

East Dunbartonshire Council
Adopted Local Development Plan
Habitats Regulations Appraisal Record
September 2016

Legislative Background

The EC Habitats Directive 1992 (together with the Birds Directive) forms the foundation of Europe's nature conservation policy. It consists of two main protection strategies: a network of protected sites (Natura 2000 network) and a system of species protection.

Article 6(3) of the Habitats Directive requires that any plan or project, which is not directly connected with or necessary to the management of a Natura site, but would be likely to have a significant effect on such a site, whether alone or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the Natura site in view of the site's conservation objectives.

These requirements have been transposed into domestic legislation by The Conservation (Natural Habitats, &c.) Regulations 1994, as amended.

In Scotland, designated sites to be considered in the HRA process are Special Protection Areas (SPA) classified under the Birds Directive and Special Areas of Conservation (SAC) designated under the Habitats Directive and candidate Special Areas of Conservation (cSAC). These form an EU-wide network of protected areas known as Natura 2000 sites. In addition Scottish Planning Policy states that Ramsar sites (wetlands designated under the Ramsar Convention on Wetlands of International Importance) are also Natura sites.

Purpose of this HRA

To comply with the above legislation this Habitats Regulations Appraisal (HRA) has been undertaken to determine whether the adopted East Dunbartonshire Local Development Plan, is likely to have a significant effect on a Natura site.

There are no designated Natura sites within East Dunbartonshire. This HRA therefore screens the adopted plan and policies, as detailed in Appendix 1, to determine whether it is likely to have a significant effect on a Natura site in a surrounding authority and establishes whether an appropriate assessment would be required.

HRA process

HRA is a rigorous precautionary process centered on the conservation objectives of a site's qualifying interests. It is intended to ensure that plans or projects will not adversely affect the integrity of Natura sites, as required by the Birds and Habitats Directives.

An HRA must be reasoned and recorded throughout. It also needs to be based on, and be supported by, evidence that is capable of standing up to scientific scrutiny.

The Habitat Regulations set out a step-by-step sequence of statutory procedures to be followed. This has to be followed in the correct and particular order to comply with the requirements of the Directive.

In compiling this HRA, the Council has been guided by direct input from SNH and by SNH's Habitats Regulations Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland. SNH's guidance sets out a series of (potentially) thirteen stages of the HRA process for plans. The key stages of the HRA process undertaken to date for the proposed plan are detailed below.

Stage 1 - Decide whether the plan is subject to HRA.

In Scotland the appraisal of the effect of the land use on Natura 2000 sites is required by part IVA (regulations 85A of the conservation (Natural Habitats, &c.) Regulations 1994 as amended). The proposed Local Development Plan is therefore subject to HRA.

Stage 2 - Identify the Natura 2000 sites to be considered in the appraisal in consultation with SNH.

The following sites have been identified in conjunction with SNH and are then taken forward to the next stages in the process. See Appendix 2 for full details of sites scoping.

Black Cart SPA

Inner Clyde SPA

Loch Lomond SPA

Slammanan Plateau SPA

Figure 1 shows these Natura 2000 sites in relation to the East Dunbartonshire Council area.

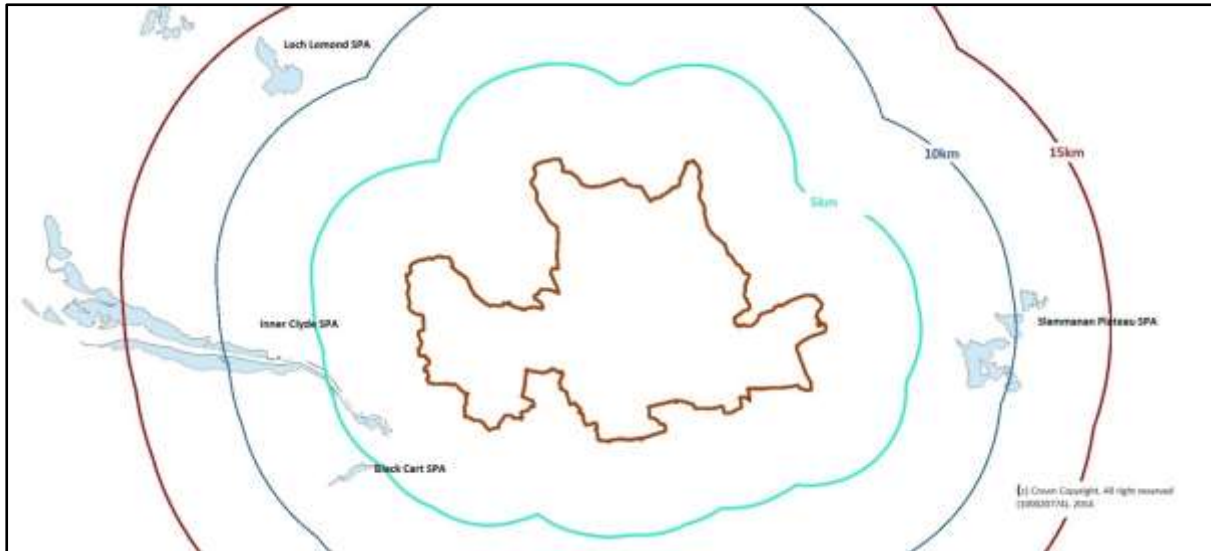


Figure 1. Identified Natura 2000 sites and their geographic location in relation to East Dunbartonshire

Stage 3 - Gather information about the identified sites.

Information was gathered on each of the four sites from the SNH website Sitelink, JNCC website, directly from SNH and from the 2012 SNH guidance ‘Assessing Connectivity with Special Protection Areas (SPAs)’. Appendix 3 provides further detail of the information collected.

Stage 4: Discretionary discussions on the method and scope of the appraisal

SNH were consulted on the HRA for the proposed Local Development Plan with a telephone conversation taking place on 14.11.14. Further information on qualifying species was also provided by SNH on 17.11.14 via e-mail. SNH have provided comments on the HRA record on 27.11.14 and 18.12.14.

The Scottish Government Department of Planning and Environmental Appeals produced the Report of the East Dunbartonshire Local Development Plan (LDP) Examination on 16 September 2016. The reporters’ modifications are binding, subject to the adoption of the LDP by the Council at its meeting in November 2016. Following this report the HRA was revised to take into account the Reporters’ modifications, and SNH were consulted on this revision on 04.10.16 with comments received on 07.10.16.

Stage 5: Screening the proposed plan for likely significant effect

The proposed plans and policies were screened for likely significant effects on each of the Natura 2000 sites. Screening involves a series of steps to eliminate elements of the plan that would not be likely to have a significant effect on a site. The results of this are detailed below and the step in the screening at which policies and proposals were screened out is detailed in Appendix 1. Where any connectivity exists further assessment was undertaken.

Black Cart SPA

Analysis of likely effects of the proposed plan and policies: East Dunbartonshire lies approximately 6km south-west from the Black Cart SPA. Research suggests that in Scotland whooper swans have a foraging range of less than 5km during the winter. The whooper swans roosting on the Black Cart also tend to concentrate south and west of the confluence of the Clyde and White Cart. East Dunbartonshire lies north and east of this area of river. The distances involved means that the proposed plan could not conceivably result in a likely significant effect on this SPA.

It is therefore concluded that the East Dunbartonshire adopted Local Development Plan would not be likely to have a significant effect on the qualifying interests of the Black Cart SPA.

Inner Clyde SPA

Analysis of likely effects of the proposed plan and policies: East Dunbartonshire lies approximately 8km north from Inner Clyde SPA, connecting to the site via the River Kelvin. The distance involved would suggest that direct disturbance to the Redshank caused by activities associated with policies and/or proposals within the proposed plan would not be possible. SNH have indicated that the maximum distance at which disturbance has been identified in research is 300m.

It is therefore concluded that the East Dunbartonshire adopted Local Development Plan would not be likely to have a significant effect on the qualifying interests of the Inner Clyde SPA.

Loch Lomond SPA

This site has been included for likely significant effects on the Greenland white-fronted geese only. No connection has been established to the breeding cappercaille populations of the Loch Lomond SPA.

Analysis of likely effects of the proposed plan and policies: East Dunbartonshire lies approximately 11km east from Loch Lomond SPA. Research suggests that in Scotland Greenland White-fronted Geese feed no more than 8km from their roosting sites, with a core range of 5-8km. As East Dunbartonshire lies outside the core wintering foraging range any proposed changes in East Dunbartonshire would not be likely to have any significant effects on the population.

It is therefore concluded that the East Dunbartonshire adopted Local Development Plan would not be likely to have a significant effect on the qualifying interests of the Loch Lomond SPA.

Slammanan Plateau SPA

Analysis of likely effects of the proposed plan and policies: East Dunbartonshire lies approximately 7.5km west from Slammanan Plateau. Migration and feeding studies carried out in 2012 indicate the likely migration routes of this population and fields regularly used by the geese. Given this information and the high site fidelity exhibited by this population it is unlikely the geese use areas in East Dunbartonshire or regularly fly over the area on migration routes. In addition the proposed plan will not increase recreational use outside the area covered by the plan therefore discounting increased disturbance to the site.

It is therefore concluded that the East Dunbartonshire adopted Local Development Plan would not be likely to have a significant effect on the qualifying interests of the Slammanan Plateau SPA.

Conclusion

Based on the screening performed at Stage 5 it is concluded that the policies and proposals (as listed in Appendix 1) of the adopted plan would not be likely to have a significant effect, either alone or in combination, on a Natura 2000 site. Therefore, an appropriate assessment has not been necessary. This conclusion remains the same after the Record was updated following the post examination modifications.

Appendix 1 – Aspects of the Adopted Plan Which Would Not be Likely to Have a Significant Effect on a European Site

Policy Group	Policy Name or Type of Proposal
Step 1 - General Policy Statements	<p>Principal Policies</p> <p>1.Sustainable Economic Growth, 2. Design and Placemaking.</p>
Step 2 - Projects referred to in, but not proposed by, the plan.	n/a
Step 3a – Aspects which Protect the Natural Environment, including Biodiversity, or Conserve or Enhance the natural, Built or Historic Environment	<p>Principal Policies</p> <p>3. Supporting Regeneration and Protection of the Green Belt, 5. Green Infrastructure and Green Network</p> <p>Subject Policies</p> <p>8. Protecting and Enhancing Landscape Character and Nature Conservation, 9. Enhancing and Managing the Water Environment, 10. Valuing the Historic Environment</p>
Step 3b - Aspects which will not lead to development or other change	n/a
Step 3c - Aspects which make provision for change but which 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	<p>Principal Policies</p> <p>4. Sustainable Transport</p> <p>Subject Policies</p> <p>6. Creating Inclusive and Sustainable Communities (Housing),</p>

<p>conservation objectives for the site</p>	<p>7. Community Facilities & Open Space</p> <p>11. Town Centres</p> <p>12. Retail & Commercial Development</p> <p>13. Creating a Supportive Business & Employment Environment</p> <p>14. Tourism,</p> <p>15. Renewable Energy and Low Carbon Technology,</p> <p>16. Managing Waste</p> <p>17. Mineral Resources</p> <p>18. Digital Communications,</p> <p>19. Airport and Hazardous Installations Safeguarding</p> <p>20. Developer Contributions</p> <p>Transport Proposals</p> <p>LP2 TRANS3 - Bishopbriggs Relief Road Phases 4 & 5</p> <p>Housing and Mixed Use Land Use Proposals</p> <p>Bearsden and Milngavie</p> <p>Bearsden</p> <p>LDP 3,4,84, 85, 90</p> <p>LP2 HMU1 – 2,8</p> <p>Milngavie</p> <p>LDP14,17,61,107</p>
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LP2 HMU1 – 37,38,39,58

Bishopbriggs, Balmore, Bardowie and Torrance

Bishopbriggs

LDP88,118,119,120

LP2 HMU1 - 10,13,14,15,16,17,19

Torrance

LDP116,193, 202

LP2 HMU1 -61, 62

Balmore

LDP172

Kirkintilloch, Lenzie, Waterside and Twechar

Kirkintilloch

LDP8,12,36,77,79,114,157,185,190

LP2 HMU1 – 23,24,25,28

LP2 HMU2 – 52,88

Lenzie

LDP47,76

LP2 HMU1 – 34,36

Twechar

LDP81

LP2 HMU1 – 43,44,45

Lennoxtown, Clachan of Campsie, Haughhead and Milton of Campsie

Lennoxtown

LDP21,170,110

LP2 HMU1 – 30,32,33,57

Milton of Campsie

LDP52

LP2 HMU1 – 41,60

Business Land Use Allocations

Bearsden and Milngavie

Bearsden

LDP106 Garscadden Depot

LP2 ECON2 – 30,31

Milngavie

LP2 ECON2 – 37

Bishopbriggs, Balmore, Bardowie and Torrance

Bishopbriggs

LDP112 – Hilton Dept

LP2 ECON2 – 29, 32,33

Kirkintilloch, Lenzie, Waterside and Twechar

Kirkintilloch

LDP27

LP2 ECON2 – 27,28,34,35

Lennoxtown, Clachan of Campsie, Haughhead and Milton of Campsie

Lennoxtown

LP2 ECON2 – 36

Milton of Campsie

LP2 ECON2 – 38

Community Facilities and Open Space

Bearsden & Milngavie

Replacement Allander Leisure Centre

Bearsden Community Hub

Extension and refurbishment of Kilmardinny Arts Centre

Milngavie Community Hub

Bishopbriggs, Balmore, Bardowie and Torrance

Bishopbriggs Community Hub

Expansion to Cadder Cemetery

Huntershill Sports Facility

	<p>New Primary School on site of existing Woodhill Primary New Kelvinbank Adult Training Centre</p> <p>Kirkintilloch, Lenzie, Waterside and Twechar Kirkintilloch Community Sports Centre- Donaldson St/ Southbank Rd Kirkintilloch Town Hall refurbishment New Primary School on site of existing Lenzie Moss Primary New Primary School on site of existing St Flannan's Primary Twechar Canalside</p> <p>Lennoxton, Clachan of Campsie, Haughhead and Milton of Campsie Lennoxton Community Hub</p>
<p>Step 3d - Aspects which make provision for change but which could have no significant effect on a European site (minor residual effects), because any potential effects would be so restricted that they would not undermine the conservation objectives for the site</p>	<p>n/a</p>
<p>Step 3e - Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected</p>	<p>n/a</p>

Appendix 2 – Original scoping of Natura 2000 sites

Potential connections considered were hydrological, direct habitat links, mobile species and increased recreational pressures. Those entries in bold were scoped in and taken to the next stage.

Natura 2000 Site Name	Local Authority	Qualifying Feature	Scoped Out/In
River Tay SAC	Angus; Argyll and Bute; Perth and Kinross; Stirling	Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels Brook lamprey, Sea lamprey, River lamprey, Atlantic salmon, Otter	Out – no hydrological connection
Inner Clyde SPA	Argyll and Bute, Inverclyde, Renfrewshire, West Dunbartonshire	Redshank, non-breeding	In – potential connection with qualifying species
Loch Lomond SPA	Argyll and Bute, Stirling, West Dunbartonshire	Greenland white-fronted goose, non-breeding Capercaille, breeding	In – for Greenland White-fronted Geese only (mobile species)
Ben Lui SAC	Argyll and Bute, Stirling	Calcareous grassland (Upland), Dwarf shrub heath (upland), Fen, marsh and swamp (Upland), Inland rock, Montane habitats,	Out – no connection
Loch Lomond Woods SAC	Argyll and Bute, Stirling, West Dunbartonshire	Western acidic oak woodland, Otter	Out – no connection

Firth of Forth SPA	City of Edinburgh, Clackmannanshire, East Lothian, Falkirk, Fife, Stirling, West Lothian	26 species non-breeding bird 1 species passage bird	Out – no connection
Slammanan Plateau SPA	Falkirk, North Lanarkshire	Taiga bean goose, non-breeding	In – potential connection with qualifying species
Black Loch Moss SAC	Falkirk, North Lanarkshire	Raised bog	Out – no connection
North Shotts Moss SAC	North Lanarkshire	Raised bog	Out – no connection
West Fannyside Moss SAC	North Lanarkshire	Blanket bog	Out – no connection
Clyde Valley Woods SAC	North Lanarkshire, South Lanarkshire	Mixed woodland on base-rich soils associated with rocky slopes	Out – no connection
Ben Heasgarnich SAC	Perth and Kinross, Stirling	Calcareous grassland (Upland), Fen, marsh and swamp (Upland), Inland rock, Montane habitats	Out - no connection
Ben Lawers SAC	Perth and Kinross, Stirling	Bogs (upland), Calcareous grassland (Upland), Dwarf shrub heath (upland), Fen, marsh and swamp (Upland), Inland rock, Montane habitats	Out - no connection
Black Cart SPA	Renfrewshire	Whooper Swan, non-breeding	In – potential connection with

			qualifying species
Glen Etive and Glen Fyne SPA	Stirling	Golden eagle, breeding	Out – no connection with qualifying species
Flanders Moss SAC	Stirling	Raised bog	Out – no connection
Kippenrait Glen SAC	Stirling	Mixed woodland on base-rich soils associated with rocky slopes	Out – no connection
Meall na Samhna SAC	Stirling	Calcareous grassland (Upland), Inland rock, Montane habitats	Out – no connection
River Teith SAC	Stirling	River lamprey, Sea lamprey, Brook lamprey, Atlantic salmon	Out – no hydrological connection
Trossachs Woods	Stirling	Western acidic oak woodland	Out – no connection
Endrick Water SAC	Stirling, West Dunbartonshire	River lamprey, Atlantic salmon, Brook lamprey	Out – no hydrological connection

Appendix 3 - Natura 2000 site information gathered for Stage 3

Black Cart SPA

Site Description: The Black Cart SPA comprises a 3 km tidal stretch of the Black Cart Water, and its associated floodplain, directly north of Glasgow Airport in Renfrewshire. This stretch of the Black Cart Water supports abundant submerged aquatic vegetation typical of brackish conditions including fennel pondweed *Potamogeton pectinatus*, floating sweet-grass *Glyceria fluitans* and beaked tasselweed *Ruppia maritima*. The floodplain is mostly semi-improved pasture but includes small creeks, small stands of common reed *Phragmites australis* and areas of rush *Juncus* spp. dominated grassland. The boundary of the Black Cart SPA is coincident with that of the Black Cart SSSI.

Qualifying Interest: Black Cart SPA qualifies under Article 4.1 by regularly supporting a wintering (non-breeding) population of European importance of the Annex 1 species whooper swan *Cygnus cygnus* (average winter peak mean of 207 individuals between 1993 and 1997, 4% of GB and 1% of total Icelandic population).

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

Site condition: The condition of the Black Cart's whooper swan population is described as "favourable declining".

Threats: The SNH Commissioned Report 369: Whooper Swan Distribution and Habitat Use in the Black Cart Flood Plain indicates that in terms of roosting and feeding (and associated flight) whooper swan activity tends to focus on areas south and west of the confluence of the White Cart and Clyde. The Report indicates that ensuring a healthy population will involve responding effectively to the development pressures and agricultural changes which could

potentially threaten the favourable conservation status of this population, whilst ensuring air safety is not compromised.

Inner Clyde SPA

Site Description: The Inner Clyde is a long, narrow, heavily industrialised estuary on the west coast of Scotland. The Inner Clyde SPA extends 20km westward from Newshot Island to Craigendoran Pier on the north shore and to Newark Castle on the south shore. It contains extensive intertidal flats which support large numbers of wintering waterfowl. The boundary of the Inner Clyde SPA is coincident with that of the Inner Clyde SSSI. The RAMSAR boundary is also coincident with the SPA.

Qualifying Interest: The Inner Clyde SPA qualifies under Article 4.2 by regularly supporting an internationally important wintering population of redshank (*Tringa tetanus*) (non-breeding) (1992/93-96/97 winter peak mean of 2,107, 1% of Eastern Atlantic Flyway, 2% of British). This is one of the highest density wintering populations of redshank in Britain. The RAMSAR qualifying interest is also redshank.

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:

- 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

Site condition: The condition of the Inner Clyde's redshank populations is described as "favourable maintained".

Threats: The EU Management Plan indicates that studies of wintering Redshank in the UK have shown that the species is site-faithful both within and between winters, making the species particularly vulnerable to habitat loss and modification and disturbance. Human disturbance was also considered to be a threat, though the Management Plan suggested

that the flight distance, when disturbed by humans, may be lower than for some other wader species, especially if birds are habituated to activities that might cause disturbance.

Loch Lomond SPA

Site Description: The Loch Lomond Special Protection Area (SPA) covers an area of woodland, mire and open water at the southeastern corner of the loch and a cluster of four wooded islands in the southern half of the loch. A range of mire communities occur including inundated mineral marshes and eutrophic-mesotrophic swamp. The islands support mainly deciduous woodlands dominated by birches *Betula* spp. and oaks *Quercus* spp. with some conifers and an understorey with luxuriant areas of blueberry, *Vaccinium myrtillus*.

Qualifying Interest: Loch Lomond SPA qualifies under Article 4.1 by regularly supporting a wintering population of European importance of the Annex 1 species Greenland white-fronted goose *Anser albifrons flavirostris* (a winter peak mean of 221 individuals between 1993/94 and 1997/98 representing 2% of the British population). This is an unusual inland wintering population of this species which is mainly found on the north and west coast of Scotland. Loch Lomond SPA also qualifies under Article 4.1 by regularly supporting a population of European importance of the Annex 1 species capercaillie *Tetrao urogallus* (a mean March count of 32 individuals between 1995 and 1999, 1% of GB). The wooded islands within the SPA support the highest density population in Britain and lie at the southern limit of capercaillie distribution in Britain.

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:

- 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

Site condition: The condition of the Loch Lomond SPA's population of wintering Greenland white-fronted geese is described as 'favourable maintained'. The condition of the Loch Lomond SPA's population of capercaillie is described as 'unfavourable declining'.

Threats: The Natura 2000 Standard Data Form indicates that in the Loch Lomond SPA there are no significant threats to the interest at present.

Slammanan Plateau SPA

Site Description: Slamannan Plateau lies just east of Cumbernauld, in the headwaters of the River Avon. It consists of two small lochs and their surrounding peatlands and associated areas of rough and improved grassland. These habitats support roosting and feeding Taiga bean geese during periods in winter.

Qualifying Interest: Slamannan Plateau qualifies under Article 4.2 by regularly supporting nationally important numbers of migratory Taiga bean geese (*Anser fabalis fabalis*). Between winters 2000/2001 and 2004/05 the average peak number of geese at the site was 221, representing over 53% of the total number present in Great Britain.

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:

- 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

Site condition: The condition of the Slammanan Plateau's Taiga bean geese population is described as "favourable maintained".

Threats: The Natura 2000 Standard Data Form indicates that the SPA is subject to steady development pressure, including from housing, wind turbines and forestry as well as pressure for peat extraction. It also indicates that the level of recreational use is not high, but if activities such as walking, cycling, horse riding and bird watching take place were to increase, then this may result in disturbance to the geese.