would come through Local Development Plans and future Regional Transport Strategies taking into account whether or not they are appropriate for development. There is no likely significant effect on a European site as the policy does not in itself provide for development or change.</p>
<p><u>Map 10: Transport Infrastructure Projects</u></p> <p>Proposed A9/A94 link and associated links.</p> <p>Dundee and Perth rail station upgrades</p> <p>Proposed New rail stations Newburgh, Bridge of Earn and aspirational station at Wormit.</p> <p>Inter-modal regional rail freight facilities at Montrose and Dundee.</p>	<p>Out</p> <p>Out</p> <p>Out</p>	<p>These projects are identified in TACTRANs's Regional Transport Strategy and will be delivered outwith the control of this Plan. HRA is being undertaken separately for the Regional Transport Strategy with the associated conclusions and generic mitigation to be taken into account at lower level HRA assessment.</p>

Relocation of Invergowrie rail station to Dundee West.	Out	
Strategic park and ride/ park and choose facilities serving Dundee at Invergowrie, Forfar Road, South of the Tay Bridgehead and at A92 (near Monifieth).	Out	
Strategic park and ride/ park and choose facilities serving Perth at A90 (East of Perth), A9 (North of Perth)	Out	
Perth City Centre Transport Enhancements.	Out	
Cupar relief road	Assessed through Policy 3	Proposal forms part of the Cupar North strategic development location and is assessed through that proposal.
Strategic Development Areas	Assessed through Policy 3	These proposals are assessed as part of Policy 3 which contains more detail about the proposals.

In combination effects with external strategies and policies

- 6.4 Care has been taken to assess the potential for cumulative effects ('in combination' effects) of the Plan's policies and proposals.
- 6.5 A potential cumulative impact could arise where proposals or policies could collectively impact on a water-system that interacts with a designated site. The location of proposals has been assessed to ascertain whether or not they are upstream of a watercourse which may result in the effects of multiple proposals on watercourse(s) feeding together and although not having an impact individually, combined may have a significant effect on Natura sites.
- 6.6 There are a number of proposals and settlements identified for potential development that lie within the River Tay catchment, the River Tay being an SAC and which leads into the Firth of Tay and Eden Estuary which is an SAC and SPA site. The Firth of Tay and Eden Estuary itself has a number of settlements directly in its catchment. Care has therefore been taken for the potential for cumulative effects given the particular sensitivities of the qualifying interests. An assessment of designated sites which have more than one policy or proposal which has the potential to adversely affect them is contained within Table 7.2 in the Appropriate Assessment.
- 6.7 A potential adverse effect on designated sites relevant to the TAYplan area relates to adverse impacts on water quality through proposals both individually and cumulatively. TAYplan consulted Scottish Water throughout the preparation of the previous Proposed Strategic Development Plan 2011. Scottish Water's asset planners reviewed it to identify major network issues in terms of network and treatment works capacity. They anticipated that development of the scale and location identified in the plan would not require strategic upgrades to the sewage treatment network. Smaller scale upgrades to the network were proposed by Scottish Water, for example, at Kirriemuir. This Proposed Plan does not propose any material changes that would result in a different outcome from original assessments by Scottish Water.
- 6.8 For all new development Scottish Water seek to identify whether the development can be accommodated in our networks without impact. This often requires more detailed modelling to be undertaken to identify issues and options to allow development to

proceed with zero impact. Scottish Water will work with developers, local authorities and SEPA to ensure that they will enable development and provide any additional capacity which is required. In addition to projects to enable growth, Scottish Water also has ongoing quality and capital maintenance projects which contribute to improving the water environment.

- 6.9 With regard to capacity at treatment works and the flow that is discharged to the environment, Scottish Water will continue to allow development to connect to the system within consented parameters. The Scottish Water (Objectives for 1st April 2010 to 31st March 2015) Directions 2009 require Scottish Water to improve the quality of wastewater treatment works discharges.
- 6.10 Scottish Water and SEPA have developed a Memorandum of Understanding to establish clear lines of communication and enable the integration of Scottish Water's arrangements for identifying assets at risk of failure and SEPA's approach to identifying watercourses at risk of environmental degradation.
- 6.11 Another potential cumulative impact could arise where proposals or policies could collectively impact on birds. This could include the potential combined effects of development of land adjacent to or otherwise significantly affecting Natura sites. The site with the most potential for this is the Firth of Tay and Eden Estuary given the number of settlements surrounding this site. Protected birds often rely on land outwith those sites designated for them e.g. feeding an agricultural land during the day. The location of proposals has also therefore been assessed to ascertain whether or not they would result in a loss of feeding grounds which, combined, may have a significant effect on Natura sites.
- 6.12 Although we can acknowledge any likely significant effect it is not always practical to meaningfully assess and to give an accurate account of the future impact at the Strategic Development Plan stage. Whilst the details of where some development will emerge through the Local Development Plan process, the overall scale and general location will be set through the Strategic Development Plan. Potential pollution levels will be dependent on specifics of the proposed developments not known until the Local Development Plan and/or planning application stage.
- 6.13 It is necessary to consider possible significant effects on European sites both individually and in combination with other plans and projects, recognising that in some cases projects whose likely effects would be insignificant on their own could in combination with other projects cause significant effects.
- 6.14 The HRA for Tactran's Regional Transport Strategy identified the following potential effects relevant to the TAYplan area:
- **River TAY SAC - proposed A9/A94 link:** Some likely habitat loss but not likely to adversely affect qualifying species.
 - **Montrose Basin SPA - improved road links to the ports of Montrose:** Some likely habitat loss and construction disturbance but not likely to adversely affect qualifying species. There is potential for cumulative effects arising from the Proposed Plan's identification of a Strategic Development Area at Montrose Port and the safeguarding of land at Montrose Port for port related uses.

- 6.15 The National Renewables Infrastructure Plan identifies locations to enable the development of the offshore renewables industry at the ports of Dundee (Phase 1) and Montrose (Phase 2). The SEA of the National Renewables Infrastructure Plan highlighted for Dundee the potential effects of construction and piling on cetacean and seal species, birds using habitat in the environs of the site, potential for loss of habitat from within the Firth of Tay and Eden Estuary SAC, resulting from land reclamation, effects of piling on fish using the Firth of Tay to gain access to the River Tay. For Montrose potential effects included construction and piling on birds using habitat within the Montrose Basin SPA and effects of construction and piling of fish accessing the River South Esk SAC. There is potential for cumulative effects arising from the Proposed Plan's identification of a Strategic Development Area at Montrose Port and the safeguarding of land at Montrose Port for port related uses.
- 6.16 The Strategic Transport Projects Review contains proposals for upgrading the A9 and enhancing the highland main rail line between Perth and Inverness. It also contains proposals for rail enhancements between Aberdeen and the Central Belt. These proposals have the potential to impact on the River Tay SAC, Montrose Basin SPA and the River South Esk SAC. There are potential cumulative effects in relation to:
- Policy 1: Location Priorities (Perth Core Area, Blairgowrie/Rattray, Forfar, Aberfeldy, Alyth, Coupar Angus, Dunkeld/Birnam and Pitlochry)
 - Policy 1: Locational priorities – Green belt
 - Policy 3: Managing TAYplan's assets - Employment Land
 - Policy 3: Strategic Development Areas:
 - Orchard Bank (Forfar)
 - Forfar Regional Agricultural Service Centre
 - Dundee Centre & Port
 - Perth West/North West
 - Montrose Port SDA
 - Policy 4: Homes (A)
 - Policy 7: Energy, Waste and Resources (B)
- 6.17 Through the screening process undertaken through Perth and Kinross' HRA for the Local Development Plan, potential 'de minimis' effects on the Firth of Tay & Eden Estuary SAC were identified as a result of the JHI Invergowrie SDA. The potential for 'external' in combination effects on the SAC was considered for this proposal, and as with the SPA some of the works proposed in the Dundee Coastal Study 2 (plans for strategic growth and development in Dundee, and the waterfront redevelopment plans) could result in cumulative effects on the qualifying interests of the SAC when delivered in conjunction with the JHI Invergowrie SDA. However, the HRA for this study is not currently in the public domain to allow for an assessment to be undertaken.
- 6.18 The V&A Museum of Design Dundee project was also identified as having the potential to adversely impact upon the qualifying interests of the SAC, in conjunction with proposal JHI Invergowrie SDA; however, as is the case with the Coastal Study, the HRA for this project is still progressing. Although some early pre-evaluation work was undertaken as part of the initial Environmental Impact Assessment (EIA) for the project, the design has evolved since this assessment was carried out and as such is unlikely to still be entirely accurate.

6.19 Therefore, it is considered that the in combination effects of the JHI Invergowrie with the works proposed under the Dundee Coastal Study 2 and the V&A @Dundee project on the Firth of Tay & Eden Estuary SAC cannot reasonably be assessed as part of this HRA.

6.20 The policies/ proposals that were considered, individually, not to have a likely significant effect on Natura sites are assessed for the potential for cumulative impacts in Table 6.2:

Table 6.2 Assessment of Policies and Proposals Screened Out for Cumulative Effects

Policy/Proposal	Potential for cumulative impacts
Vision Proposed Vision Objectives Policy 1: Location Priorities (A) Policy 1: Location Priorities (B) Policy 1: Location Priorities (C) Policy 2: Shaping Places Policy 3: First Choice for Investment: Strategic Development Areas Policy 3: First Choice for Investment (E) Policy 4: Homes (A) Policy 4: Homes (B) Policy 4: Homes (C) Policy 4: Homes (D) Policy 4: Homes (E) Policy 5: Town Centres: (A) Policy 5: Town Centres: (B) Policy 5: Town Centres: (C) Policy 6: Developers Contributions Policy 7: Energy, Waste and Resources: (A) Policy 7: Energy, Waste and Resources: (C) Policy 7: Energy, Waste and Resources: (D) Policy 8: Green Networks: (A) Policy 8: Green Networks: (B) Policy 8: Green Networks: (C) Policy 8: Green Networks: (D) Policy 8: Green Networks: (E) Policy 8: Green Networks: (F) Policy 9: Managing TAYplan's Assets: Finite Resources (A) Policy 9: Managing TAYplan's Assets: Natural and Historical Assets (B) Policy 10: Connecting People, Places and Markets: (B) Policy 10: Connecting People, Places and Markets: (C) Policy 10: Connecting People, Places and Markets: (D) Policy 10: Connecting People, Places and Markets: Transport Infrastructure Projects (Map 10)	These policies comprise general policy statements and are unlikely, individually or cumulatively to have a significant effect on a site.
Policy 1: Location Priorities (Map 1) for the settlements: Tier 2 <ul style="list-style-type: none"> • Arbroath • Crieff 	The settlements Arbroath, Crieff, Anstruther, Auchterarder, Kirriemuir, and Oudenarde are geographically dispersed across the region. Crieff, Oudenarde and Auchterarder are close to the River Earn (or smaller watercourses that feed in to) which drains to the Firth of Tay Estuary. The scale and location of any

Policy/Proposal	Potential for cumulative impacts
<p>Tier 3</p> <ul style="list-style-type: none"> • Anstruther • Auchterarder • Kirriemuir <p>Policy 3: Strategic Development Area:</p> <ul style="list-style-type: none"> • James Hutton Institute • Dundee Centre and Port • Dundee Linlathen • Dundee Western Gateway • Forfar Agricultural Service Centre • Oudenarde • Perth West/North West 	<p>development in these towns will be identified through the Perth & Kinross Local Development Plan. There could be potential for development at these sites to adversely affect water quality in adjacent watercourses, however, this is mitigated through the requirement in Policy 2 of the Proposed Plan to reduce run-off including through the use of sustainable drainage systems. Furthermore it is understood that the sewage systems will be able to accommodate development in these settlements. In view of the minimal likelihood of adverse impact and the fact that these settlements are far apart there is no likelihood of a cumulative impact and such development would therefore be unlikely to affect the designated site where the river flows in to the estuary.</p> <p>The other locations (Arbroath, Anstruther and Kirriemuir) are considered not to have the potential to have a cumulative significant effect on watercourses when considered alongside both those policies/proposals that have been screened out and those that have been screened in due to their distance and absence of connectivity to designated sites.</p> <p>The settlements are unlikely to result in any cumulative significant effect on birds taking into account policies and proposals that have been screened in.</p> <p>Perth West/North West SDA was assessed at the local level which determined that there would be no significant effects on the River Tay SAC given the distance from the site proposal to the SAC. In addition, effects on the South Tayside Goose Roosts SPA were screened out under the 'de minimis' criteria. There are geese at Aberdalgie and roosting geese at Dupplin, but they are relatively distant from the proposal site. Geese have also been recorded feeding around Tibbermore and flighting in and out but this is not regarded as a big issue in terms of HRA implications. There are no nearby SDA's or relevant existing LDP sites which in combination could result in cumulative impacts on the SAC or SPA.</p> <p>The James Hutton Institute SDA was assessed at the local level which determined that it would have no likely significant effects on the Tay & Eden Estuary SPA and it was screened out under the 'de minimis' criteria in terms of the SAC. This was due to the sloping nature of the site and the possibility for run off to enter the SAC. It was also highlighted that any effects are likely to be minimal due to the dilution capacity of the Estuary. In combination impacts with SDA's in nearby Dundee (City Centre & Waterfront, Linlathen and Western Gateway) were also considered but ruled out given that they have all been determined at the local level to have no likely significant effects on the Firth of Tay & Eden Estuary SPA and SAC.</p> <p>The Forfar Agricultural Service Centre SDA is a concept for the creation of an agricultural service centre and does not have a defined boundary or contain a specific development proposal. Therefore, it is not considered that this would have a likely significant effect.</p> <p>The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 9 (D) requires LDPs to identify and safeguard areas of undeveloped</p>

Policy/Proposal	Potential for cumulative impacts
	coastline that are unsuitable for development and set out policies for their management. Proposals for a greenbelt for Perth and focussing development away from the Carse of Gowrie will also help to ensure that feeding sites are available for birds.
Map 10: Transport Proposals	The potential for cumulative effects arising from the Strategic Transport Projects Review and the Regional Transport Strategies in combination with the Proposed Plan is outlined above. Many of the proposals are upgrades to existing buildings, facilities and transport links that will not involve new land and by their nature and location are unlikely to result in combination effects (with the Proposed Plan) on the integrity of Natura sites. Other proposals which may have the potential to affect a Natura site will have to show through the HRA process of the relevant plan that this will not be the case. The projects are identified through other Plans and will be delivered outwith the control of this Plan. These other Plans will also need to assess the potential for cumulative effects.

6.21 The Proposed Plan has also been considered in relation to a comprehensive range of other external plans and programmes relevant to the habitat regulations appraisal. A list of these plans and programmes is included in Appendix 1 of the Environmental Report prepared alongside the Main Issues Report. It is considered that there will not be additional cumulative effects other than those outlined above arising from other plans and projects in combination with TAYplan's Proposed Plan.

Early Mitigation

6.22 Following the screening process for potential likely effects it was considered that whilst the previous Proposed Plan makes reference to ensuring the protection of designated habitats this policy was not strong enough.

6.23 Additional policy was added to the previous Plan which will further safeguard Natura sites from potential individual and cumulative effects of development. The implementation of these policies is seen as very important in addressing potential effects on Natura sites but does not itself mitigate the policies identified as having a likely significant effect. The appropriate assessment of the policies and proposals (section 7 of this document) looks at the potential impacts in more detail in order to determine if specific mitigation is required.

Policies and Proposals taken forward for Appropriate Assessment

6.24 Having regard to the screening process detailed in Table 6.2 the following policies and proposals are to be taken forward for Appropriate Assessment:

- Policy 1: Location Priorities (for the settlements Dundee Core Area, Perth Core Area, Blairgowrie/Rattray, Cupar, Forfar, Kinross/Milnathort, Montrose, St. Andrews, Aberfeldy, Alyth, Brechin, Carnoustie, Coupar Angus, Dunkeld/Birnam, Leuchars/Guardbridge, Newburgh, Pitlochry)
- Policy 1: Location Priorities (D): Green belts
- Policy 3: A First Choice for Investment (A): Employment Land
- Policy 3: A First Choice for Investment (B)
- Policy 3: A First Choice for Investment (C)

- Policy 3: A First Choice for Investment (D): Strategic Development Areas (for the proposals Orchard Bank Forfar, Forfar Regional Agricultural Centre, Montrose Port, Cupar North, St. Andrews West and Science Park - Map 3)
- Policy 7: Energy, Waste and Resources: Waste Management Infrastructure (B)
- Policy 10: Connecting People, Places and Markets (A)
- Policy 10: Connecting People, Places and Markets: Transport Infrastructure Projects (Map 10).

COMMITTEE VERSION

7. APPROPRIATE ASSESSMENT

- 7.1 The Appropriate Assessment is a test to ascertain whether the proposed development plan will not adversely affect the integrity of designated sites through the policies and proposals identified in section 6. The assessment also considers required mitigation, and any limitations of the assessment.
- 7.2 The integrity of a site is defined⁷ as 'the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.
- 7.3 The European sites that were considered to have the potential to be affected by policies and proposals contained with the Strategic Development Plan were determined during the screening process (see Section 6 of this document). A list of the sites and their qualifying interests and conservation objectives is set out in Appendix 1.
- 7.4 The Assessment takes a precautionary approach where all potential issues are highlighted, although the Proposed Plan in many cases does not provide a level of detail that allows full assessment. The document states at which point further assessment should take place to protect designated sites as policies and proposals are implemented. The potential for cumulative effects, including in combination effects with other plans/strategies has been considered.
- 7.5 The assessment of potential adverse effects on the qualifying interests of Natura 2000 sites by the Proposed Plan's policies and development proposals are shown in Table 7.1.

⁷ Scottish Executive (2000) Nature Conservation: Implementation in Scotland of EC Directive on the conservation of natural habitats and of wild fauna and flora and the conservation of wild birds ('The Habitats and Birds Directives'). Revised guidance updating Scottish Office Circular no. 6/1995

Table 7.1: Appropriate Assessment of potential impacts of the TAYplan Proposed Plan on Natura 2000 Sites

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>POLICY 1: Location Priorities</p> <p>Policy 1 sets out a policy which focuses major development in the region's principal settlements and sets out a settlement hierarchy. The main focus will be on Dundee and Perth.</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA, BARRY LINKS SAC, MONTROSE BASIN SPA, LOCH LEVEN SPA, RIVER TAY SAC METHVEN MOSS SAC, SOUTH TAY GOOSE ROOSTS SPA, RIVER SOUTH ESK SAC, DUNKELD – BLAIRGOWRIE LOCHS SAC</p> <p>See Appendix 1 for qualifying interests and conservation objectives.</p>	<p>The scale and nature of development in each of the settlements listed in the hierarchy will be defined at the Local Development Plan level. A settlement's identification reflects that it contains a range of existing facilities that would make development more likely to be sustainable than in a location elsewhere.</p> <p>While it is not possible to identify the specific impacts from individual site allocations given the general nature of the policy, there are a number of potential impacts which could affect the Natura sites as listed. These include deterioration of qualifying habitats or significant impacts (e.g. disturbance) to qualifying species through inappropriate allocation of land at the Local Development Plan level.</p> <p>The settlements where new development has the potential to impact on designated sites are: Dundee Core Area, Perth Core Area, Blairgowrie/Ratray, Cupar, Forfar, Kinross/Milnathort, Montrose, St Andrews, Aberfeldy, Alyth, Brechin, Carnoustie, Coupar Angus, Dunkeld/Birnam, Leuchars/Guardbridge, Newburgh and Pitlochry.</p> <p>There is potential for cumulative effects arising from Strategic Transport Projects Review proposals for upgrading the A9 and enhancing the highland main rail line between Perth and Inverness although it is not possible to identify specific likely impacts at this stage.</p> <p>Policy 1 states that the Principal Settlements will be the focus for development but does not require that development would take place in each settlement regardless of environmental capacity. The level of development will be assessed through Appropriate Assessment of the Local Development Plan. Such development will prioritise redevelopment of existing buildings and brownfield land. Nevertheless it is considered that there is scope in all of the region's principal settlements for some level of development without adversely affecting the integrity of a Natura site. Land audits (e.g. for housing and employment) carried out across the TAYplan region show that existing planning permissions, local plan allocations and sites with development potential are primarily located within the region's principal settlements, particularly Dundee and Perth (TAYplan's Tier 1 settlements). Despite the proximity of many of the principal settlements to Natura sites there are parts of each settlement which are more remote and less likely to have any potential to impact on such sites. Policy 1 is not rigid. It does not require that significant levels of new development must be accommodated in the principal settlements. Rather the Policy provides a hierarchy of settlements where Local Development Plans should focus the search for potential sites. In doing so, further more detailed assessment will be undertaken. Policy 1 provides flexibility therefore to accommodate varying levels of growth, taking account of Natura sites.</p> <p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the integrity of a Natura site.</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <p>a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas</p> <p>b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and</p> <p>c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy.</p> <p>In designating sites in the settlements identified Local Development Plans must ensure that developments, through their development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>Local Development Plans will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with. The assessment will need to consider potential for cumulative impacts on Natura sites.</p> <p>Further HRA/EIA assessment may be required at the planning application stage for any proposals arising from this policy.</p> <p>There are also existing measures within the Proposed Plan that will provide further mitigation:</p> <ul style="list-style-type: none"> • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. • Policy 2 requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to watercourses. • The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 3 requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site. <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy' 	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*. Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>
<p>Policy 1: Location</p>				

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>Priorities – Green belts (D)</p> <p>Local Development Plans shall continue to implement green belt boundaries in both St. Andrews and Perth to preserve their setting, views, special character and historic core; protect and provide access to open space and assist in safeguarding the countryside from encroachment; manage long-term planned growth and define development that is appropriate in the green belt as per Scottish Planning Policy (2014).</p>	<p>RIVER TAY (SAC) <u>Qualifying Habitat</u></p> <ul style="list-style-type: none"> • Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels <p>Conservation Objectives: To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat <p><u>Qualifying Species</u></p> <ul style="list-style-type: none"> • Atlantic salmon, Brook lamprey, Otter, River lamprey, Sea lamprey <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types for salmon, as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	<p>The policy requires the provision of a greenbelt at Perth which provides sufficient land for planned development around key villages and settlements. The scale and location of development will be determined through the allocation of sites in the Local Development Plan alongside the identification of the greenbelt boundary.</p> <p>While it is not possible to identify the specific impacts from individual site allocations given the general nature of the policy, there are a number of potential impacts which could affect the River Tay SAC. These include deterioration of qualifying habitats or significant disturbance to qualifying species through inappropriate allocation of land at the Local Development Plan level.</p> <p>There is potential for cumulative effects arising from Strategic Transport Projects Review proposals for upgrading the A9 and enhancing the highland main rail line between Perth and Inverness although it is not possible to identify specific likely impacts at this stage.</p> <p>With appropriate assessment at a lower level it can be ensured that the green belt can be implemented without adversely affecting the integrity of a Natura site.</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <p>a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas</p> <p>b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and</p> <p>c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy.</p> <p>In designating the green belt boundary the Local Development Plan must ensure that land identified for development, would not adversely affect the integrity of a Natura site.</p> <p>Local Development Plans will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with. The assessment will need to consider potential for cumulative impacts on Natura sites.</p> <p>Further HRA/EIA assessment may be required at the planning application stage for any proposals arising from this policy.</p> <p>There are also existing measures within the Proposed Plan that will provide further mitigation:</p> <ul style="list-style-type: none"> • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. • Policy 2 requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to watercourses. <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>
<p>POLICY 3: A First Choice for Investment - Employment Land (A), (B) and (C)</p> <p>Policy 3 requires Local Development Plans identify and safeguard at least 5 years of employment land to support the growth of the economy and a diverse range of industrial requirements (including sites for distribution, warehousing or industries with significant cargo movements adjacent to rail heads); further</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA, BARRY LINKS SAC, MONTROSE BASIN SPA, LOCH LEVEN SPA, RIVER TAY SAC METHVEN MOSS SAC, SOUTH TAY GOOSE ROOSTS SPA, RIVER SOUTH ESK SAC, MORAY FIRTH SAC, ISLE OF MAY SAC</p> <p>See Appendix 1 for qualifying interests and conservation objectives.</p>	<p>The scale and nature of development in each of the settlements listed in the hierarchy will be defined at the Local Development Plan level. The Principal Settlements are those that are deemed to be most sustainable for new development due to their scale and function.</p> <p>While it is not possible to identify the specific impacts from individual site allocations given the general nature of the policy, there are a number of potential impacts which could affect the Natura sites as listed. These include deterioration of qualifying habitats or significant impacts (e.g. disturbance) to qualifying species through inappropriate allocation of land at the Local Development Plan level.</p> <p>The settlements where new development has the potential to impact on designated sites are: Dundee Core Area, Perth Core Area, Blairgowrie/Rattray, Cupar, Forfar, Kinross/Milnathort, Montrose, St Andrews, Aberfeldy, Alyth, Brechin, Carnoustie, Coupar Angus, Dunkeld/Birnam, Leuchars/Guardbridge, Newburgh and Pitlochry.</p> <p>There is potential for cumulative effects arising from Strategic Transport Projects Review proposals for upgrading the A9 and enhancing the highland main rail line between Perth and Inverness although it is not possible to</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <p>a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas</p> <p>b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and</p> <p>c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy.</p> <p>In designating sites in the settlements identified Local Development Plans must ensure that developments, through their development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>Local Development Plans will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with. The assessment will need to consider potential for cumulative impacts on Natura sites.</p> <p>Further HRA/EIA assessment may be required at the planning application stage for any proposals arising from this policy.</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>assist in growing the year-round role of the tourism and recreation sector and support the development of Strategic Development Areas (assessed below).</p>		<p>identify specific likely impacts at this stage.</p> <p>Policy 3 states that employment land should be identified and safeguarded in Principal settlements. This will include existing employment sites and the policy does not require that new land would need to be found in each settlement regardless of environmental capacity. The level of development will be assessed through Appropriate Assessment of the Local Development Plan. Such development will prioritise redevelopment of existing buildings and brownfield land. Nevertheless it is considered that there is scope in all of the region's principal settlements for some level of development without adversely affecting the integrity of a Natura site. Land audits (e.g. for housing and employment) carried out across the TAYplan region show that existing planning permissions, local plan allocations and sites with development potential are primarily located within the region's principal settlements, particularly Dundee and Perth (TAYplan's Tier 1 settlements). Despite the proximity of many of the principal settlements to Natura sites there are parts of each settlement which are more remote and less likely to have any potential to impact on such sites. Policy 1 is not rigid. It does not require that significant levels of new development must be accommodated in the principal settlements. Rather the Policy provides a hierarchy of settlements where Local Development Plans should focus the search for potential sites. In doing so, further more detailed assessment will be undertaken. Policy 1 provides flexibility therefore to accommodate varying levels of growth, taking account of Natura sites.</p> <p>What constitutes a 5 year supply of land will vary by local authority and will be subject to local employment needs and local authorities' methodologies for calculating these. It may be the case that a 5 year supply of employment can be accommodated by existing sites.</p> <p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the integrity of a Natura site.</p>	<p>There are also existing measures within the Proposed Plan that will provide further mitigation:</p> <ul style="list-style-type: none"> • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. • Policy 2 requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to watercourses. • The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 3 requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site. <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy' 	
<p>POLICY 3: A First Choice for Investment – Strategic Development Areas</p> <p>Orchard Bank (Forfar)</p> <p>The proposals for Orchard Bank (Forfar) Strategic Development Area involve the development of 25ha employment land.</p>	<p>RIVER TAY (SAC) <u>Qualifying Habitat</u></p> <ul style="list-style-type: none"> • Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels <p>Conservation Objectives: To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat <p><u>Qualifying Species</u></p> <ul style="list-style-type: none"> • Atlantic salmon, Brook lamprey, Otter, River lamprey, Sea lamprey 	<p>Orchard Bank is close to Forfar Loch which drains to the River Tay. The Strategic Development Plan does not identify a site boundary but there is an existing employment allocation in the current Local Plan at Orchard Bank which is likely to form the proposal. It is also noted that planning permission has been granted and development commenced at the Orchard Bank employment allocation. It is not anticipated that new land would need to be allocated; however, the site boundary and nature of development will be defined at the Local Development Plan level.</p> <p>Potential impacts could include changes in water quality in the SAC as a result of pollution of watercourses feeding into the SAC through sedimentation and substrate (during construction), and through pollution from waste and sewage during operation and pollution during construction activities. There is also potential for damage or disturbance to salmon, lamprey, otters and their habitats. There could also be potential impacts if the proposals cause changes in water flow.</p> <p>It is not anticipated that the proposal will require any strategic upgrade to the sewage treatment network.</p>	<p>Mitigation will come through appraisal in lower tier plans (principally Local Development Plans) as the Proposed Plan cannot reasonably predict the effects on a European site in a meaningful way given that the Proposed Plan does not identify a site boundary, or define the precise nature of development. These will be identified in Local Development Plans. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>It is considered that the Proposed Plan has the flexibility to enable an adverse effect on site integrity to be avoided. The Habitats Regulations Appraisal of Local Development Plan's is required as a matter of law or Government policy.</p> <p>In allocating land in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
	<p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types for salmon, as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	<p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the integrity of a Natura site.</p>	<p>Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at any future planning application stage for this proposal. Any planning application/s would also need to consider issues such as: drainage/use of Sustainable Urban Drainage Systems (SUDS), environmentally friendly construction practices and provision of waste disposal facilities. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>Existing measures within the Proposed Plan that will provide an additional safeguard against any impact of this proposal include that:</p> <ul style="list-style-type: none"> • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. • Policy 2 of the Proposed Plan requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to the River Tay catchment. <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy' 	
<p>POLICY 3: Montrose Port Strategic Development Area The proposals for Montrose Port Strategic Development Area involve land for port related uses.</p>	<p>MONTROSE BASIN SPA <u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> • Dunlin*, Eider*, Greylag goose, Knot, Oystercatcher*, Pink-footed goose, Redshank, Shelduck*, Wigeon* • Waterfowl assemblage <p><i>*Indicates assemblage qualifier only</i></p> <p><u>Conservation Objectives:</u> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species 	<p>Montrose Basin has high species diversity and supports a large population of wintering water birds. These species also feed away from the SPA on surrounding agricultural land and coastal areas. The qualifying species are vulnerable to developments and activities which could affect the quality of the waters of the basin (including pollution and chemicals), or which could cause disturbance during roosting, breeding and feeding periods.</p> <p>The proposals are not clearly defined through the Strategic Development Plan. The scale and nature of development will be defined at the Local Development Plan level.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • changes in water quality in the SPA through pollution from increased traffic and use of port area and increased waste/sewage during and following construction activities; • impacts of pollution on food sources used by bird populations; • disturbance to birds during roosting, breeding and feeding from construction, operational or recreational activities; • loss of feeding grounds through habitat loss within and outside the SPA (if new land is required through the Local Development Plan); • severance of wildlife corridors and connected habitats; • potential for increased noise activity and light; and, • potential cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan. <p>Montrose Port is currently used for employment uses largely relating to its port location and is identified as such through the existing Local Plan. The proposal in itself does not require any change to current land use. There is therefore flexibility within the proposal to enable it's delivery</p>	<p>Mitigation will come through appraisal in lower tier plans (principally Local Development Plans) as the Proposed Plan cannot reasonably predict the effects on a European site in a meaningful way given that the Proposed Plan does not identify a site boundary, or define the precise nature of development. These will be identified in Local Development Plans. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>It is considered that the Proposed Plan has the flexibility to enable an adverse effect on site integrity to be avoided. The Habitats Regulations Appraisal of Local Development Plan's is required as a matter of law or Government policy.</p> <p>In allocating land in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Such assessment should consider the potential for cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan.</p> <p>Further HRA/EIA assessment may also be required at the masterplanning/planning application stage for this proposal. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased activity and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>Existing measures within the Proposed Plan that will provide an additional safeguard against any impact of this proposal include that:</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
		<p>without adversely affect the integrity of a Natura site.</p> <p>It will be for the Local Development Plan to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>The proposal does not require the release of additional land or changes of use/development within the port areas. Any development at the ports would be subject to HRA through the plan or programme through which they are proposed.</p> <p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the integrity of a Natura site.</p> <p>It is not anticipated that the proposal will require any strategic upgrade to the sewage treatment network.</p>	<ul style="list-style-type: none"> Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. Policy 2 of the Proposed Plan requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to Montrose Basin. Policy 3 of the Proposed Plan requires LDPs to contain (or cover in Supplementary Planning Guidance) Strategic Development Frameworks and masterplans where these do not already exist, except for Orchardbank, Linlathen and James Hutton Institute where these are not required due to the scale/nature of development. These should reflect the overall policy requirements of the Proposed Plan (including those relating to Natura sites). <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	
<p>POLICY 3: Montrose Port Strategic Development Area The proposals for Montrose Port Strategic Development Area involve land for port related uses.</p>	<p>RIVER SOUTH ESK (SAC) <u>Qualifying Species</u></p> <ul style="list-style-type: none"> Atlantic Salmon Freshwater pearl mussel <p><u>Conservation Objectives</u> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species, including range of genetic types for salmon, as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species Distribution and viability of freshwater pearl mussel host species Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species 	<p>Atlantic salmon are a qualifying species for the River South Esk SAC but migrate out through Montrose Basin to feed. The qualifying species are vulnerable to developments which could affect the quality of the waters of the Basin.</p> <p>The proposals are not clearly defined through the Strategic Development Plan. The scale and nature of development will be defined at the Local Development Plan level.</p> <p>Potential impacts could include: changes in water quality through pollution from waste and sewage during operation and construction activities, and potential cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal).</p> <p>Montrose Port is currently used for employment uses largely relating to its port location and is identified as such through the existing Local Plan. The proposal in itself does not require any change to current land use. There is therefore flexibility within the proposal to enable it's delivery without adversely affect the integrity of a Natura site.</p> <p>It will be for the Local Development Plan to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>The proposal does not require the release of additional land or changes of use/development within the port areas. Any development at the ports would be subject to HRA through the plan or programme through which they are proposed.</p> <p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the</p>	<p>Mitigation will come through appraisal in lower tier plans (principally Local Development Plans) as the Proposed Plan cannot reasonably predict the effects on a European site in a meaningful way given that the Proposed Plan does not identify a site boundary, or define the precise nature of development. These will be identified in Local Development Plans. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>It is considered that the Proposed Plan has the flexibility to enable an adverse effect on site integrity to be avoided. The Habitats Regulations Appraisal of Local Development Plan's is required as a matter of law or Government policy.</p> <p>In allocating land in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Such assessment should consider the potential for cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal).</p> <p>Further HRA/EIA assessment may also be required at the masterplanning/planning application stage for this proposal. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased activity and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>Existing measures within the Proposed Plan that will provide an additional safeguard against any impact of this proposal include that:</p> <ul style="list-style-type: none"> Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. Policy 2 of the Proposed Plan requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of 	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
		<p>integrity of a Natura site.</p> <p>It is not anticipated that the proposal will require any strategic upgrade to the sewage treatment network.</p>	<p>the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to Montrose Basin.</p> <ul style="list-style-type: none"> Policy 3 of the Proposed Plan requires LDPs to contain (or cover in Supplementary Planning Guidance) Strategic Development Frameworks and masterplans where these do not already exist, except for Orchardbank, Linlathen and James Hutton Institute where these are not required due to the scale/nature of development. These should reflect the overall policy requirements of the Proposed Plan (including those relating to Natura sites). <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	
<p>POLICY 3: Cupar North Strategic Development Area</p> <p>The proposals for Cupar North Strategic Development Area involve the 1,400 homes, 10ha of employment land and bulky goods retail.</p> <p>The size of this SDA has increased by 12Ha from the previous TAYplan (2012).</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA</p> <p><u>SAC Qualifying Habitats</u></p> <ul style="list-style-type: none"> Estuaries, Intertidal mudflats and sandflats, Subtidal sandbanks <p>Conservation Objectives: To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Extent of the habitat on site Distribution of the habitat within site Structure and function of the habitat Processes supporting the habitat Distribution of typical species of the habitat Viability of typical species as components of the habitats No significant disturbance of typical species of the habitats <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> Common seal <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species <p><u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> Bar-tailed godwit, Black-tailed godwit*, Common scoter*, Cormorant*, Dunlin*, Eider*, Goldeneye*, Goosander*, Grey plover*, Greylag goose, Little tern, Long-tailed duck*, Marsh Harrier, Oystercatcher*, Pink-footed goose, Red-breasted merganser*, Redshank, Sanderling*, Shelduck*, Velvet scoter*, Waterfowl assemblage <p><i>*Indicates assemblage qualifier only</i></p>	<p>The qualifying habitats and species are vulnerable to developments and activities which could affect the quality of the waters of the Firth of Tay and Eden Estuary. The birds are vulnerable to development or activities which can cause disturbance during roosting, breeding and feeding periods. Seals and birds are vulnerable to pollution and chemicals.</p> <p>The Strategic Development Area lies to the North of Cupar and is distant from the Eden Estuary, however there is some potential for drainage from the site through watercourses (the Lady Burn) flowing to the south to the River Eden which in turn drains to the estuary.</p> <p>The site boundary and details of the nature of development will be defined at the Local Development Plan level.</p> <p>It is noted that this proposal was considered as part of the Appropriate Assessment carried out by Ecodyn (2009) for the St Andrews and East Fife Local Plan and was considered to not have the potential to adversely affect any designated sites.</p> <p>Taking into account the increase in size, it remains unlikely that the Strategic Development Area proposal could significantly impact on the SAC/SPA. It is noted in the HRA prepared by Fife Council for the Proposed Plan (2014) that there is a potential impact on water quality through construction operations and waste water discharges. Construction operations may result in an increased risk of pollution events. The additional development will require waste water discharge management.</p> <p>The screening process highlighted the issue of cumulative impacts on birds from proposals around the Firth of Tay & Eden Estuary SAC/SPA. However in view of the dispersed nature of proposed development around the estuaries and the protection given to undeveloped land through policy on the undeveloped coast and green belts, it is considered that there will be no cumulative adverse affect on the integrity of the Natura site.</p> <p>It is considered that there is potential for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p>	<p>Mitigation will come through appraisal in lower tier plans (principally Local Development Plans) as the Proposed Plan cannot reasonably predict the effects on a European site in a meaningful way given that the Proposed Plan does not identify a site boundary, or define the precise nature of development. These will be identified in Local Development Plans. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>It is considered that the Proposed Plan has the flexibility to enable an adverse effect on site integrity to be avoided. The Habitats Regulations Appraisal of Local Development Plan's is required as a matter of law or Government policy.</p> <p>In allocating land in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the masterplanning/planning application stage for this proposal. Any planning application/s would also need to consider issues such as: drainage (including use of SUDs) and environmentally friendly construction practices. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>Existing measures within the Proposed Plan that will provide an additional safeguard against any impact of this proposal include that:</p> <ul style="list-style-type: none"> Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. Policy 2 of the Proposed Plan requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to the Tay estuary. Policy 3 of the Proposed Plan requires LDPs to contain (or cover in Supplementary Planning Guidance) Strategic Development Frameworks and masterplans where these do not already exist, except for Orchardbank, Linlathen and James Hutton Institute where these are not required due to the scale/nature of development. These should reflect the overall policy requirements of the Proposed Plan (including those relating to Natura sites). 	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
	<p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species 		<p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy' <p>The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 3 requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site.</p>	
<p>POLICY 3: St Andrews West Strategic Development Area The proposals for St. Andrews West Strategic Development Area involve 1,090 homes, 10ha of employment land and 10ha for a science park.</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA <u>SAC Qualifying Habitats</u></p> <ul style="list-style-type: none"> • Estuaries, Intertidal mudflats and sandflats, Subtidal sandbanks <p>Conservation Objectives: To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Extent of the habitat on site ▪ Distribution of the habitat within site ▪ Structure and function of the habitat ▪ Processes supporting the habitat ▪ Distribution of typical species of the habitat ▪ Viability of typical species as components of the habitats ▪ No significant disturbance of typical species of the habitats <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> • Common seal <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species <p><u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> • Bar-tailed godwit, Black-tailed godwit*, Common scoter*, Cormorant*, Dunlin*, Eider*, Goldeneye*, Goosander*, Grey plover*, Greylag goose, Little tern, Long-tailed duck*, Marsh Harrier, Oystercatcher*, Pink-footed goose, Red-breasted merganser*, Redshank, Sanderling*, Shelduck*, Velvet scoter*, • Waterfowl assemblage <p><i>*Indicates assemblage qualifier only</i></p> <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or</p>	<p>The qualifying habitats and species are vulnerable to developments and activities which could affect the quality of the waters of the Firth of Tay and Eden Estuary. The birds are vulnerable to development or activities which can cause disturbance during roosting, breeding and feeding periods. Seals and birds are vulnerable to pollution and chemicals.</p> <p>The site lies some distance inland from the SPA/SAC. However the site contains agricultural land which may be used for feeding during the day. The site also contains the Swilken burn which flows out to the estuary at the southern extent of the SPA/SAC boundary.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • loss of feeding grounds outwith the SAC/SPA due to redevelopment of land currently used for agriculture; • changes in water quality in the SPA/SAC through pollution from waste and sewage during operation and construction activities; • impacts of pollution on food sources used by bird and seal populations; • disturbance of species through increased recreational use and the potential for increased noise and light outwith the SPA/SAC. <p>It is not anticipated that the proposal will require any strategic upgrade to the sewage treatment network.</p> <p>It is noted that this proposal was considered as part of the Appropriate Assessment carried out by Ecodyn (2009) for the St Andrews and East Fife Local Plan. It was considered that with appropriate mitigation, the proposals would not adversely affect designated sites.</p> <p>The screening process highlighted the issue of cumulative impacts on birds from proposals around the Firth of Tay & Eden Estuary SAC/SPA. However in view of the dispersed nature of proposed development around the estuaries and the protection given to undeveloped land through policy on the undeveloped coast and green belts, it is considered that there will be no cumulative adverse affect on the integrity of the Natura site.</p> <p>It is considered that there is potential for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p>	<p>Mitigation will come through appraisal in lower tier plans (principally Local Development Plans) as the Proposed Plan cannot reasonably predict the effects on a European site in a meaningful way given that the Proposed Plan does not identify a site boundary, or define the precise nature of development. These will be identified in Local Development Plans. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>It is considered that the Proposed Plan has the flexibility to enable an adverse effect on site integrity to be avoided. The Habitats Regulations Appraisal of Local Development Plan's is required as a matter of law or Government policy.</p> <p>In allocating land in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the masterplanning/planning application stage for this proposal. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>Existing measures within the Proposed Plan that will provide an additional safeguard against any impact of this proposal include that:</p> <ul style="list-style-type: none"> • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land. • Policy 2 of the Proposed Plan requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to the Tay estuary. • Policy 3 of the Proposed Plan requires LDPs to contain (or cover in Supplementary Planning Guidance) Strategic Development Frameworks and masterplans where these do not already exist, except for Orchardbank, Linlathen and James Hutton Institute where these are not required due to the scale/nature of development. These should reflect the overall policy requirements of the Proposed Plan (including those relating to Natura sites). <p>The following continues to safeguard and strengthen protection given to designated sites and</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site*.</p> <p>Further assessment will be required at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
	<p>significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species 		<p>ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy' <p>The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 3 requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site.</p>	
<p>POLICY 7: Energy, Waste and Resources (B)</p> <p>Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas.</p> <p>Please note that other parts of this policy were screened out (see Section 6 of this document)</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA, RIVER TAY SAC METHVEN MOSS SAC, SOUTH TAY GOOSE ROOSTS SPA, BARRY LINKS SAC (please note that other Natura sites may need to be assessed if proposals come forward away from the Dundee and Perth Core Areas which form the focus for development under this policy)</p> <p>See Appendix 1 for qualifying interests and conservation objectives.</p>	<p>The location of development related to Policy 6 will be defined at the Local Development Plan level.</p> <p>The policy does not require that waste/resource management infrastructure will be developed in Dundee and/or Perth Core Areas but sets out a general policy that these and surrounding areas are likely to be the focus for such development should it be required.</p> <p>If any additional land is required the scale and nature of this will be defined at the Local Development Plan level and will be subject to Appropriate Assessment. There is considered to be flexibility for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>While it is not possible to identify the specific impacts from individual site allocations given the general nature of the policy, there are a number of potential impacts which could affect the Natura sites as listed. These include deterioration of qualifying habitats or significant impacts (e.g. disturbance) to qualifying species through inappropriate allocation of land at the Local Development Plan level.</p> <p>The screening process highlighted the issue of cumulative impacts on birds from proposals around the Firth of Tay & Eden Estuary SAC/SPA. However in view of the dispersed nature of proposed development around the estuaries and the protection given to undeveloped land through policy on the undeveloped coast and green belts, it is considered that there will be no cumulative adverse affect on the integrity of the Natura site.</p> <p>There is potential for cumulative effects arising from Strategic Transport Projects Review proposals for upgrading the A9 and enhancing the highland main rail line between Perth and Inverness although it is not possible to identify specific likely impacts at this stage.</p> <p>With appropriate assessment at a lower level it can be ensured that future development relating to this proposal can be implemented without adversely affecting the integrity of a Natura site.</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>In designating sites within the Dundee and Perth Core areas identified Local Development Plans must ensure that developments, through their location, development type/nature and design would not adversely affect the integrity of a Natura site.</p> <p>Local Development Plans will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may be required at the planning application stage for any proposals arising from this policy.</p> <p>There are existing measures within the Proposed Plan that will provide further mitigation:</p> <ul style="list-style-type: none"> • Policy 7 (part D, v) requires that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure will need to be justified on biodiversity considerations. • Policy 1 requires the prioritisation of brownfield land and buildings reducing the need to allocate new areas of land • Policy 2 requires the use of techniques to reduce surface runoff including sustainable drainage systems; and the protection and utilisation of the water absorbing capacity of soils. This will reduce the likelihood of increased pollution to watercourses. • The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 3 requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site. <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected:</p> <ul style="list-style-type: none"> • Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site".</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>POLICY 10: Connecting People, Places and Markets</p> <p>(A)</p> <p>Policy10 requires Local Development Plans to safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related land uses to support freight, economic growth, energy sectors (including offshore renewable and oil and gas) and tourism.</p>	<p>FIRTH OF TAY AND EDEN ESTUARY SAC & SPA <u>SAC Qualifying Habitats</u></p> <ul style="list-style-type: none"> Estuaries, Intertidal mudflats and sandflats, Subtidal sandbanks <p>Conservation Objectives: To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Extent of the habitat on site Distribution of the habitat within site Structure and function of the habitat Processes supporting the habitat Distribution of typical species of the habitat Viability of typical species as components of the habitats No significant disturbance of typical species of the habitats <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> Common seal <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species <p><u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> Bar-tailed godwit, Black-tailed godwit*, Common scoter*, Cormorant*, Dunlin*, Eider*, Goldeneye*, Goosander*, Grey plover*, Greylag goose, Little tern, Long-tailed duck*, Marsh Harrier, Oystercatcher*, Pink-footed goose, Red-breasted merganser*, Redshank, Sanderling*, Shelduck*, Velvet scoter*, Waterfowl assemblage <p><i>*Indicates assemblage qualifier only</i></p> <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	<p>The qualifying habitats and species are vulnerable to developments and activities which could affect the quality of the waters of the Firth of Tay and Eden Estuary. The birds are vulnerable to development or activities which can cause disturbance during roosting, breeding and feeding periods. Seals and birds are vulnerable to pollution and chemicals.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. For Dundee and Montrose Ports land is already identified through existing Local Plans. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> construction and operational activity; changes in water quality through pollution from waste and sewage during operation and construction activities; impacts of pollution on food sources used by bird and seal populations; disturbance of birds and seals; and, potential for increased airborne and underwater noise and light. <p>The proposal does not require the release of additional land or changes of use/development within the port/harbour areas. Any development at the ports/ harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>The screening process highlighted the issue of cumulative impacts on birds from proposals around the Firth of Tay & Eden Estuary SAC/SPA. However in view of the dispersed nature of proposed development around the estuaries and the protection given to undeveloped land through policy on the undeveloped coast and green belts, it is considered that there will be no cumulative adverse affect on the integrity of the Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>	<p>site in accordance with Scottish Planning Policy'</p> <p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>Where any additional land is allocated in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 9 (D) requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management. This acts as an additional safeguard against cumulative effects on the Natura site that could occur if widespread development were to be allowed in areas in areas that support the integrity of the Natura site.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>
<p>POLICY 10: Connecting People, Places and Markets</p>	<p>MONTROSE BASIN SPA <u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> Dunlin*, Eider*, Greylag goose, Knot, Oystercatcher*, Pink-footed goose, Redshank, Shelduck*, Wigeon* Waterfowl assemblage 	<p>Montrose Basin has high species diversity and supports a large population of wintering water birds. These species also feed away from the SPA on surrounding agricultural land and coastal areas. The qualifying species are vulnerable to developments and activities which could</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>(A)</p> <p>Policy 10 requires Local Development Plans to identify and safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related land uses to support freight, economic growth, energy sectors and tourism.</p>	<p><i>*Indicates assemblage qualifier only</i></p> <p><u>Conservation Objectives:</u> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species 	<p>affect the quality of the waters of the basin (including pollution and chemicals), or which could cause disturbance during roosting, breeding and feeding periods.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. For Dundee and Montrose Ports land is already identified through existing Local Plans. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • changes in water quality in the SPA through pollution from increased traffic and use of port area and increased waste/sewage during and following construction activities; • impacts of pollution on food sources used by bird populations; • disturbance to birds during roosting, breeding and feeding from construction, operational or recreational activities; • loss of feeding grounds through habitat loss within and outside the SPA (if new land is required through the Local Development Plan); • severance of wildlife corridors and connected habitats; • potential for increased noise activity and light; and, • potential cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan. <p>The proposal does not require the release of additional land or changes of use/development within the port/ harbour areas. Any development at the ports/ harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>	<p>a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy.</p> <p>Where any additional land is allocated in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Such assessment should consider the potential for cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	<p>required at a more detailed level at the Local Development Plan and planning application stages.</p>
<p>POLICY 10: Connecting People, Places and Markets</p> <p>(A)</p> <p>Policy 10 requires Local Development Plans to identify and safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port</p>	<p>RIVER SOUTH ESK (SAC) <u>Qualifying Species</u></p> <ul style="list-style-type: none"> • Atlantic Salmon • Freshwater pearl mussel <p><u>Conservation Objectives</u> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species, including range of genetic types for salmon, as a viable component of the site 	<p>Atlantic salmon are a qualifying species for the River South Esk SAC but migrate out through Montrose Basin to feed. The qualifying species are vulnerable to developments which could affect the quality of the waters of the Basin.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. For Dundee and Montrose Ports land is already identified through existing Local Plans. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <p>a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy.</p> <p>Where any additional land is allocated in the Local Development Plan it must be ensured that</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>related land uses to support freight, economic growth, energy sectors and tourism.</p>	<ul style="list-style-type: none"> ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species ▪ Distribution and viability of freshwater pearl mussel host species ▪ Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species 	<p>Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>Potential impacts could include: changes in water quality through pollution from waste and sewage during operation and construction activities, and potential cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan.</p> <p>The proposal does not require the release of additional land or changes of use/development within the port/ harbour areas. Any development at the ports/ harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>	<p>development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Such assessment should consider the potential for cumulative effects arising from improved road links to the Port of Montrose (Regional Transport Strategy proposal) and the identification of the Port of Montrose as a phase 2 site within the National Renewables Infrastructure Plan.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	
<p>POLICY 10: Connecting People, Places and Markets</p> <p>(A)</p> <p>Policy 10 requires Local Development Plans to identify and safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related land uses to support freight, economic growth, energy sectors and tourism.</p>	<p>MORAY FIRTH SAC</p> <p><u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> • Bottlenose Dolphin <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are established then maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	<p>The Moray Firth supports the only known resident population of bottlenose dolphins in the North Sea. This is a small population of about 120 animals that ranges throughout the Moray Firth and all the way down the east coast at least as far as the Firth of Forth, including the Tay Estuary.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. For Dundee and Montrose Ports land is already identified through existing Local Plans. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • construction and operational activity; • changes in water quality through pollution from waste and sewage during operation and construction activities (particularly during flooding events); • impacts of pollution on food sources used by dolphins; • disturbance of dolphins through increased recreational use; and, • potential for increased airborne and underwater noise and light. <p>The proposal does not require the release of additional land or changes of use/development within the port/ harbour areas. Any development at the ports/ harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>Where any additional land is allocated in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
		<p>integrity of a Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>		
<p>POLICY 10: Connecting People, Places and Markets</p> <p>(A)</p> <p>Policy 10 requires Local Development Plans to identify and safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related land uses to support freight, economic growth, energy sectors and tourism.</p>	<p>ISLE OF MAY SAC</p> <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> • Grey Seal <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	<p>Grey seals travel large distances during routine foraging and favour more exposed coasts and islands. They are known to haul out on outer sandbanks in the Firth of Tay. Seals are vulnerable to pollution and chemicals.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. For Dundee and Montrose Ports land is already identified through existing Local Plans. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required. It should also be noted that ports have permitted development rights which allow development associated with port related activities. Such proposals would also be subject to Appropriate Assessment where there is a potential risk of an adverse impact to the integrity of a Natura site.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • construction and operational activity; • changes in water quality through pollution from waste and sewage during operation and construction activities; • impacts of pollution on food sources used by seals; • disturbance of seals through increased recreational use; and, • potential for increased airborne and underwater noise and light. <p>The proposal does not require the release of additional land or changes of use/development within the port/ harbour areas. Any development at the ports/ harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>Where any additional land is allocated in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p> <p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>
<p>POLICY 10: Connecting People, Places and Markets</p> <p>(A)</p> <p>Policy 10 requires Local Development Plans to identify and safeguard land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related land uses to support freight,</p>	<p>FIRTH OF FORTH SPA</p> <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> • Bar-tailed godwit, Common scoter, Cormorant, Curlew, Dunlin, Eider, Golden plover, Goldeneye, Great crested grebe, Grey plover, Knot, Lapwing, Long-tailed duck, Mallard, Oystercatcher, Pink-footed goose, Red-breasted merganser, Redshank, Red-throated diver, Ringed plover, Sandwich tern, Scaup, Shelduck, Slavonian grebe, Turnstone, Velvet scoter, Wigeon, Waterfowl assemblage <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site 	<p>The qualifying habitats and species are vulnerable to developments and activities which could affect the quality of the waters of the Firth of Forth Estuary. The birds are vulnerable to development or activities which can cause disturbance during roosting, breeding and feeding periods. Birds are vulnerable to pollution and chemicals.</p> <p>The policy requires Local Development Plans to identify and safeguard land at Dundee & Montrose Ports, and other harbours as appropriate. Harbours in the TAYplan area include those in the East Neuk of Fife. It will be for Local Development Plans to determine whether a change to current land allocations should be made at which stage Appropriate Assessment would be required.</p> <p>Potential impacts could include:</p> <ul style="list-style-type: none"> • construction and operational activity; 	<p>Meaningful mitigation can only come through appraisal in lower tier plans (principally Local Development Plans) as the Strategic Development Plan does not specify the location, scale or nature of development and it is therefore not possible to identify specific likely impacts and required mitigation at this level. This is justified on the basis that the following three criteria (set out in SNH Guidance) are all met:</p> <ol style="list-style-type: none"> a) The higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas b) The lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and c) The Habitats Regulations Appraisal of the plan at the lower tier is required as a matter of law or Government policy. <p>Where any additional land is allocated in the Local Development Plan it must be ensured that development, through its development type/nature, location and design, would not adversely affect the integrity of a Natura site.</p>	<p>It is concluded that the policy will not adversely affect the integrity of a Natura site.</p> <p>Further assessment will be required at a more detailed level at the Local Development Plan and planning application stages.</p>

Policy or Proposal	Potentially Affected Site/s Including Qualifying Features/Species and Conservation Objectives	Potential Impacts	Mitigation	Conclusions
<p>economic growth, energy sectors and tourism.</p>	<ul style="list-style-type: none"> • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	<ul style="list-style-type: none"> • changes in water quality through pollution from waste and sewage during operation and construction activities; • impacts of pollution on food sources used by bird populations; • disturbance of birds; and, • potential for increased noise and light. <p>The proposal does not require the release of additional land or changes of use/development within the port/harbour areas. Any development at the ports/harbours would be subject to HRA through the plan or programme through which they are proposed. There is therefore flexibility within the policy for development of the nature described in the policy without adversely affecting the integrity of a Natura site.</p> <p>It is considered that there is potential for the proposal to be implemented without adversely affecting the integrity of a Natura site.</p>	<p>The Local Development Plan will also need to contain a Policy Framework that ensures there will be no adverse impact on Natura sites. Appropriate Assessment at the Local Development Plan level will ensure that this is complied with.</p> <p>Further HRA/EIA assessment may also be required at the planning application stage for future proposals. Any planning application/s would also need to consider issues such as: drainage, environmentally friendly construction practices, provision of waste disposal facilities, increased recreational use and noise and light pollution. Conditions/agreements may need to be placed as part of any planning permission granted.</p> <p>The Proposed Plan identifies an indicative area of undeveloped coast for land surrounding the Firth of Tay & Eden Estuary outside existing settlements. Policy 9 (D) requires LDPs to identify and safeguard areas of undeveloped coastline that are unsuitable for development and set out policies for their management.</p> <p>The following continues to safeguard and strengthen protection given to designated sites and ensure that the integrity of the site is not adversely affected: Wording retained in Policy 9: Managing TAYplan's Assets – 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets: by ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 site in accordance with Scottish Planning Policy'</p>	

Cumulative effects

7.6 Table 7.1 gave consideration to the potential for cumulative effects, including in combination effects with other plans/strategies. A number of designated sites have the potential to be affected by more than one policy or proposal. Below is a summary of the potential for cumulative effects on each site.

Table 7.2 Assessment of Cumulative Effects on designated sites

Designated Site	Policies/Proposals	Potential for Cumulative Impacts
Firth of Tay and Eden Estuary SAC & SPA	<p>Policy 1: Location Priorities (Dundee Core Area, Cupar, St Andrews, Carnoustie, Leuchars/Guardbridge and Newburgh)</p> <p>Policy 3: A first choice for investment - Employment Land (A)</p> <p>Policy 3 Strategic Development Areas.</p> <ul style="list-style-type: none"> - Cupar North SDA - St Andrews West SDA <p>Policy 4: Homes (A)</p> <p>Policy 7: Energy, Waste and Resources (B)</p> <p>Policy 10: A Connected TAYplan – Transport</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p> <p>The potential for cumulative impacts will need to be assessed for Policies 1, 3, 4, 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified, taking into account other relevant plans and strategies.</p>
Barry Links SAC	<p>Policy 1: Location Priorities (Dundee Core Area and Carnoustie)</p> <p>Dundee Centre & Port SDA</p> <p>Policy 4: Homes (A)</p> <p>Policy 7: Energy , Waste and Resources (B)</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p> <p>The potential for cumulative impacts will need to be assessed for Policies 1, 3 (Employment Land), 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified, taking into account other relevant plans and strategies.</p>
Montrose Basin SPA	<p>Policy 1: Location Priorities (Montrose)</p> <p>Montrose Port SDA</p> <p>Policy 3: A first choice for investment - Employment Land (A)</p> <p>Policy 4: Homes (A)</p> <p>Policy 10: A Connected TAYplan – Transport</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p> <p>The potential for cumulative impacts will need to be assessed for Policies 1, 3 (Employment Land), 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified, taking into account other relevant plans and strategies.</p>
River Tay SAC	<p>Policy 1: Location Priorities (Perth Core Area, Blairgowrie/Rattray, Forfar, Aberfeldy, Alyth, Coupar Angus, Dunkeld/Birnam and</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p>

	<p>Pitlochry) Policy 1: Location Priorities - Green belt (D) Policy 3: A first choice for investment - Employment Land (A) Policy 3: Strategic Development Areas: - Orchard Bank (Forfar) - Forfar Regional Agricultural Service Centre - Dundee Centre & Port - Perth West/North West Policy 4: Homes (A) Policy 7: Energy, Waste and Resources (B)</p>	<p>The potential for cumulative impacts will need to be assessed for Policies 1, 3 (Employment Land), 4, 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified including consideration of the potential for cumulative impacts alongside Perth West/North West SDA, and taking into account other relevant plans and strategies.</p>
Methven Moss SAC	<p>Policy 1: Location Priorities (Perth Core Area) Policy 3: A first choice for investment - Employment Land (A) Policy 4: Homes (A) Policy 7: Energy, Waste and Resources (B)</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p> <p>The potential for cumulative impacts will need to be assessed for Policies 1, 3 (Employment Land), 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified, taking into account other relevant plans and strategies.</p>
South Tay Goose Roosts SPA	<p>Policy 1: Location Priorities (Perth Core Area) Policy 3: A first choice for investment - Employment Land (A) Policy 4: Homes (A) Policy 7: Energy, Waste and Resources (B)</p>	<p>Mitigation measures outlined in Table 7.1 should ensure that there are no residual effects (including cumulative or in-combination effects) following mitigation.</p> <p>The potential for cumulative impacts will need to be assessed for Policies 1, 3 (Employment Land), 5 (A) and 6 through Appropriate Assessment of Local Development Plans as sites are identified, taking into account other relevant plans and strategies.</p>

Summary

- 7.7 The assessment provided in Tables 7.1 and 7.2 indicates that it is possible for the policies and proposals within the Proposed Plan to be implemented whilst ensuring that these will not adversely affect the integrity of designated sites.
- 7.8 A series of mitigation measures has been identified for each policy/proposal which if taken forward will ensure no adverse effect on the integrity of a designated site. The majority of such mitigation measures will take place through the appropriate assessment of lower level plans and proposals reflecting the strategic nature of the Proposed Plan. Such mitigation will include appropriate allocation of land for development and development of the policy framework in order to ensure that there will be no adverse impact on designated sites.

8. CONCLUSIONS

- 8.1 Under this Habitats Regulations Appraisal many policies and proposals were considered unlikely to significantly affect the qualifying interests of Natura sites in the TAYplan area. These were screened out of the appropriate assessment carried out for the Proposed Plan (see section 6 of this document).
- 8.2 The policies and proposals carried forward for the appropriate assessment, in section 7, are those that were considered to have the potential to impact on Natura sites.
- 8.3 The assessment has identified a series of mitigation measures for each policy/proposal. It can be concluded that with appropriate mitigation the Proposed Plan will not adversely affect the integrity of a Natura site.
- 8.4 The Habitats Regulations Appraisal process has considered the cumulative effects of the policies and proposals contained within the Proposed Plan at both the screening and appropriate assessment stages.
- 8.5 Further appropriate assessment will be required at the suitable level for many of the policies and proposals identified, for example, when sites are identified in Local Development Plans.

Appendix 1: Natura Sites Qualifying Interests and Conservation Objectives

Potentially Affected Site, Qualifying Interests and Conservation Objectives
<p>BARRY LINKS (SAC)</p> <p>Qualifying Features:</p> <ul style="list-style-type: none"> • Coastal dune heathland* • Shifting dunes • Dune grassland* • Humid dune slacks • Shifting dunes with marram <p>* denotes priority habitat</p> <p>Conservation Objectives</p> <p>To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Extent of the habitat on site ▪ Distribution of the habitat within site ▪ Structure and function of the habitat ▪ Processes supporting the habitat ▪ Distribution of typical species of the habitat ▪ Viability of typical species as components of the habitats ▪ No significant disturbance of typical species of the habitats
<p>MONTROSE BASIN SPA</p> <p><u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> ▪ Dunlin*, Eider*, Greylag goose, Knot, Oystercatcher*, Pink-footed goose, Redshank, Shelduck*, Wigeon* ▪ Waterfowl assemblage <p><i>*Indicates assemblage qualifier only</i></p> <p><u>Conservation Objectives:</u></p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species
<p>FIRTH OF TAY AND EDEN ESTUARY (SAC, SPA)</p> <p><u>SAC Qualifying Habitats</u></p> <ul style="list-style-type: none"> • Estuaries, Intertidal mudflats and sandflats, Subtidal sandbanks <p>Conservation Objectives:</p> <p>To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Extent of the habitat on site ▪ Distribution of the habitat within site ▪ Structure and function of the habitat ▪ Processes supporting the habitat ▪ Distribution of typical species of the habitat ▪ Viability of typical species as components of the habitats ▪ No significant disturbance of typical species of the habitats <p><u>SAC Qualifying species</u></p> <ul style="list-style-type: none"> ▪ Common seal <p>Conservation Objectives:</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species

SPA Qualifying Species

- Bar-tailed godwit, Black-tailed godwit*, Common scoter*, Cormorant*, Dunlin*, Eider*, Goldeneye*, Goosander*, Grey plover*, Greylag goose, Little tern, Long-tailed duck*, Marsh Harrier, Oystercatcher*, Pink-footed goose, Red-breasted merganser*, Redshank, Sanderling*, Shelduck*, Velvet scoter*,
- Waterfowl assemblage

*Indicates assemblage qualifier only

Conservation Objectives:

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

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

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

FIRTH OF FORTH (SPA)

Qualifying Features

- Bar-tailed godwit *Limosa lapponica*
- Common scoter *Melanitta nigra**
- Cormorant *Phalacrocorax carbo**
- Curlew *Numenius arquata**
- Dunlin *Calidris alpina alpina**
- Eider *Somateria mollissima**
- Golden plover *Pluvialis apricaria*
- Goldeneye *Bucephala clangula**
- Great crested grebe *Podiceps cristatus**
- Grey plover *Pluvialis squatarola* *
- Knot *Calidris canutus*
- Lapwing *Vanellus vanellus*
- Long-tailed duck *Clangula himalis*
- Mallard *Anas platyrhynchos**
- Oystercatcher *Haematopus ostralegus**
- Pink-footed goose *Anser brachyrhynchus*
- Red-breasted merganser *Mergus serrator**
- Redshank *Tringa totanus*
- Red-throated diver *Gavia stellata*
- Ringed plover *Charadrius hiaticula**
- Sandwich tern *Sterna sandvicensis*
- Scaup *Aythya marila**
- Shelduck *Tadorna tadorna*
- Slavonian grebe *Podiceps auritus*
- Turnstone *Arenaria interpres*
- Velvet scoter *Melanitta fusca**
- Wigeon *Anas penelope**
- Waterfowl assemblage *

* indicates assemblage qualifier only

Conservation Objectives

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

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

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

DUNKELD-BLAIRGOWRIE LOCHS (SAC)

Qualifying Habitats

- Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
- Very wet mires often identified by an unstable 'quaking' surface

Conservation Objectives:

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

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

- Extent of the habitat on site
- Distribution of the habitat within site

- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitats
- No significant disturbance of typical species of the habitats

Qualifying species

- Slender naiad
- Otter

Conservation Objectives:

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

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

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

ISLE OF MAY SAC

SAC Qualifying species

- Grey Seal

Conservation Objectives:

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

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

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

LOCH LEVEN (SPA)

SPA Qualifying Features

- Cormorant *Phalacrocorax carbo*
- Gadwall *Anas strepera*
- Goldeneye *Bucephala clangula*
- Pink-footed goose *Anser brachyrhynchus*
- Pochard *Aythya ferina*
- Shoveler *Anas clypeata*
- Teal *Anas crecca*
- Tufted duck *Aythya fuligula*
- Whooper swan *Cygnus Cygnus*
- Waterfowl assemblage

SPA Conservation Objectives

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

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

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

METHVEN MOSS (SAC)

Qualifying Features

- Active raised bogs*
- Degraded raised bogs capable of regeneration

* indicates a priority habitat

Conservation Objectives

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

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

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat

<ul style="list-style-type: none"> ▪ Distribution of typical species of the habitat ▪ Viability of typical species as components of the habitats ▪ No significant disturbance of typical species of the habitats
<p>MORAY FIRTH SAC <u>SPA Qualifying Species</u></p> <ul style="list-style-type: none"> ▪ Bottlenose Dolphin <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are established then maintained in the long term:</p> <ul style="list-style-type: none"> ▪ Population of the species as a viable component of the site ▪ Distribution of the species within site ▪ Distribution and extent of habitats supporting the species ▪ Structure, function and supporting processes of habitats supporting the species ▪ No significant disturbance of the species
<p>RIVER TAY (SAC) <u>Qualifying Habitat</u></p> <ul style="list-style-type: none"> • Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels <p>Conservation Objectives: To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat <p><u>Qualifying Species</u></p> <ul style="list-style-type: none"> • Atlantic salmon, Brook lamprey, Otter, River lamprey, Sea lamprey <p>Conservation Objectives: To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types for salmon, as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
<p>SOUTH TAYSIDE GOOSE ROOSTS (SPA) <u>Qualifying Features</u></p> <ul style="list-style-type: none"> • Greylag goose <i>Anser anser</i> • Pink-footed goose <i>Anser brachyrhynchos</i> • Waterfowl assemblage <p>Conservation Objectives To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
<p>RIVER SOUTH ESK (SAC) <u>Qualifying Species</u></p> <ul style="list-style-type: none"> • Atlantic Salmon • Freshwater pearl mussel <p>Conservation Objectives To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus</p>

ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

- Population of the species, including range of genetic types for salmon, as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

COMMITTEE VERSION