



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
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Ms Gillian Webster
Planning Department
Highland Council
Drummuie
Golspie
By email – epc@highland.gov.uk.

25 May 2018

Your Ref: 17/04601/FUL & 17/04404/FUL
Our Ref: CEA 149585 & CDM 149627

Dear Ms Webster,

**Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations
Town & Country Planning (Scotland) Acts
Construction of 18 hole golf course, erection of clubhouse, renovation of existing
buildings for maintenance, pro-shop, caddy hut, workshop, administration building,
information booth, formation of new private access from C1026 – Addendum 2
Drilling of two boreholes and construction of water storage reservoir for irrigation of
proposed Coul Links Golf Course – Additional information**

Thank you for your letter of 27 February 2018 requesting our comments on this proposal. This response should be read alongside the previous advice that we submitted in relation to these 2 planning applications.

1. Summary

In relation to the golf course planning application, we maintain our objection in respect of effects on the sand dune interest of Dornoch Firth & Loch Fleet Ramsar Site and Loch Fleet SSSI. We have updated our advice to reflect additional information that we have received since our previous responses.

In respect of impacts to birds, the Recreation & Access Management Plan (RAMP) allows us to withdraw our holding objection of 24 November 2017 with regard to disturbance of:

- The waterfowl assemblage of the Dornoch Firth & Loch Fleet SPA & Ramsar site;
- Breeding birds of the Loch Fleet SSSI; and
- Eider on the Moray Firth pSPA.

For the borehole planning application, further information on the effects of water abstraction, and advice from SEPA on its consentability through CAR, allows us to withdraw our holding objection of 20 December 2017 with regard to these impacts on the Dornoch Firth & Loch Fleet SPA, Ramsar site and Loch Fleet SSSI.

2. Background

We have provided previous advice to you on planning applications connected with this proposal, as follows:

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB
Tel: 0300 0676841 Fax: 01408 634222 www.snh.gov.uk

An Ceangal, Roan Gniomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB
Fòn 0300 067 6841 Fax 01408 634222 www.snh.gov.uk

- 24 November 2017 (EIA Report)
- 20 December 2017 (Borehole application)
- 20 December 2017 (EIA - Addendum 1)
- 19 February 2018 (Review of impacts to the managed rough).

We have compiled previously identified conditions and recommendations from these responses for ease of reference in Annex A.

This response provides advice on EIA Addendum 2 and additional advice on the Borehole application.

3. Appraisal of impacts and advice

International Protected Areas

The proposal lies within the Dornoch Firth & Loch Fleet Special Protection Area (SPA). The SPA is protected for its range of non-breeding waterfowl and breeding osprey. The proposal also lies adjacent to the Moray Firth proposed SPA (pSPA), protected for its marine birds.

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).

The proposal also lies within the Dornoch Firth & Loch Fleet Ramsar Site¹. This is also protected for its non-breeding waterfowl, breeding osprey and its range of coastal features. On 18 April 2018, the Cabinet Secretary for Environment reaffirmed that it is Scottish Government policy **that Ramsar Sites should have the same level of protection as Natura sites**. We would be happy to assist Highland Council in completing any assessment with regards to the Ramsar site.

We have considered all features of the Ramsar site but only mention those we think will be impacted by this proposal in this response. For more information, see: https://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8420.

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

3.1 Dornoch Firth & Loch Fleet SPA & Ramsar Site

a) *Borehole water abstraction component - Teal and Wigeon (Water quantity)*

In our view, this proposal is likely to have a significant effect on SPA teal and wigeon as a result of less water being in the dune slacks during winter months. 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, based on the information provided, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the following issues:

- Water abstraction is regulated by SEPA under the Controlled Activities Regulations (CAR). We previously (December 2017) adopted a holding objection to the borehole abstraction because SEPA were not in a position to advise us on either the impacts

¹ For more information on Ramsar, see: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/international-designations/ramsar-sites>.

or consentability of the abstraction. SEPA has now received the information it requested. Whilst SEPA is not yet in a position to be certain, they have offered us sufficient advice for us to come to a firmer conclusion about effects on the protected areas.

- In SEPA's view it is highly unlikely that the proposed borehole abstraction will have a significant detrimental effect on the availability of groundwater to the dune slack.

We consider that this offers us enough certainty to withdraw our holding objection to the planning application, notwithstanding the need for SEPA to undertake further assessment for the purposes of the CAR application. The following is our understanding of how SEPA will do this:

- SEPA, as the groundwater hydrology experts, will in consultation with SNH, ensure that the volume of water abstraction from the boreholes will not exceed critical limits in order to avoid adverse impacts to site integrity through effects on the dune slack habitat supporting SPA teal and wigeon. This will be achieved through the CAR process and agreeing a detailed monitoring programme to cover the water abstraction.
- SEPA will undertake an assessment or model the effects of water abstraction using new data taken from monitoring wells and additional test pumping, as outlined in their response to the applicant under CAR (dated 2 May 2018, Ref: CAR/S/1156889).
- SEPA advise that this additional information will help to establish a seasonal abstraction pattern and calculate a groundwater trigger level. We are aware that additional monitoring is likely to continue for one year during the summer period, when groundwater is likely to be at its lowest. We anticipate this will also include a detailed monitoring regime which we are happy to comment upon in consultation with SEPA.
- In addition to the above, we support SEPA's advice that the applicants should provide a Water Management Contingency Plan. An alternative water source may need to be identified should abstraction need to be halted to avoid adverse impacts. We can provide further advice if required, in consultation with SEPA. We note SEPA would be obliged to reduce the permitted abstraction rate should longer term monitoring demonstrate a depletion of the groundwater within Coul Links.

We would encourage Highland Council and SEPA to work together in relation to completing an appropriate assessment.

b) Waste Water Treatment Plant outflow component - Teal, wigeon, oystercatcher, bar-tailed godwit, curlew, dunlin, redshank & > 20,000 waterfowl assemblage

In our view, this proposal is likely to have a significant effect on these SPA birds. 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, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

- The level of nutrients being discharged into Loch Fleet will be low. This is a result of low effluent volume, combined with good levels of dilution within the discharge burn, as well as additional dilution within the tidal waters of Skelbo Bay. As a result, we consider that any impacts to the marine invertebrate as food for these birds will be of a very low scale.

c) Recreation & Access Management Plan component - Oystercatcher, bar-tailed godwit, curlew (coastal), dunlin, redshank & >20,000 waterfowl assemblage

In our view, coastal recreational disturbance is likely to have a significant effect on the interests of 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, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposal on the following factors:

- The mitigation measures within the Recreation & Access Management Plan (RAMP) will help to reduce disturbance events to waterfowl during the winter period. Review meetings will take place to assess the level of disturbance to waterfowl. A fall-back process has been identified to prevent disturbance events from causing changes to bird distribution.
- We advise that the RAMP mitigation measures should be implemented in advance of construction taking place, if the proposal receives consent.

We therefore **remove** our previous objection to this part of the proposal.

d) Recreation & Access Management Plan and Waste Water Treatment Plant components - Greylag geese and curlew (including pink-footed geese linked to non-breeding assemblage)

In our view, this proposal is likely to have a significant effect on geese and curlew. 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, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

- This proposal is likely to cause some disturbance and displacement to inland foraging geese and curlew. However, the construction works are likely to be temporary, indicating that disturbance levels will subside. These species are likely to continue to use other suitable agricultural fields for feeding in proximity of this SPA.

3.2 Moray Firth pSPA

e) Recreation & Access Management Plan component - Eider

In our view, recreational disturbance is likely to have a significant effect on 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 advise that in our view, based on the appraisal carried out to date, recreational disturbance will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposal on the following factors:

- The mitigation measures within the Recreation & Access Management Plan (RAMP) will help to reduce disturbance events to waterfowl during the winter period. Review meetings will take place to assess the level of disturbance events to waterfowl.

Therefore, changes to the RAMP may be required; especially during the initial stages of the proposal. A fall-back process has been identified to prevent disturbance events from causing changes to bird distribution.

- We advise that the RAMP mitigation measures should be implemented in advance of construction taking place, if the proposal receives consent.

We therefore **remove our previous objection** to this part of the proposal.

f) Waste Water Treatment Plant outflow component - Eider, long-tailed duck, goldeneye, red-breasted merganser and shag

There are natural heritage interests of international importance on the site, but in our view, these will not be adversely affected by the proposal.

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. This is because the proposal is unlikely to have adverse impacts on marine animal prey for these birds. This is due to the high dilution rates within Loch Fleet. All other pSPA species feed further offshore and are unlikely to be affected.

3.3 Dornoch Firth & Loch Fleet Ramsar Site & Loch Fleet SSSI

This proposal lies within the Dornoch Firth & Loch Fleet Ramsar Site and Loch Fleet SSSI; both are protected for their range of coastal habitats and species.

Our previous responses (dated 24 November 2017 and 19 February 2018) provided advice on the level of impacts of the golf course on sand dune habitats. The more detailed information provided within Addendum 2, indicates that **additional impacts** are also going to be significant, as follows:

g) Borehole water abstraction component – sand dune (Ramsar & SSSI), wetland invertebrates & Baltic rush² (both Ramsar)

Our advice and position on these interests is covered by section 3.1a above, as all these interests (including SPA/Ramsar teal and wigeon) are dependent on the groundwater level within the dune slacks.

h) Golf course construction & management - sand dune (Ramsar & SSSI), wetland invertebrates & Baltic rush (both Ramsar)

Further information has been provided on the level and type of fertiliser to be added during the establishment phase in years 1 and 2. This will be at a time when the soil will be at maximum porosity and irrigation rates at their highest, so there is a high risk of contamination of the water table at levels greatly exceeding the threshold values for nearby dune slacks³.

A further source of nutrient enrichment is the irrigated water from the aquifer which has a higher nitrate (and pH) value than the surrounding water table within the dunes. Its nitrate content is double that set as the good practice threshold value by the UK Technical Advisory

² Baltic rush has only recently been discovered at Coul Links.

³ Davy, A.J., Grootjans, A.P., Hiscock, K. & Petersen, J. 2006. Development of eco-hydrological guidelines for dune habitats – Phase 1. English Nature Research Reports Number 696. <http://publications.naturalengland.org.uk/publication/61018>.

Davy, A.J., Hiscock, K.M., Jones, M.L.M., Low, R., Robins, N.S. & Stratford, C. 2010. Protecting the plant communities and rare species of dune wetland systems: Ecohydrological guidelines for wet dune habitats - Wet dunes phase 2. Environment Agency, Bristol. <http://nora.nerc.ac.uk/id/eprint/9926/>.

Group on the Water Framework Directive⁴. These adverse effects are likely to alter sand dune habitats, resulting in permanent habitat change/loss.

We note the applicant is willing to address concerns about nitrate and pH levels of abstracted water to be used for irrigation, but we would question the effectiveness of this as mitigation, as larger quantities of nitrate will be applied to the golf course as fertiliser.

We note that drainage works will be carried out during construction and for long-term maintenance of the playing surface. The installation of new drains and the re-contouring and re-grading of adjacent dunes both have the potential to interrupt or divert hydrological pathways to the dune slacks. We advise new drains should avoid entering dune slack habitats.

We have recently been informed that Baltic rush, part of a Ramsar interest feature, is present at Coul Links and is likely to be impacted by the development, for example on hole 13. The proposal is likely to result in a reduction of this species within the Ramsar Site, but there is no evidence to what extent.

Our records currently show that the Ramsar site wetland invertebrate interest is present in sand dune habitats on the Morrich More SSSI component of this Ramsar site. Whilst this feature is not known to be present at Coul Links, the dune slacks in which it could be found are likely to be adversely impacted by this proposal.

These are additional adverse effects on the Ramsar and SSSI sand dune habitats to those we identified in our response of 24 November 2017 and these effects reinforce **our objection** in respect of constructing the golf course on the sand dune interest of Dornoch Firth & Loch Fleet Ramsar Site and Loch Fleet SSSI.

i) Waste Water Treatment Plant outflow component - Eelgrass (Ramsar & SSSI), sand/mud flats (Ramsar & SSSI), saltmarsh (Ramsar & SSSI) and vascular plant assemblage (SSSI – Seaside centaury)

The level of nutrients being discharged into Loch Fleet will be very low. This is a result of low effluent volume, combined with good levels of dilution within the discharge burn, as well as additional dilution within the tidal waters of Skelbo Bay. As a result, we consider that any impacts to these features will be of a very low scale.

j) Breeding birds (SSSI)

We are content that the Recreation and Access Management Plan submitted as part of Addendum 2 will help to reduce disturbance to SSSI breeding birds within key areas of the site. We therefore **remove** our previous objection on this aspect of the proposal.

4. Concluding comments

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 Sustainable Development

⁴ UK TAG – The technical report on groundwater dependent terrestrial ecosystem (GWDTE) threshold values. Version 8, 23 March 2012, as submitted within the EIA Report, Addendum 2.

Annex A – Additional conditions & recommendations

Dornoch Firth & Loch Fleet Special Protection Area & Ramsar - Teal & wigeon

- 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 normal use.

Dornoch Firth & Loch Fleet Ramsar and Loch Fleet SSSI – Sand dune habitats and species

- 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.
- Ensure large and important areas of *Compositae* flowers (e.g. sow-thistle and black knapweed, etc.) are retained throughout Coull Links for Fonseca's seed fly.

Loch Fleet SSSI - Breeding birds

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

Protected species: Bats

- Roost survey work including the months of June and July, including at least one activity survey per building⁵. This information will be needed to inform the level of mitigation required depending on the status of the bat roosts identified.

Protected species: Otters

- 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. Depending on the survey results, 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.

Protected species: Pine marten & badger

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

⁵ In accordance with the latest copy of BCT's *Bat Survey Guidelines for Professionals*, <http://www.bats.org.uk/pages/batsurveyguide.html>.