



Proposed Aberdeen Local Development Plan 2015 Representation Form

Please use this form to make comments on the Proposed Aberdeen Local Development Plan, ensuring that your comments relate to a specific issue, site or policy in either the Proposed Plan, Proposed Supplementary Guidance, Proposed Action Programme or Strategic Environmental Assessment Environmental Report. Please include the relevant paragraph(s) and use a separate form for each issue you wish to raise.

The consultation period runs between Friday 20th March and Monday 1st June 2015. Please ensure all representations are with us by 5pm on Monday 1st June.

Name	Mr <input type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms <input checked="" type="radio"/> Nina Turner
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On behalf of (if relevant)	
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Please tick if you would like to receive all future correspondence by e-mail

What document are you commenting on?	Proposed Plan	<input checked="" type="checkbox"/>	
	Proposed Supplementary Guidance	<input checked="" type="checkbox"/>	
	Proposed Action Programme	<input type="checkbox"/>	
	Strategic Environmental Assessment Environmental Report	<input type="checkbox"/>	
Policy/Site/Issue	see attached table	Paragraph(s)	

What would you like to say about the issue?

see attached table

What change would you like to see made?

see attached table

Please return the completed form by:

- post to the Local Development Plan Team, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB; or
- email to ldp@aberdeencity.gov.uk

The representation form can be filled in, saved, e-mailed and/or printed. You must “save as” to ensure the completed form is saved with the changes you have made. If you need more space, please fill out another representation form or send a word document attachment via e-mail with your completed representation form. **Please ensure all representations are with us by 5pm on Monday 1st June.**

Thank you. For more information, please visit www.aberdeencity.gov.uk/aldp2016 or to contact the Local Development Plan Team call 01224 523470.

Data Protection Statement

The comments you make on the Proposed Plan will be used to inform the Local Development Plan process and the Examination into the Local Development Plan by the Scottish Ministers' Reporter. You must provide your name and address for your representation to be considered valid, and this information will be made publicly available. Other personal contact details such as telephone and e-mail will not be made public, although we will share these with the Reporter, who may use them to contact you about the comments you have made. For more information about how Aberdeen City Council maintains the security of your information, and your rights to access information we hold about you, please contact Andrew Brownrigg (Local Development Plan Team Leader) on 01224 523317.

SNH REPRESENTATION PROPOSED ABERDEEN CITY LDP 2016

No.	Plan Ref.	Modification we wish to see	Reason
1	Policy R7 'Low and Zero Carbon Buildings, and Water Efficiency'	<p>The Supplementary Guidance "Resources for New Developments" referred to in this should require Gold sustainability level for domestic buildings and BREEAM level 5 standard for non-domestic buildings from the date of adoption of the Plan (rather than the phased approach currently proposed in the Supplementary Guidance).</p> <p>Because of the importance of this issue, we suggest that the requirement for these standards is written into the policy itself.</p>	<p>The LDP must ensure no increase in the amount of water <i>that</i> Scottish Water are licensed to take from the River Dee SAC. This is the basis on which they will be able to demonstrate (through the record of HRA) that there will be no adverse effect on the integrity of the SAC.</p> <p>Water efficiency measures are crucial to achieve this. The Strategic Development Plan includes the following targets:</p> <p><i>"To avoid having to increase the amount of water Scottish Water are licensed to take from the River Dee, as a result of the new developments proposed in the plan.</i></p> <p><i>For all new developments to use water-saving technology."</i></p> <p>We note policy R7 requires developments to be water-efficient, however the standards are not as high as those proposed under policy C1 in the Aberdeenshire proposed LDP 2016. Both LDPs are affected by the same constraint in terms of water resource from the SAC, and we suggest that developments in both LDPs should be subject to the same water efficiency standards.</p> <p>This would be a sensible and more joined-up approach and create more certainty for developers in the region.</p>
2	Policy NE1, Green Space Network, page 52	<p>Amend the text:</p> <p><i>"Masterplanning/design briefs for new developments should consider..... Masterplans/design briefs will determine..."</i>.</p>	<p>In line with national guidance on green infrastructure (Green Infrastructure , Design and Place-making), the need to incorporate green infrastructure and integrate with wider green networks applies to large scale frameworks, to masterplans and site briefs down to designs for individual projects.</p>

3	Policy NE5, Trees and Woodland Policy	<p>Amend the text:</p> <p><i>"Where trees may be impacted by a proposed development, a Tree Protection & Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. This should include details of compensatory planting, temporary earth works and any site preparation."</i></p>	<p>The Scottish Government's Control of Woodland Removal Policy sets out the role compensatory planting can make to mitigating woodland removal and when it may be necessary. We suggest that a Trees and Woodland Policy not explicitly mentioning the role of compensatory planting does not adequately reflect national policy.</p>
4	Paragraph 3.116, page 59.	<p>Amend the text in the second sentence:</p> <p><i>"The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies..."</i></p>	<p>The National Marine Plan has now been published.</p>
5	Policy NE7, Coastal Planning, page 59, point 4.	<p>Amend the text:</p> <p><i>"Development proposals may be required..."</i></p>	<p>Marine noise modelling will only be required for certain developments on the coast, not all.</p>
6	Paragraph 3.119, page 60.	<p>Amend the text:</p> <p><i>"...All new development should seek to protect geodiversity and enhance biodiversity..."</i></p>	<p>Geodiversity is an important part of Aberdeen's natural heritage and should be recognised in this policy.</p>
7	Policy NE8 Natural Heritage, page 60-61, third paragraph, final sentence.	<p>Amend the text:</p> <p><i>"... they must be clearly outweighed by social, environmental or economic benefits of national importance"</i></p>	<p>The existing wording does not apply the level of protection required by SPP. The third paragraph regarding national designations, (including SSSIs) ends by stating that adverse effects would be acceptable if benefits are of "<i>city-wide importance</i>".</p> <p>This is inconsistent with the policy for national designations set out in paragraph 212 of Scottish Planning Policy, which states that benefits in such cases must be of national importance.</p>

8	<p>Policy NE8 Natural Heritage page 60/61, Protected Species (and Supplementary Guidance: Natural Heritage, page 5).</p>	<p>We recommend that the text in the second paragraph of the policy is amended to read:</p> <p><i>“Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless; for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution. Please see relevant Supplementary Guidance for more information regarding Protected Species and licensing.”</i></p> <p>Accordingly, the text in the second paragraph under the heading of 8.1.4 Protected Species on page 5 of the Supplementary Guidance should be amended to read <i>“...applies to a particular species. For protected species, licenses will only be granted if tests are met. SNH’s website provides...”</i>.</p>	<p>The second paragraph refers to a survey being carried out, but does not refer to a protection plan being prepared and submitted where protected species are found to be present. The policy should seek first to avoid the need for species licenses by requiring species protection plans to be submitted with planning applications. The policy should comply with WCA 1981 (as amended by the WANE(S) Act 2011) by limiting derogation to non-bird (ie Schedules 5 and 8) species, hence our suggestion to include the words ‘non-bird species’.</p>
9	<p>Policy NE8 Natural Heritage: Carbon-</p>	<p>Replace <i>“development which would involve draining or disturbing peatland or carbon-rich soil</i></p>	<p>SPP (paragraph 205) does not prohibit development affecting peatland or carbon rich soils.</p>

	rich soils, page 61.	<p><i>will be refused” with “there will be a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil.”</i></p> <p>In addition reference should be made to mapping for carbon-rich soils, deep peat and priority peatland habitat as provided by the SNH Carbon and Peatland Map (see http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/) once approved by Scottish Ministers.</p>	
10	<p>Paragraph 3.140, page 67</p> <p>and</p> <p>Policy R7 Water Efficiency, page 67.</p>	<p>The term water “extraction” is used here, whereas it should be “abstraction”. Amend text to “..... <i>may have a long term impact on abstraction rates from the River Dee</i>”.</p> <p>Again, the term water “extraction” is used here. Amend text to “<i>To reduce the pressure on water abstraction from the River Dee</i>”.</p>	SEPA issue ‘abstraction licences’ not ‘extraction licences’.
11	Appendix 2, Opportunity Sites	Under “Other factors” add; “ <i>(see also mitigation requirements in SEA Environmental Report)</i> ”.	To provide a link between this part of the LDP and the SEA. We welcome the statement in paragraph 2.6 of the main part of the Plan that development proposals must take account of the mitigation measures highlighted in the SEA. This appendix includes some mitigation measures for allocated sites under ‘Other factors’. However there is a danger that the further mitigation measures set out in the SEA (especially within Appendix 4b Greenfield Preferred Options) and Appendix 5b Brownfield Preferred Options) will get overlooked, if not listed here.
12	Appendix 2, Opportunity sites	We advise that:	This site is included in the Ancient Woodland Inventory (Long established of plantation origin) and the Scottish

	page 85, OP52 (Malcolm Road, Peterculter)	<ul style="list-style-type: none"> - The number of houses proposed for this site be reduced to a number that could be accommodated in the area currently cleared of trees. - If housing is allocated for the area that has been cleared, a site brief and a woodland management plan should be required to secure the protection and management of the remaining woodland in the longer term. 	<p>Semi-Natural Woodland Inventory. Although part of it appears to have been cleared in the recent past, approximately 80% of the woodland remains intact. The cleared area would be unlikely to be able to accommodate the number of houses currently proposed.</p> <p>The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland. The policy also states that woodland removal should be allowed only where it would "<i>achieve significant and clearly defined additional public benefits</i>". It is not clear how the proposal meets that test or any of the other "<i>acceptability criteria for woodland removal</i>" in Annex C of the policy. Even if it did, the policy still requires appropriate compensatory planting is carried out, which is not an explicit requirement for this site.</p>
13	Appendix 2, Opportunity sites page 85, OP109 (Woodend, Peterculter)	We advise that the boundary of this site allocation is redrawn to exclude remaining areas of woodland. An alternative approach to securing the woodland would be for the plan to require a development brief to be provided that would set out how the existing woodland within the site would be protected and managed in the long term for the benefit of the residents and the wider public.	The woodland within this site is included in the Ancient Woodland Inventory and the Scottish Semi-Natural Woodland Inventory. It is also part of Aberdeen City Green Network. The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland. Although the allocation does not necessarily imply woodland will need to be removed, it is difficult to see how 19 houses could be accommodated without some level of impact on the woodland. In addition, the woodland is also part of Aberdeen's Green Space Network. As such (in line with policy NE1) this development is required to " <i>maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.</i> ".
14	Appendix 2 Opportunity Sites:	The following text should be added " <i>No adverse effect on the integrity of Moray Firth SAC</i>	To allow for the Habitats Regulations Appraisal (HRA) conclude there will be no adverse effects on the integrity of

	OP62 Nigg Bay	<i>through construction or operational activities causing non-physical disturbance to bottlenose dolphin due to elevated underwater noise and vibration levels, and also the displacement of prey species. No adverse effect on the integrity of the River Dee SAC through construction or operational activities affecting the qualifying interests or the habitats supporting them (including water quality)."</i>	Natura sites.
15	Supplementary Guidance, Topic Area 3 – Conversions of Buildings in the Countryside Section 3.3.3	Amend the wording to read " <i>Farm buildings, and any associated drystone dykes and surrounding trees may be home to protected species such as bats and birds.</i> "	As well as referring to bats, it would be useful to refer to birds because species such as swallows and barn owls frequently nest in farm buildings. All birds are given some protection whilst breeding and some species, such as barn owl, have additional protection. Our website provides information on this and what actions can constitute an offence: http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/birds/ . For bats and licensing, it would also be useful to cross reference to the Supplementary Guidance on the Natural Environment. To ensure natural heritage interests and laws are considered.
16	Supplementary Guidance, Topic Area 8 – Natural Environment: Page 6.	Amend wording: " <i>Table 1 notes the various site designations found within the City of Aberdeen. Please note that development within Aberdeen has the potential to affect protected area outside Aberdeen. For example, bottlenose dolphins from the Moray Firth SAC and grey seals from the Isle of May SAC and the Berwickshire & North Northumberland SAC.</i> "	To highlight that development within Aberdeen has the potential to affect protected areas outwith Aberdeen.
17	Supplementary Guidance, Topic	Delete or amend text to provide an accurate reference to guidance on Bats.	Table 2 Protected Species - refers to section 2.6 for further guidance, but this does not exist.

	Area 8 – Natural Environment: Table 2 and section 8.1.7.		8.1.7 Bats and Licensing refers to paragraph 2.2 for more information on the three tests, but again this does not exist.
18	Supplementary Guidance, Topic Area 8 – Natural Environment: 8.1.6 Construction Environmental Management Plans.	Suggest that for larger developments on more sensitive sites, the Council should require an Ecological Clerk of Works would be appointed.	We welcome the requirement for CEMPs and draw your attention to guidance prepared by The Highland Council http://www.highland.gov.uk/downloads/file/2644/construction_environmental_management_process_for_large_scale_projects . ECOWs are an effective way of ensuring CEMPs are followed.
19	Supplementary Guidance, Topic Area 8 – Natural Environment: 8.1.10 Habitats Regulations Appraisal	Under 'Natura Sites', as well as reference to River Dee SAC, we suggest you add " <i>Other Natura sites may be affected by development within the jurisdiction of the Council, eg Moray Firth SAC, Isle of May SAC and the Berwickshire & North Northumberland SAC</i> ".	To ensure sites outside the area are not overlooked.
20	Supplementary Guidance, Topic Area 8 – Flooding, drainage and water quality:	Paragraph 8.3.6 refers to the multiple benefits of SuDS. It would be helpful to cross reference this to the Supplementary Guidance on landscaping.	For clarity.
21	Supplementary Guidance, Topic Area 8 – Natural Environment: Trees and Woodlands.	A section should be added to require compliance with the Scottish Government's Control of Woodland Removal Policy (see para 218 of SPP). The need for compensatory planting should in particular be set out. It would also be helpful to include a cross-reference to the Supplementary Guidance on the Natural Environment (with regard to protected species in particular).	The Scottish Government's Control of Woodland Removal Policy, sets out the role that compensatory planting can make to mitigating woodland removal and the situations where compensatory planting may be appropriate. Indeed the role of compensatory planting in addressing impacts of woodland removed is one of the policy's 'Guiding Principles'.

22	Supplementary Guidance: Topic Area 9 – Wind Turbine Development Page 80-81 Natural Heritage.	Reference to SNH guidance at the end on assessing the impact of small scale wind energy proposals should be to Version 2 (2014) available on our website via http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/general-advice-and-information/ .	To ensure the most up to date reference.
23	Supplementary Guidance: Topic Area 9 – Wind Turbine Development Page 81-82 Landscape and Visual Impact Assessment.	A better reference to SNH guidance (given that 'Assessing the impact of small scale wind energy proposals on the natural heritage' has already been referred to) would be to 'Siting and Design of small scale wind turbines between 15m and 50m in height' (2012) available on our website via http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/landscape-impacts-guidance/	To provide the most useful link/reference.
24	Supplementary Guidance: Topic Area 9 – Wind Turbine Development Pages 90-95 Maps.	In due course we suggest a map should be added of carbon-rich soil, deep peat and priority peatland habitat in terms of the Group 2 area in SPP. The recent consultation document and draft map can be seen on our website http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/ Map 4 – European sites in Aberdeenshire omits the part of Cairngorms Massif SPA that is within Aberdeenshire.	For clarity/to ensure the relevant information is provided.



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

BY EMAIL

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Our ref: CEA135872/_CPP135853

22 May 2015

Dear Ms Harrison

Habitats Regulations Appraisal – Aberdeen City Local Development Plan (LDP) 2016

Thank you for the opportunity to provide comments on the Habitat Regulations Appraisal that accompanies the proposed Aberdeen City Local Development Plan 2016.

Summary

We do not consider that the HRA Record has demonstrated at this stage that there would be no adverse effect on the integrity of River Dee Special Area of Conservation (SAC). However the inclusion of further advice and supporting information from Scottish Water and/or SEPA on future abstraction levels (and the effectiveness of the proposed mitigation on abstraction levels) may enable a future iteration of the HRA Record to demonstrate that there will be no adverse effect on the integrity of River Dee SAC.

We would be pleased to discuss this further in early course so that the issue can be resolved before the plan and the 'schedule 4s' are submitted for examination.

We also recommend a number of other amendments to ensure that the HRA is robust for other Natura sites. We provide our advice on this in the annex to this letter.

If you have any queries please do not hesitate to contact Nina Turner, nina.turner@snh.gov.uk in the first instance.

Yours sincerely

Ewen Cameron
Operations Manager
Tayside and Grampian



INVESTOR IN PEOPLE

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1. Layout and due process

In order to clearly demonstrate that this plan will not adversely affect the integrity of a Natura site(s), you will need to change the layout of this record of Habitats Regulations Appraisal. This is because the current layout/terminology used suggests that you misunderstand how HRA should be correctly applied.

Whilst HRA can seem complex, in simple terms, Habitats Regulations Appraisal (HRA) of a plan is a 2 stage process:

- i. determining whether policies or proposals would be likely to have a significant effect on the qualifying interest(s) of a Natura site(s) (the “Likely significant effect (LSE) stage”)
- ii. for those policies or proposals likely to have a significant effect, doing an ‘appropriate assessment’ to ascertain that the plan will not adversely affect the integrity of the site(s)

Up to section 6 on page 98, the document takes a systematic approach to the first stage. Table 4.3 identifies that appropriate assessment is required for a range of policies and sites. However, in section 6 headed “*Appropriate Assessment*” (Table 6.1), instead of addressing the question ‘*will policy/site x have an adverse effect on the integrity of Natura site y*’, the question posed is “*Risk of LSE?*”. This is not the right question for the appropriate assessment stage. In order to resolve this, we refer you to The Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies in Scotland (<http://www.snh.gov.uk/docs/A1500925.pdf>).

If you are genuinely concluding in Table 6.1 that there is no risk of LSE ‘persisting’, then there is no need to do stage 2. If however, it is just a case of confusion over the process and terminology, then the simplest and quickest solution would be to re-label the right hand column of Table 6.1 to “*Adverse effects on site integrity*”.

2. Reliance on general protective policies

We do not recommend that you rely only on the general Natura protective policy (eg NE8) alone to offset possible adverse effects of specific allocations. This leaves the tension between some specific allocations and the Natura policy to be resolved at the development management stage. Instead, we recommend that the need for any mitigation/infrastructure should be specifically set out against the allocation in question within the LDP itself, eg submission of construction method statement to protect water quality, need for upgrade to sewage works, etc. Likewise the need for contributions to larger-scale mitigation strategies being coordinated by the Council through developer contributions should be included in the LDP and cross-referred from relevant site allocations.

3. Assessment vs appraisal

We note you have called the document ‘Habitats Regulations Assessment’. We suggest you rename it “*Habitats Regulations Appraisal*”. This is because HRA is a 2 stage process (see above).

Calling this 2 stage process ‘Habitats Regulations Appraisal’ avoids confusion with stage 2, the appropriate assessment. HRA applies to the whole plan, but only parts of the plan may need an appropriate assessment.

4. Allocations and abstraction from the River Dee

We do not consider it possible at this stage for the HRA Record to conclude that there would be no adverse effect on the integrity of River Dee SAC.

We note that the mitigation measures in the HRA refer to plan policies that require that development will not proceed until the infrastructure for water supply is in place. We also note that the Supplementary Guidance “Resources for New Developments” referred to in Policy R7 ‘Low and Zero Carbon Buildings, and Water Efficiency’ requires developments to be water-efficient, however the standards are not as high as those proposed in under policy C1 in the Aberdeenshire proposed LDP 2016. Because both LDPs (and therefore HRAs) are affected by the same constraint in terms of water resource from the River Dee SAC, both LDPs should be consistent and require the same standards. Both Plans should require the Gold sustainability level for domestic buildings and BREEAM level 5 standard for non-domestic buildings from the date of adoption of the Plan (rather than the phased approach proposed in the Supplementary Guidance).

In addition, although reference is made to water efficiency measures, there is no information about the possible impacts of this on water demand. Given that, in practice, there are no alternative water sources to service many of the new allocations, we understand that (whatever new infrastructure is in place) water will be still need to be sourced from the Dee for the majority of new allocations.

This is recognised by the Strategic Environmental Assessment (Table on page 5 and Table 7.a on page 47), which states that “*All new development will increase the need to abstract water from the River Dee...*” and “*The overall effects of the plan on water are negative, because all new development requires more water to be taken from the River Dee...*”. The HRA therefore needs to ensure it has adequately demonstrated (at the plan level) that housing allocations would not have an adverse effect on the integrity of the River Dee SAC.

This issue was most recently addressed by the Aberdeen City and Shire Strategic Development Plan (ACSSDP). It was concluded with respect to that plan that the level of water abstraction needed to service the housing allocations would not have an adverse effect on the integrity of the River Dee SAC. This was partly because it could rely on HRA of the lower tier plans (LDPs) to revisit the issue, but we understand that this conclusion was also largely based on advice from Scottish Water that because of upgrades to infrastructure (and provided strict water efficiency measures were applied to new developments), abstraction from the River Dee would not need to increase (beyond that currently licenced) to service the new housing.

The ACSSDP also included (as mitigation) an explicit target set out on page 31 to “*avoid having to increase the amount of water Scottish Water are licensed to take from the River Dee, as a result of the new development proposed in the plan*”. Given that the LDP sets out in spatial terms how part of the development envisaged in the strategic plan will be delivered, there is a clear need for the LDP to address whether that target will indeed be achieved in practice, because it is fundamental to assessing the effects of the plan on the River Dee SAC.

If a later iteration of the HRA record for the LDP therefore includes explicit confirmation that Scottish Water and SEPA advise (supported by the most up to date information about abstraction levels, the levels of proposed development and the implications of the water efficiency policies) that this target still remains achievable (in the context of LDP proposals) then it will be possible to conclude that the Aberdeen LDP will not have an adverse effect on the integrity of the River Dee SAC.

While all the allocations near to the River Dee SAC are noted as having LSE (among other reasons) for water abstraction (WA), it should be borne in mind that this issue is not confined to just these particular allocations, but to all the allocations in the LDP area which draw their water supply from the River Dee.

Annex I – SNH comments on draft HRA Record for Aberdeen City Proposed LDP 2016

We understand this to be north as far as Ellon and Gartly, and south as far as Stonehaven, so includes the whole of the Aberdeen City area. We therefore advise that you include all such allocations in the relevant table and identify them as having LSE on the River Dee SAC.

5. Other comments

a. Page 59, section 1, first sentence

Ramsar sites are not Natura sites, so reference to Ramsar sites could be removed. You could instead refer to candidate SACs and proposed SPAs.

b. Page 68, Table 3.1, List of Natura 2000 sites

We recommend the inclusion of Isle of May SAC and the Berwickshire & North Northumberland SAC. This is because of the potential impacts on grey seals from Aberdeen harbour expansion (OP62). Seals from these SACs are known to travel up the coast and have been recorded in Orkney – they are considered to be part of the East Coast Seal Management Area population (see <http://www.gov.scot/Resource/Doc/295194/0112738.pdf> for a map of Seal Management Areas). The relevant effects for Table 3.1 are “*effect on aquatic environment*”, “*effect on mobile species*”, “*increase amount of development*” and “*affect the coast*”.

The impacts “*effect on aquatic environment*”, “*effect on mobile species*” and “*affect the coast*” should be added to the River Dee SAC, due to potential for changes in water quantity and quality to affect the species and the habitats on which they rely.

The impacts “*effect on mobile species*”, “*recreational pressure*” and “*affect the coast*” should be added to the Moray Firth SAC, as the interests of this site which could be affected by development in Aberdeen, occur at the coast and are vulnerable to disturbance and injury from water based forms of recreation. In addition, reference to the Moray Firth SPA should be changed to Moray Firth SAC.

c. Page 68-70, Table 3.2, Information about sites selected

As above, we recommend the inclusion of information on the Isle of May SAC and the Berwickshire & North Northumberland SAC. Information that can be used to populate the first four columns of Table 3.2 can be found on the SNH website via SiteLink <http://www.snh.gov.uk/publications-data-and-research/snhi-information-service/>. The main factors caused by Aberdeen harbour expansion (OP62) that could have a likely significant effect on seals include; modification to the structures and processes of the habitats that the seals and their prey rely on (including impacts on water quality); effects of increased shipping activity arising from the harbour expansion causing disturbance to seals (and their prey) within and outwith the harbour area; and increased risk of propeller collision causing injury and mortality. You may wish to include this information in the fifth column of Table 3.2. A summary of key issues that could be included in the sixth column could include disturbance (to seals and their prey), collision with shipping, water quality, habitat modification

The impact “*Water abstraction*” should be added to the summary of key issues for the River Dee SAC in the column headed “*vulnerability to changes or potential effects of PPS*”. This is because this is the main constraint affecting future development in the Aberdeen City (and wider Aberdeenshire) area.

For the Moray Firth SAC, the accreditation scheme for cruise boats and code of conduct referred to are specific to the general location of the Moray Firth, as is the strategy for dumping and dredging. Therefore, reference to these is not relevant for this LDP. However, in Aberdeen, reference could be made to the recently introduced code of conduct for boats within the harbour.

Annex I – SNH comments on draft HRA Record for Aberdeen City Proposed LDP 2016

In addition, two amendments to site condition for Ythan Estuary, Sands of Forvie & Meikle Loch SPA are required:

- Eider, Favourable, Declining (21 August 2012)
- Common tern, Unfavourable, No Change (01 August 2012)

And an amendment to site condition for Moray Firth SAC:

- Bottlenose dolphin, Favourable, Recovered (21 September 2010)

d. Page 72-74 Table 4.1 Screening of Policies

We are not sure why Policy LR2 Delivery of Mixed Use Communities and Policy T2 Managing the Transport Impact of Development have been screened in. Both seem to be general policies and could be screened out.

On the other hand we feel Policy B5 Aberdeen Harbour should be screened in (due to potential impacts on the qualifying interests of the Moray Firth SAC, River Dee SAC, Isle of May SAC and the Berwickshire & North Northumberland SAC).

e. Page 79-88 Table 4.2 Risk of LSE

We recommend the inclusion of information on the Isle of May SAC and the Berwickshire & North Northumberland SAC under OP62, Aberdeen Harbour.

Bottlenose dolphin are not vulnerable to loss of habitat to housing developments and development in low lying areas or flood plains, so this should be removed from the relevant rows of the table under column "Moray Firth SAC".

f. Page 91-98, Table 4.3 Initial Mitigation, and

Page 98-122, Table 6.1 Assessment of parts of plan with LSE

We recommend the inclusion of information on the Isle of May SAC and the Berwickshire & North Northumberland SAC under OP62, Aberdeen Harbour. As mitigation, impacts on these interests should be considered in the HRA and EIA for the proposed development when it comes forward - the HRA for the development should ensure that development avoids an adverse effect on the integrity of the SACs. (We understand that the Harbour Authority are aware of the connectivity to the SACs and so should be taking them into account when considering options for the harbour expansion.) Similar policy caveats to those applied for the River Dee SAC in Table 6.1 are likely to also be appropriate for these additional SACs.



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Sent via Scottish Government SEA Gateway – sea.gateway@scotland.gsi.gov.uk

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Our ref: 00814-SEA

22 May 2015

Dear Ms Harrison

00814 Environmental Report – Aberdeen City Local Development Plan 2016

Thank you for the opportunity to provide comments on this SEA Environmental Report, which accompanies the proposed Aberdeen City Local Development Plan 2016.

We consider that the key environmental issues have largely been correctly identified, and the assessment of likely significant effects on the environment has largely been carried out satisfactorily. The SEA correctly identifies a clear need for the plan to address possible adverse effects on the River Dee SAC. Our separate response to you on the HRA record (same date, our reference - CEA135872/ CPP135853) contains more detail on our advice in relation to this issue. Rather than repeat that here I simply refer you to that response. To inform our HRA response, we went back to the Aberdeen City & Shire Strategic Development Plan (page 31) and would suggest that your Environmental Report could helpfully do the same. We will work with you and other key agencies where relevant to agree any changes needed to the plan (or the record of HRA) before adoption to demonstrate that the plan will not have any adverse effects on the integrity of the River Dee SAC.

We also recommend a number of relatively minor amendments to ensure that the SEA is robust. We provide our advice on this in the annex to this letter.

If you have any queries please do not hesitate to contact Nina Turner, nina.turner@snh.gov.uk in the first instance.

Yours sincerely

Ewen Cameron
Operations Manager
Tayside and Grampian



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Annex I – SNH advice on SEA for the proposed Aberdeen City LDP 2016

Section of the Environmental Report	SNH comments
Page 5 Table, Assessment of Environmental Effects, Water	<p>Re: <i>“The overall effects of the plan on water are negative, because all new development requires more water to be taken from the River Dee...”</i></p> <p>The implication of this is that the issue needs to be addressed as part of the Habitats Regulations Appraisal (HRA) of the LDP in respect of the River Dee Special Area of Conservation (SAC). It would be helpful to include a reference here to the HRA appraisal, and possibly also to the relevant section of the City & Shire SDP (page 31).</p>
Page 42, Table 7.a Significant Effects of the Plan and Mitigation Measures, Biodiversity	<p>Under “mitigation/enhancement measures”, reference should also be made to the Supplementary Guidance on the Natural Environment, page 11 regarding invasive non-native species (INNS) as a means to mitigate the potential spread of INNS that may otherwise be caused by development, to the detriment of protected areas, protected species, general biodiversity and people.</p>
Page 47, Table 7.a Significant Effects of the Plan and Mitigation Measures, Water	<p>Re: <i>“All new development will increase the need to abstract water from the River Dee...”</i> As above, the implication of this is that the issue needs to be addressed as part of the Habitats Regulations Appraisal (HRA) of the LDP in respect of the River Dee (SAC). It would be helpful to include a reference here to the HRA appraisal, and possibly also to the relevant section of the City & Shire SDP (page 31).</p> <p>Re <i>“Acceptable rates of water abstraction from the Dee are agreed between SEPA and Scottish Water.”</i>, with regard to water abstraction affecting the River Dee SAC, we recommend that consideration is given to including Scottish Water (as well as SEPA) as one of the parties responsible for mitigation. This is because they are responsible for water abstraction and so could be expected to monitor compliance with the relevant water abstraction license(s) for the SAC.</p> <p>In relation to the proposed mitigation, it would be appropriate to add the requirement for HRA (and likely EIA) for master-planning and through the DM and Planning Agreements processes as part of mitigation to avoid adverse effects on the integrity of the River Dee SAC.</p> <p>Notwithstanding the above, the Council will need to be able to confirm, based on up-to-date (and predicted for the levels of proposed development) water abstraction levels information (sourced from Scottish Water) and compliance with licensed abstraction (sourced from SEPA) that any proposed changes in abstraction that would arise from the proposed development allocations is still as described at the time the SDP was drawn up and remains achievable without having an adverse effect on the integrity of the SAC. Please refer to our comments on the HRA record for more details.</p>

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<p>Page 42 – 50, Table 7.a, significant effects of plan and mitigation measures; Soil, Ground contamination</p>	<p>With regard to “<i>Mitigation/Enhancement measures</i>” we find the second bullet point confusing, as we would consider that development on a landfill site is likely to be a planning (and potentially EIA) matter. Clarification of what is meant by this second bullet point would therefore be useful.</p> <p>We note the proposed mitigation (via the Plan policy) in relation to “<i>Peat Soils</i>”, but advise that it does not appear to follow Scottish Planning Policy concerning development on carbon rich soils, peat and peatland habitats. SPP paragraph 205 does not prohibit development on peat and carbon rich soils, but refers to assessment and minimisation of carbon dioxide release. Further consideration will be required to align the SEA (and LDP policy) with SPP, and then what that would mean for the SEA.</p>
<p>Page 51 – 54, Table 8a: Monitoring Plan, Biodiversity, Impact on water quality of the River Dee and on its qualifying features</p>	<p>With respect to “<i>When should remedial action be taken</i>”, we recommend adding a measure that remedial action will also be required should the level of water abstraction come close to or exceed the licensed abstraction volume. This is so that future development can be appropriately managed to avoid an adverse effect on the integrity of the River Dee Special Area of Conservation (SAC).</p> <p>With respect to “<i>who is responsible for undertaking monitoring?</i>”, we recommend that consideration is given to including Scottish Water (as well as SEPA) as one of the parties responsible for monitoring. This is because they are responsible for water abstraction and so could be expected to monitor compliance with the relevant water abstraction license(s) for the SAC.</p> <p>With respect to “<i>where will information be obtained from?</i>”, We recommend adding water abstraction data from Scottish Water and SEPA’s monitoring results to the list of information sources.</p> <p>With respect to “<i>when should remedial action be considered?</i>”, we recommend adding a measure that remedial action will also be required should the level of water abstraction come close to or exceed the licensed abstraction volume. This is so that future development can be appropriately managed to avoid an adverse effect on the integrity of the River Dee Special Area of Conservation (SAC). This is because too much abstraction could negatively affect water quality (as well as quantity) within the SAC, which would affect the qualifying interests of the SAC.</p> <p>[On a minor point, the correct terminology for the interests of Natura sites are “qualifying interests” (not qualifying features).]</p>
<p>Appendix 4, 4b, OP 52 Malcolm Road, Peterculter</p>	<p>The SEA states that “<i>the majority of the site is designated as SNH Ancient Woodland, although it has been felled this designation remains valid</i>”. We do not believe this to be the case - we understand that approximately 80% of the site</p>

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<p>and</p> <p>OP 109 Woodend, Peterculter</p>	<p>remains as woodland as at May 2015.</p> <p>The mitigation/enhancement identified is to apply LDP policies on protection of trees and woodland.</p> <p>As around 80% of the site is woodland, if the policies on protection of trees and woodland are applied, we suggest that most of this site is unsuitable for development.</p> <p>The SEA divides OP109 into two sites and for one, identifying that the majority of the site is covered by the "ancient woodland designation". It identifies the need for mitigation as per policy NE8 but should also refer to policy NE5, trees and woodland. If the policies on protection of trees and woodland are applied, we suggest that most of this part of the site is unsuitable for development.</p>
<p>Appendix 4, 4b, OP 62 Aberdeen harbour expansion Nigg Bay</p>	<p>Under biodiversity, consideration of the potential impacts on Atlantic salmon and fresh water pearl mussel needs to be added (as interests of the River Dee SAC), as well as impacts on grey seals of the Isle of May SAC and Berwickshire and North Northumberland Coast SAC, and harbour seals (a protected species). As mitigation, impacts on these interests should be considered in the HRA and EIA for the proposed development when it comes forward. (We understand that the Harbour Authority are aware of the connectivity to the SACs and so should be taking them into account when considering options for the harbour expansion. The HRA for the harbour expansion should therefore ensure that development avoids an adverse effect on the integrity of the Natura sites, and avoids an adverse effect on the population of harbour seals.)</p>