

## The Highland Council

### Planning, Development and Infrastructure Committee

17 August 2016

Agenda Item	13
Report No	PDI 47/16

#### Proposed Special Protection Areas – Moray Firth and Rum

#### Report by Director of Development and Infrastructure

##### Summary

This report outlines the proposed consultation response to be sent to Scottish Natural Heritage (SNH) regarding the proposed designation of a large section of the Moray Firth and Rum as Special Protection Areas for their bird interests.

It is recommended that members approve the response.

#### 1. Background

- 1.1 SNH launched a consultation on a suite of ten proposed Special Protection Areas (pSPAs) on 4 July 2016, running until 26 September 2016. Within Highland, there are two of these pSPAs: Moray Firth and Rum (see maps in **Appendix 1**).
- 1.2 Scottish Planning Policy requires *proposed* SPAs (and Special Areas of Conservation) to be afforded the same level of protection as sites which have been designated.
- 1.3 The Moray Firth pSPA is being designated for:
  - breeding and non-breeding: European shag; and
  - non-breeding: Common eider, common goldeneye, common scoter, great northern diver, long-tailed duck, red-breasted merganser, red-throated diver, greater scaup, Slavonian grebe, velvet scoter.
- 1.4 This site (1762 km<sup>2</sup>) covers an extensive stretch seaward from the Helmsdale coast in the north, to Portsoy in the east and it includes the outer Dornoch and Cromarty Firths, Beaully and Inverness Firths, as well as part of the wider Moray Firth. In winter, the waters of the Moray Firth are a stronghold for one of the largest concentrations of sea ducks, velvet scoter and shags in Great Britain; the third largest population of scaup; and the largest Scottish non-breeding populations of common scoter and goldeneye. Important numbers of four other marine birds also spend winter in the Firth. In summer, these waters continue to provide feeding grounds for breeding shag.

- 1.5 This site offers a variety of habitats: rocky outcrops; numerous firths, inlets and sandy bays that provide sheltered areas where birds can moult, roost, rest and feed (all of the birds feed by diving from the water's surface). These habitats provide important refuges for wintering birds, some of which have migrated thousands of miles from their breeding grounds. The area is also important during the summer months for shags, which make short foraging trips from their breeding grounds along the sea cliffs to the north of Helmsdale.
- 1.6 The Rum pSPA is being designated for breeding the red-throated diver.
- 1.7 The island of Rum lies in the Inner Hebrides off the west coast of Scotland. Rum and its surrounding marine waters are already an SPA, with the marine area including all the inshore waters of Rum out to Canna and the north coast of Eigg. Rum provides rich feeding grounds for just over 1% of the British population of breeding red-throated divers. This bird is being proposed as an additional feature to the existing Rum SPA in recognition of the importance of the rich feeding grounds these waters provide.
- 1.8 The inshore waters around Rum are quite shallow and sandy bays offer shelter. The mixed sediments (mud, sand and gravel) of the sea bed support a large diversity of fish and shellfish, as well as nursery areas for species such as sandeels. Divers primarily forage by surface diving for small fish, but their diet can also include shellfish such as crabs. These rich and productive waters provide excellent foraging habitat for breeding divers.

## **2. Potential considerations**

- 2.1 We are responding as we need to consider that there could be potentially significant implications for our environmental, social and economic assets.
- 2.2 We have very limited jurisdiction below Mean Low Water Springs (other than for aquaculture), but actively support integrated marine and land use planning as required by, among other things, the National Marine Plan.
- 2.3 Should a management plan for either of the pSPAs be prepared, the Highland wide Local Development Plan and any associated plans will have to ensure they integrate with it.
- 2.4 Given the large extent of the Moray Firth pSPA, additional Habitats Regulations Appraisals will be required on any development with the potential to affect the qualifying features. Scottish Government policy requires authorities to afford the same level of protection to proposed SPAs (and SACs) as they do to sites which have been designated, so this requirement takes effect immediately.

2.5 The Council's response (**Appendix 1**) takes the above issues into consideration, and is summarised as follows:

- the Rum designation would not change our approach to planning significantly due to its existing SPA status; and
- the Business and Regulatory Impact Assessment (BRIA), whilst provided for information only, does not discuss the links to the very large windfarm developments underway nearby (BOWL = 84 turbines & MORL eastern sites: Telford; Stevenson; MacColl = 189- 339 turbines), which seems a surprising omission. Whilst the 'Advice to Support Management' document (see link at end) does briefly mention the windfarms, there is very scant detail on the likely interactions between them and the pSPAs. It may have been more helpful if these had been discussed in more detail to provide a greater level of assurance that both the developments and the qualifying species would not be unduly affected.

### 3. Implications

3.1 Legal, Resource, Equalities, Climate Change/Carbon Clever, Risk, Rural and Gaelic

There are no direct implications arising from this report for the above factors.

#### **Recommendation**

The Committee is invited to approve the response set out in **Appendix 1**.

Designation: Director of Development and Infrastructure

Date: 01/08/ 2016

Author: Dr Shona Turnbull

Background Paper: Appendix 1 – Response to SNH pSPA consultation

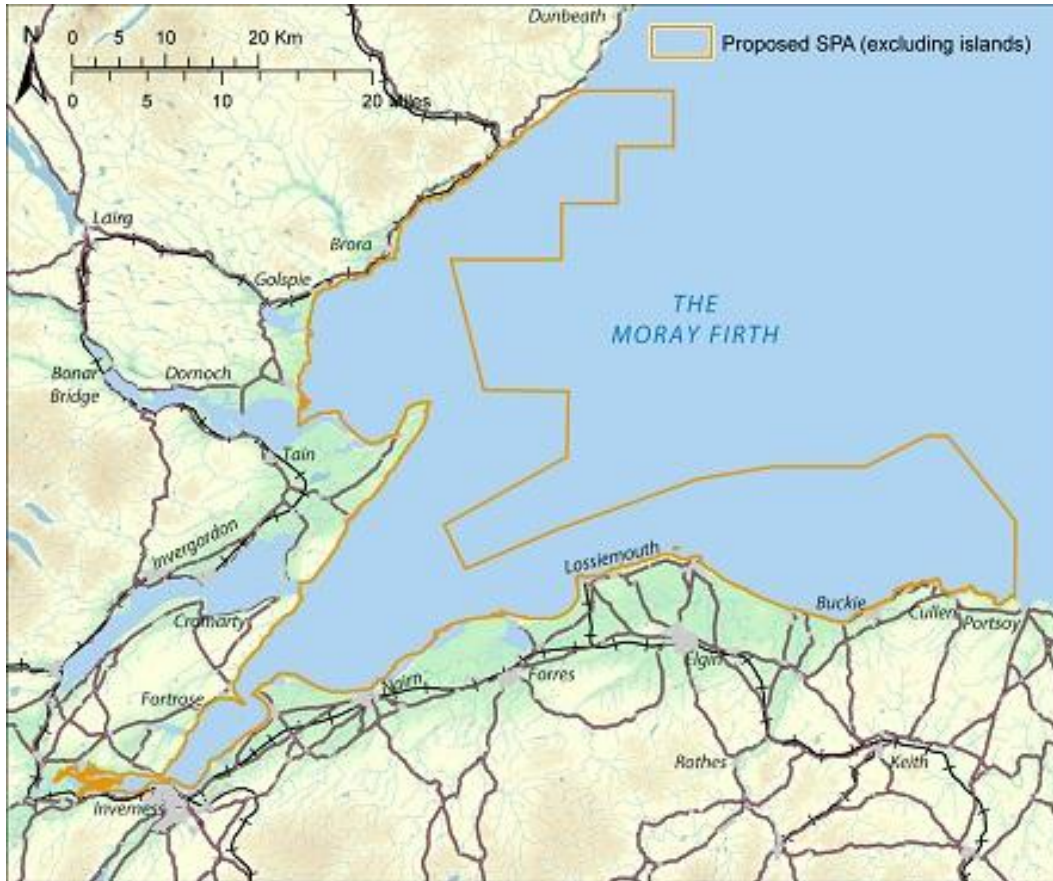
Related documents can be found here:

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/proposed-marine-spas/moray-firth/>

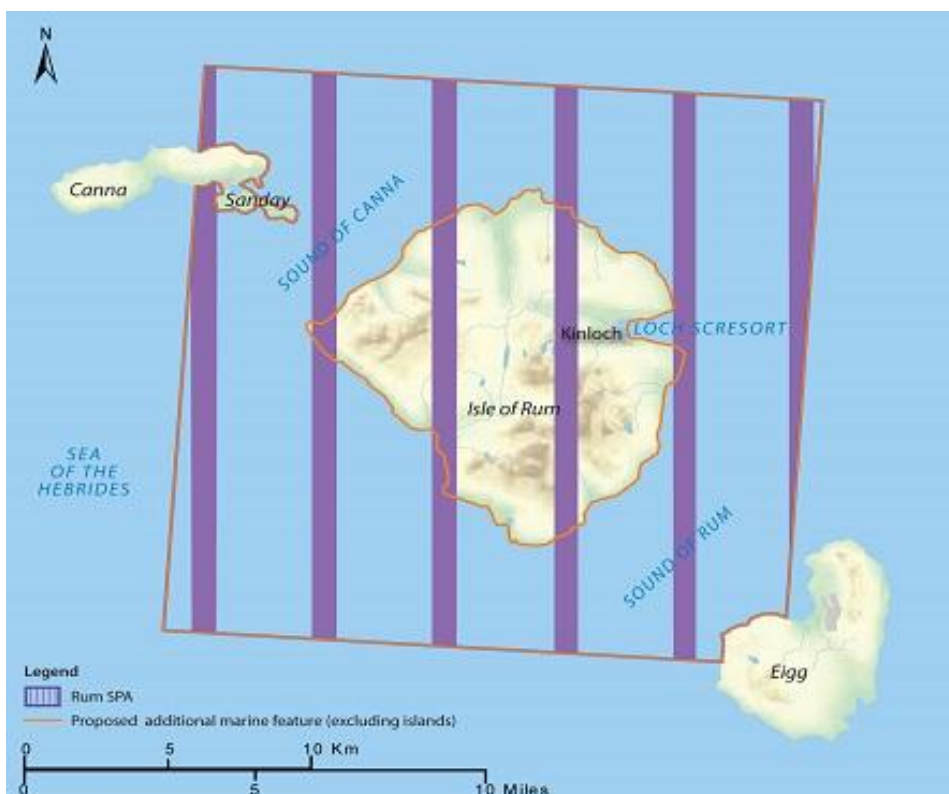
<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/proposed-marine-spas/rum/>

## ANNEX 1: Maps

### Map 1: Proposed Moray Firth SPA



### Map 2: Proposed Moray Firth SPA



## **APPENDIX 1: Proposed Highland Council response**

### **Proposal to designate the Moray Firth and Rum as Special Protection Areas (SAC) for various bird species: Highland Council response**

The Highland Council welcomes the opportunity to comment on the consultation and support the need for effective biodiversity protection. From a local authority perspective, whilst there is already protection in place for many bird species, the presence of the additional SPAs will increase awareness when identifying their presence, in particular where land based operations and aquaculture have the potential to impact on the water environment and will likely require additional Appropriate Assessments.

We offer the following comments on the document:

- The Rum designation would not change our approach to planning significantly due to its existing SPA status.
- The Business and Regulatory Impact Assessment (BRIA), whilst provided for information only, does not discuss the links to the very large windfarm developments underway nearby the Moray Firth proposal (BOWL = 84 turbines & MORL eastern sites: Telford; Stevenson; MacColl = 189- 339 turbines), which seems surprising. Whilst the 'Advice to Support Management' document does briefly mention the windfarms, there is very scant detail on the likely interactions between them and the pSPAs. It may have been more helpful if these had been discussed in more detail to provide a greater level of assurance that both the developments and the qualifying species would not be unduly affected.