



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Ms Gillian Webster
Planning Department
Highland Council
Drummuie
Golspie
By email – epc@highland.gov.uk.

24 November 2017

Your Ref: 17/04601/FUL
Our Ref: CDM 147883

Dear Ms Webster,

**Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations
Construction of 18 hole golf course, erection of clubhouse, renovation of existing
buildings for course maintenance, pro-shop, caddy hut, workshop, administration
building, information booth, formation of new private access from C1026.**

Thank you for your letter of 11 October 2017 requesting our comments on this proposal.

1. Summary

We recognise the potentially large economic benefits that could arise from this proposal and their local and regional significance. We also recognise and acknowledge the commitment and creative thinking by the applicant to develop measures to mitigate and offset impacts on nationally important natural heritage interests. However, the conclusion of our assessment is that this proposal is contrary to the Scottish Planning Policy's (SPP) requirements not to compromise the objectives of the SSSI designation and the overall integrity of the Loch Fleet Site of Special Scientific Interest.

While we are unable to fully support the proposal as presented, we believe that a golf course could be progressed in this general location by using a much higher proportion of the adjacent agricultural land.

Loch Fleet Site of Special Scientific Interest (SSSI)

We object to this proposal as it will result in significant adverse effects on sand dune habitat of national importance.

Special Protection Areas (SPAs)

This proposal could affect internationally important bird interests and we therefore object to this proposal until further information is provided. This will enable us to carry out an appraisal of these effects and help you determine this proposal. We consider it likely that these issues could be overcome by a competent Recreation & Access Management Plan and a Breeding Bird Protection Plan (for SSSI birds).

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2. Background

We have been working with the developers during the extensive pre-application stage to help gauge the likely impacts of this proposal on protected area interests. We advised the developers during those discussions that we would be likely to object to this proposal due to the adverse impact it would have to SSSI sand dune habitat.

The EIA lacks a suitable level of detail and accuracy for a proposal in such an environmentally sensitive location. We have provided some additional material to supplement the EIA in Annex A.

We have been able to assess the likely impacts of this development using the EIA, supplemented by our own experts, site visits and discussions with the applicants.

3. Appraisal of impacts and advice

3.1 Loch Fleet SSSI and Dornoch Firth & Loch Fleet Ramsar Site

This proposal lies within this SSSI protected for its range of coastal habitats and species.

Sand dune (SSSI & Ramsar)

The management objective for sand dune within the Site Management Statement for this SSSI is 'to restore the condition of the sand dune habitat'.

As presented, this proposal will result in significant permanent loss of sand dune habitat, especially dune heath and dune slacks and impacts to other special species which depend upon it. The new golf turf will not include plant species that are identifiable as a sand dune habitat. Therefore, the proposal will result in a marked change of habitat type. Direct loss extends to around 9% (16.4 ha) of the SSSI sand dune habitat, most of which is located midway along the dune system. Even after mitigation, the residual losses are extensive (at around 8% (14.9 ha)) and likely to be permanent, with indirect losses of unknown extent adding to the area lost under the course footprint.

In addition it will create a high level of disruption to natural dune processes, such as dynamism, due to large dune areas becoming stabilised. It will also result in significant levels of habitat fragmentation, with the course infrastructure spread throughout the dune system. In our view translocation of habitat is unlikely to be successful and therefore is not an appropriate management technique to safeguard a protected area of such natural environmental complexity and notable dune quality. Our view is based on 'A Habitat Translocation Policy for Britain (2003)'¹.

The proposal will be positive for the control of invasive species and negative for habitat loss and fragmentation. Balancing these gains and losses indicates that the adverse impacts will still greatly outweigh any benefits for the sand dune habitat. We have provided more detail on the impacts to the sand dune habitat in Annex A. We have also completed a scientific appraisal of how this proposal would affect the integrity of this habitat, which we would be happy to provide if it would help with your determination.

If the planning authority intends to grant planning permission against this advice, you must notify Scottish Ministers.

¹ *A Habitats Translocation Policy for Britain (2003)*. Joint Nature Conservation Committee in conjunction with The Countryside Council for Wales, English Nature and Scottish Natural Heritage. JNCC, Peterborough. <http://jncc.defra.gov.uk/page-2921>.

Breeding birds (SSSI)

The management objective for breeding birds within the Site Management Statement for this SSSI is 'to maintain the population of breeding birds and to avoid significant disturbance to these birds during the breeding season.'

There are bird interests of national importance on the site, which could be affected by the proposal (e.g. breeding terns) through disturbance as a result of increased use of the area. We require a Recreation and Access Management Plan to help determine whether the proposal will affect the integrity of the SSSI. We can provide further advice on the format of this plan in due course. We will comment further once the additional information is available.

A Recreation and Access Management Plan was submitted as part of the EIA but it does not include the necessary level of detail to reduce likely impacts.

The proposal could also adversely affect this nationally important feature through disturbance to breeding birds during the construction phase and we therefore object to it unless it is made subject to the measures as set out below:

- A Breeding Bird Protection Plan should be produced and implemented to ensure breeding birds are protected during two summer (breeding) seasons of construction.

If the planning authority intends to grant planning permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

3.2 Dornoch Firth & Loch Fleet SPA & Ramsar Site

The proposal lies within the Dornoch Firth & Loch Fleet SPA and Ramsar site. This SPA is protected for its range of non-breeding waterfowl and breeding osprey and the Ramsar site is protected for its range of coastal features. The proposal also lies adjacent to the Moray Firth proposed SPA (pSPA), protected for its marine waterfowl and seabirds.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Highland Council is required to consider the effect of the proposal on the SPA and the pSPA before it can be consented (commonly known as Habitats Regulations Appraisal). For a summary of the Legislative Requirements for European Sites, please refer to our website: <https://www.snh.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal/habitats-regulations-appraisal-hra-appropriate>.

In our view, from the information available, it appears that the proposal is not connected with or necessary for the conservation management of the site. Hence further consideration is required.

Waders and Waterfowl Assemblage

In our view, this proposal is likely to have a significant effect on SPA waders and the waterfowl assemblage. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- A Recreation & Access Management Plan should be produced which aims to reduce any increased level of disturbance to SPA birds in agreement with Highland Council

& SNH. We would be happy to advise on the format of this plan. A single plan covering all bird issues (SSSI & SPA) would be sufficient.

Once this information has been provided, we will be able to give further consideration to this proposal.

Teal and Wigeon

In our view, this proposal is likely to have a significant effect on teal and wigeon using flooded areas of dune slack through disturbance as a result of increased numbers of people using the site. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this we advise that in our view, on the basis of appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site:

- From December to March (inclusive), green-keeping operations on holes 10-18 must only take place between one hour after sunrise and one hour before sunset. This should reduce disturbance to a level that is more reflective of current use.

If the planning authority intends to grant planning permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

3.3 Moray Firth pSPA

In our view, this proposal is likely to have a significant effect on pSPA eider. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- A Recreation & Access Management Plan should be produced which aims to reduce any increased level of disturbance to eider in agreement with Highland Council & SNH. A single plan covering all bird issues (SSSI & SPA) would be sufficient.

Once this information has been provided, we will be able to give further consideration to this proposal.

3.4 European Protected Species

Bats

We advise that you ask the applicant to provide the following additional information with regard to this proposal:

- Roost survey work for June and July, including at least one activity survey per building². This information will be needed to inform the level of mitigation required depending on the status of the bat roosts identified.

Once you have received this additional information, we can advise further if necessary.

If you approve this application without this further information you could risk the applicant being unable to make practical use of the planning permission, or the applicant committing an offence under protected species legislation. For more information, see:

² In accordance with the latest copy of BCT's *Bat Survey Guidelines for Professionals*, <http://www.bats.org.uk/pages/batsurveyguide.html>.

<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>.

Otters

Should consent be granted, we recommend that pre-construction surveys for otters should be carried out within the six month period preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECoW) during construction. An otter Protection Plan may be needed prior to construction commencing and licences may be required.

We further recommend that the ECoW has a role in drafting the Species Protection Plan, using the information from the EIA Report and pre-construction surveys, and that the ECoW oversees implementation of the plan and any licensing requirements.

3.5 Other protected species

Pine marten & badger

We advise that the same recommendation for otter (as above) should also apply to pine marten and badger.

4. Concluding comments

We are keen to work with the applicant to try and reduce impacts, should this proposal receive planning permission.

Please let us know if you need any further information or advice on this proposal by contacting David Patterson David.patterson@snh.gov.uk.

Yours sincerely,

Nick Halfhide

Director of Operations

Annex A – Detailed advice on SSSI sand dune habitat

We expand here on the impacts to sand dune habitat and the species it supports, together with some comments on the ES. We have also included 3 recommendations that we would wish to see implemented if the proposal was granted planning permission.

Magnitude of direct impacts to sand dune habitats

The EIA does not appear to present the data on direct impacts of the course in context of the SSSI boundary. Therefore, we made our own assessment of this by using a digital layout of the course overlaying the developer's NVC habitat survey. Our results using this approach indicate much higher impacts to sand dune habitats than those presented within the EIA and are shown in the table below.

Table showing habitat impacts presented within the EIA compared to assessments undertaken by us using the developers' data

| Habitat | Area affected in EIA Report (ha.) | Area affected from our assessment (ha.) |
|-----------------------------|-----------------------------------|---|
| Dune heath | 4.47 | 8.5 |
| Dune grassland (fixed dune) | 2.51 | 4.8 |
| Open dune (semi-fixed dune) | 0.74 | 0.91 |
| Dune slack | 0.27 | 2.20 |

Effects on dune slack³ & hydrology

Coul Links supports some of the best quality SSSI dune slack habitats in Scotland. The water table and water chemistry of Coul Links are very important as they influence the sand dune vegetation communities which they support, especially the dune slacks.

Fertiliser, herbicide or pesticide could be washed towards or even into a dune slack, potentially damaging these dune habitats. We note within the EIA that leaching of fertiliser may reach 100% in sandy habitats, suggesting that nitrogen is likely to reach the water table, which could cause vegetation changes to dune slack habitats.

Advice we received from the Sports Turf Research Institute (STRI) suggests that it is standard practice to irrigate at a level lower than losses to evapotranspiration. If the management does involve irrigation at a level below the loss to evapotranspiration, it is highly likely that the water table will fall below its natural level, with adverse impacts on the dune slacks.

Effects on dune grasslands

The dune grassland on Coul Links is especially diverse and rich, reflecting the national importance of this sand dune habitat. The proposal will result in adverse impacts to dune grassland through habitat loss. The use of chemicals is also likely to have impacts, potentially changing these dune grassland communities through time.

Effects on notable species supported by SSSI sand dune habitat - Fonseca's seed fly (Botanophila fonscai)

This rare fly is restricted globally to sand dune habitats, in proximity to Dornoch and Embo, and features on the Scottish Biodiversity List as requiring conservation action. The EIA shows that Coul Links supports a population of the fly.

³ This habitat may also support Ramsar wetland invertebrates.

As so little is known about this fly, we cannot estimate the level of disturbance that would be considered tolerable. The disturbance resulting from the creation of fairways and greens and the subsequent long-term stabilisation of the dunes will very likely damage parts of the species' habitat, with additional impacts arising from use of herbicides and insecticides.

We welcome the developer's intention to promote further research on this fly. The only mitigation proposed which is likely to benefit to Fonseca's seed fly is the retention of large areas supporting *Compositae* flowers (e.g. sow-thistle and black knapweed, etc.). Therefore, we recommend this is taken forward as mitigation should the proposal receive planning permission:

- Ensure large and important areas of *Compositae* flowers are retained throughout Coul Links for Fonseca's seed fly.

Previous surveys found the species in significantly greater numbers than the latest survey. This factor is likely to reduce the resilience of the population to such a proposal. Like most endemic species, this fly is intrinsically at risk of extinction.

Effects on notable species supported by SSSI sand dune habitat - Green felt-lichen (*Peltigera malacea*)

This lichen features on the Scottish Biodiversity List as requiring conservation action. This species was recently discovered at Coul Links on a survey visit with our lower plant specialist. An extensive population of this lichen were discovered within the footprint of hole 4 and five colonies outwith, but in close proximity to the fairway. Based on only a brief survey visit, we found that Coul Links supports around 10% of the UK green felt-lichen population.

Success of translocation is uncertain and unlikely to be viable in the long-term. Green felt-lichen depends on intermediate levels of disturbance (i.e. rabbit scraping) to maintain areas that are not dominated by other large plants. However, the impact of this development is likely to be stabilising and therefore negative.

As fairways will be fertilised, and greens and tees will be treated long-term, there is a risk of additional impact if the fertiliser were to leach into the surrounding vegetation. Use of fungicides also has potential for adverse impacts.

Effects on notable species supported by SSSI sand dune habitat – grassland fungi

A survey in 2003 found part of Coul Links to support a diverse range of waxcap grassland fungi. This area was identified as an Important Fungus Area (IFA) which qualified for national importance at that time, with more than 12 species of waxcaps recorded.

Diverse communities of fungi are strongly associated with grassland that has been relatively undisturbed and avoided applications of fertiliser. Fungicides will also have adverse effects on grassland fungi. The proposal will result in the loss of grassland fungi and potential negative impacts outwith the course footprint due to potential drift and leaching of fertiliser and fungicides. The proposal will affect approximately a third of the previously identified IFA.

Translocation of dune heath

Habitat translocation is an important element of the developer's strategy to make good losses from the footprint of the golf course. Research indicates that the long-term success of habitat translocation, as proposed for dune heath, is uncertain. Recent research shows that

the factors governing the success of translocation are poorly understood and that we should expect a high failure rate from this approach⁴.

Long-term course management, coastal geomorphology and climate change

Sand dune is a dynamic habitat so it is important to consider how long-term management of the course might affect the SSSI, especially in the context of climate change. Some tees and greens are located close to the dune edge and are therefore at risk from coastal erosion. Should coastal defences be used to protect parts of the golf course they would likely result in further adverse impacts to the sand dune through the introduction of structures affecting natural processes. Therefore, we recommend the following mitigation measures to reduce impacts should the proposal receive planning permission:

- The Coull Links coastline should remain free from future coastal defences proposed to protect golf course assets.
- A Coastal Retreat Plan should identify strategies and alternative layouts to inform future course management if parts of the course become adversely affected by coastal processes.

⁴ *Feasibility study: translocation of species for the establishment or protection of populations in northerly and/or montane environments* (2017). SNH Commission Report No. 913, <https://www.snh.scot/snh-commissioned-report-913-feasibility-study-translocation-species-establishment-or-protection>.