Agenda item	**6.1**
Report no	**PLN/031/18**

THE HIGHLAND COUNCIL

Committee: **North Planning Applications Committee**

Date: **5 June 2018**

Report Title: **17/04601/FUL: Land 1700M NW Of Embo Community Centre**
School Street
Embo

Report By: **Area Planning Manager – North**

1. Purpose/Executive Summary

1.1 **Applicant:** Coul Links Ltd per STRI

Description: Development of 18 hole golf course, erection of clubhouse, renovation of existing buildings for maintenance facility, pro-shop, caddy hut, workshop, administration building, information booth, formation of new private access from C1026

Ward: 4 - East Sutherland and Edderton

Category: Major Application

Reason Referred to Committee: Managers discretion.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendation

2.1 Members are asked to agree the recommendation to refuse as set out in section 11 of the report

3. PROPOSED DEVELOPMENT

3.1 The application seeks consent for the development of a new 18 hole golf course. The Environmental Statement (ES) outlines that this will be of 'a traditional links type appearance'. Ancillary development includes:

- A practice area;
- A clubhouse
- A pro-shop
- A caddy workshop/storage area (to be formed within an existing building)
- An administration office (to be formed within an existing building)
- A buggy store (to be formed within an existing building)
- A maintenance shed
- Internal access tracks
- Publicly accessible site access
- Interpretation boards
- Formation of 85 space car park

A new private access would be formed from the C1026 public road which connects the site with Dornoch to the south. This would be formed and bonded with gravel and car parking areas bound with gravel/whinstone.

3.2 The gross development boundary area is approximately 328.4 hectares, however the layout of the golf course within this area will be just 22.7 hectares. The ES outlines that construction of the golf course would be over a period of 18 months.

3.3 The proposal was subject to the Council's formal Pre-Application Advice Service for Major Developments in November 2015 where the Planning Authority concluded that it would, without prejudice, welcome such a development opportunity subject to any necessary mitigation works which may be highlighted by statutory consultees, and the full assessment of any third party comments which may be received during the processing of any application.

3.4 In addition the proposal was the subject of an EIA Screening and Scoping Opinion in terms of the EIA Regulations then in force (the 2011 Regulations). Prior to submission, in accordance with the requirements of a Major category of development, a Proposal of Application Notice was submitted in June 2016, Public consultation exercises were undertaken in July 2016 and August 2016. Significant consultation with statutory and non-statutory consultees has also informed the application and the final proposed layout of the golf course.

3.5 Overhead electricity lines currently run across the site, which are to be diverted around the site boundary. It is also proposed to re-use and improve existing buildings on site.

3.6 The application is supported by an Environmental Statement; Design and Access Statement and Planning Supporting Statement. As an application for Major development, a report detailing Pre-Application Consultation is also submitted.

3.6 **Variations**: No variations have been made to the proposed development since the application was lodged however additional information has been submitted on two occasions following consultee comments, most notably from SNH and SEPA.

4. SITE DESCRIPTION

4.1 The site lies directly to the north of the village of Embo near Dornoch in Sutherland and comprises a total of 328.4 hectares (811 acres). The central portion of the site, immediately west and south of the old railway line comprises improved pasture currently used for sheep grazing. The land in the southwestern portion of the site comprises rough pasture with patches of scrub, dune heath and woodland. The land between the coast and the route of the old railway line largely comprises a stable dune system with some areas of trees, scrub, bracken and felled woodland. This portion of the site is designated as being of international importance as part of the Dornoch Firth and Loch Fleet RAMSAR and of European importance as part of the Dornoch Firth and Loch Fleet Special Protection Area, and of national importance as part of the Loch Fleet Site of Special Scientific Interest (SSSI). The SSSI is notified for its intertidal marine habitats (eelgrass beds and sandflats), its coastlands (saltmarsh and sand dunes), its native pinewood, its vascular plant assemblage, and its birds (breeding bird assemblage and non-breeding elder).

4.2 The area surrounding the site is rural in character and is predominantly characterised by agricultural land use. Sheep and cattle grazing, livestock raising and forestry plantation are the principal agricultural practices in the area. The lands to the immediate south of the site comprise the village of Embo, which has a population of around 300 and comprises residential properties as well as some commercial properties including a small store as well as the Grannies Heilan Hame caravan park.

5. PLANNING HISTORY

5.1 15/03874/PREAPP: Development of 18 hole championship links golf course. Issued 17.11.2015 as detailed in Paragraph 3.3.

16/02911/PAN: Planning permission for proposed development of an 18 hole championship links golf course, practice area, access arrangements, club house and ancillary facilities. Submitted 29.06.2016

16/00081/SCOP: Development of an 18 hole championships links golf course and practice area. The total area of development is anticipated to be approximately 326 hectares (805 acres). Issued 26.01.2016

16/00053/SCRE: Development of an 18 hole championships links golf course and practice area. The total area of development is anticipated to be approximately 326 hectares (805 acres). Issued 11.01.2016 (EIA Required)

5.2 Also relevant to this application:

17/04404/FUL: Drilling of two boreholes and construction of water storage reservoir (maximum capacity 20000cu.m) for irrigation of (future) golf course at Land 860M South Of Coull Farmhouse, Skelbo, Dornoch - pending consideration and is also to be presented to 5th June Committee.

6. PUBLIC PARTICIPATION

6.1 Advertised: 20th October 2017 & 24th November 2017, 2nd March 2018 & 27th April 2018

Representation deadline: Overall closing date of 25th May 2018

Timeous representations: 2007

Late representations: 0

6.2 The proposal has attracted a significant level of public interest providing both support and concern for the development. In particular, responses have been received from a number of notable organisations such as the Scottish Wildlife Trust and the Royal Society for the Protection of Birds. Such organisations are not statutory consultees hence their comments have been summarised alongside the public comments. As noted above, a total of 2007 public comments have been received regarding the proposal. These comprise a total of 1594 objections and 349 support comments. A further 64 representations did not specify if they were supporting or objecting to the application. Several petitions have also been lodged, both for and against the application (note: a petition is logged as one representation). Material considerations raised by the representations are summarised below:

Support

General comments :

- A welcome addition to the area
- Good site for a golf course
- Positive impact for students of golf course management at the UHI Campus in Dornoch
- A better use of the site which is becoming unwalkable due to broken gorse
- The development has been designed in an environmentally sympathetic way
- A once in a lifetime opportunity
- Overwhelming support of local community
- Land is currently unmaintained and has been neglected by public bodies
- Increase in public awareness of the area
- Comparisons to the Menie Golf Course are unfounded - the development should be compared to Castle Stuart which has been highly successful
- The development can only be good for Embo
- Support from UHI
- Support for the proposed developers generally, and their commitment to the area

Tourism and Socio-Economic Impacts

- Positive tourism impacts - in particular the possibility of people staying in the area for longer
- Clear economic benefits
- Job creation
- Retention of young people in the Highland area
- Positive impacts for other golf courses in Highland
- Largest private investment in East Sutherland ever
- Potential for investment to filter out to communities of east and central Sutherland and Ross-shire

Environmental Management

- Significant net gain with regards biodiversity - important habitats will be professionally managed.
- There is an established precedent for golf courses being located within SSSI's - there are 30 in Scotland
- The land is being overgrown with invasive species which are not being controlled, paths are being lost
- The cessation of shooting activities on the site will lead to advantageous developments for nesting birds
- If left alone, the effects of climate change could be catastrophic for this site in terms of being no motivation to defend or repair the land
- The building of a golf course is an opportunity to manage and improve the land for its native plants and wildlife rather than being left unmanaged which would result in it being taken over by invasive species.

Against

Adverse Impact on Natural Heritage and Protected Species

- Unacceptable impact on a SSSI, SPA and Ramsar site
- Direct loss of SPA and Ramsar site
- The proposal will have a significant negative effect on a unique sand dune habitat
- Adverse impact on a rare species of fly, the Fonsecca fly
- The proposed mitigation measures are unrealistic
- Contrary to planning policy for protecting the natural heritage
- Bats are known to be within a 5km area of the site and should be fully considered in the assessment of the application
- Adverse impact of pesticides/fertilisers on the environment/wildlife
- The area is the last complete dune system not dissected by human development in Scotland
- There is no justifiable reason to over-ride the protection that should be provided by the site's natural heritage designations
- Impact on deer on Coul Links
- Destruction of coastline
- Destruction of natural habitats for younger generations creating a disconnect with the 'real world'
- The Ramsar secretariat should be informed should the application be granted
- The development should be steered to brownfield sites
- Highland Council has a duty of care to protect designated sites especially when alternatives exist
- Contrary to Scottish Planning Policy on natural heritage
- The area around the 16th hole in particular will be destroyed by development
- Significant deficiencies with the Environmental Impact Assessment carried out by the applicant with regards impact on the SSSI which has led to the need to make several resubmissions
- The developers should adjust the proposal to avoid impacts on natural heritage
- Other decisions on golf courses (Dumbarnie) required development to be outside the SSSI with a buffer zone

- Concern that water levels in the dune system will be affected and that water systems will be enriched with nutrients
- No evidence to suggest mitigation measures to prevent sediment run off will be effective
- Adverse impacts to plant life - Kidney vetch plant which hosts butterflies
- No time/care has been taken to prepare a sound ES
- Insufficient consideration given in the ES to lichen which is important in a national context
- Reduction of small scale, localised disturbance from control of rabbits
- Increased nutrient input into the system through fertiliser treatment
- Possible impact of fungicide treatment
- Transplantation of lichens not considered a workable mitigation in the long term
- Contrary to the provisions of Policy 57 of the Highland-wide LDP and Caithness and Sutherland Local Development Plan
- The ES conclusions about biodiversity net gain are incorrect
- There is only weak evidence for invasive species at Coul Links; recent SNH info indicates all habitats in the Coul SSSI sector are in favourable condition except for dune heath.
- The dune heath and juniper translocation plans are considered implausible;
- RSBP highlight specific concerns regarding impacts on the Dornoch Firth and Loch Fleet Ramsar site; it is Scottish Government policy to apply the same level of protection to Ramsar sites as that which is afforded to designated Natura Sites.
- RSPB believe that it is not possible to conclude that the proposed development will not have an adverse effect on the integrity of the Ramsar site and its listed features under the Habitats Regulations
- Coul Links is the last complete dune system that has not been dissected by human development in Scotland; we have already lost the similar dune complexes that existed elsewhere in eastern Scotland.
- Concern expressed regarding inaccuraties of the Environmental Statement and the need for further information to be submitted particulary when the proposal has been subject to so much pre-application discussion with SNH
- No explanation has been provided by the applicants as to why the course cannot be moved to a less environmentally fragile area
- There is no over-riding national necessity or public interest benefit in degrading the integrity of this very special dune habitat.
- Only 17 Ramsar sites in Scotland include sand dunes; the unique value at Coul is due to the range of sand dune habitats represented.
- The ES does not give any information about sand dune habitats in the Ramsar site as a whole, or the extent of same dune habitats on other Ramsar sites - it therefore does not contextualise the important of Coul Links within the wider Dornoch and Loch Fleet Ramsar site
- Concern that water levels in the dune system will be affected and that water systems could be over enriched with nutrients
- No assessment has been made of the seasonal flooding levels, or how it is proposed that these levels would be maintained at a ‘natural level’
- The protected status of SSSI’s must be safeguarded and maintained

- Permanent damage to the area's reputation as a place where wildlife is respected and the natural environment is looked after

Coastal Impacts

- Artificial sea defences which may need to be built will increase a threat to the beach from wave erosion and rising sea level
- Reference to a storm surge in 2012 which caused specific and large scale local damage to Embo Pier, Dornoch Golf course and Golspie sea front. There is potential for further damage as the area would be disrupted by development.

Access and Parking

- Management of traffic - concern regarding impact on Dornoch town centre and impact on sandstone houses from pollution/maintenance of stone
- An alternative route such as the upgrading of Tinkers Drive from the Embo road to the Trentham hotel should be investigated
- Concern regarding drivers not adhering to 30mph limit
- Lines of sight around recent traffic calming measures are poor - further traffic calming measures should be installed
- The Highlands are already struggling to cope with maintaining roads and infrastructure due to high levels of tourism

Economic Considerations

- The development is 'elitism; which is limiting in its economic impact on the majority
- No demand for a golf course in this area
- Adverse impact on the local economy which is very dependent on nature and wildlife tourism
- The NC500 route has already increased the amount of disturbance to wildlife in the area
- Impact on horse riders on C1026
- Drainage/ foul drainage concerns
- Local economic benefits are not certain
- Popularity of golf is declining
- An independent study of economic impact has been provided which finds the economic benefits presented by the ES are inaccurate and overexagerrated (detailed information is provided on this issue in Not Coul's representation)
- Concern the proposal will lead to increasing house prices, pricing out first time buyers
- There is also an economic case for the numbers of visitors that wildlife and the environment bring to Scotland
- Lack of facilities for tourists e.g. toilet facilities, cash point machines and parking particular for coaches. The proposal will exacerbate current problems.

Landscape and Visual Impacts

- Sea defences may be required which would adversely impact on the Landscape Character Type. The ES underplays the impacts on the Long Beaches, Dunes and Links' LCT. A LVIa which properly address the capacity of the landscape to accommodate further golf course development would find significant and adverse effects on this LCT
- The range of viewpoints in the LVIA are not fully representative
- Receptors of significant adverse visual impact are likely to include users of the minor road to Embo, recreational users of the beach and walkers within elevated parts of the sand dunes
- The proposal will impact on the wild land characteristic of the area;

Land Contamination

- Part of the application site is understood to be potentially contaminated by reason of unlawful waste deposits.".

Recreational Access Management Plan / Public Access

- 3 concerns regarding the RAMP: 1) Too minimalist i.e. reliance on signage to avoid bird disturbance by non golfers. 2) Information gap namely the impact on current local recreational use of Coul Links. 3) Baseline Data
- The Recreational Access Management Plan also underestimates the impact of the development on the current levels of access taken on the site.
- Concern expressed with the layout of the course showing seven holes will be played across the line of the existing core path; this is an unacceptable level of risk for walkers using that route. The trail has the potential to be a significant tourist attraction for the north east of Scotland.

Non-material considerations raised in representations:

- A number of representations submitted on the application have been comments on the developer/applicant in a personal context, both positively and negatively, however these are not material considerations in the assessment of the application which is concerned with the proposed golf course.

6.3 **Members will appreciate that a large volume of responses and information have been received in connection with the proposed application, some of which are of a considerable length. The above paragraphs represent a summary of the key issues raised in representations however All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.**

7. CONSULTATIONS

7.1 **Dornoch Area Community Council:** Support the proposed development. Its response notes the following:

Dornoch Area Community Council support the application, assuming all Planning Regulations have been followed, and all wildlife and ecological issues have been considered, and addressed.

Point to Note - a suggestion for an Archaeological Watching Brief.

We trust that the Developers have taken into account the issues around coastal erosion, and any potential for a possible future rail development.

Further Comment - May 2018:

As representatives of the Dornoch community we would like you all to know that we are unanimously in favour of the Coul Links Golf Development.We have consulted widely within the community and have met with the developers and Not Coul representatives.
We have read all documents that have been posted until this point on the Planning Application. Our members have attended every community consultation and presentation on this development for the last 18 months to gain public opinion and further our knowledge on the project.
We care about the area greatly (I personally spent my childhood playing on the links) but the management of the land and the economic impact for our area far outweigh the prospect of losing such a small area of SSSI, which we believe is not lost but better managed.

Our position on the Coul Links development has always been that the area of land would have an enhanced use and there would be management systems in place (which have been sadly lacking on this area of land), to protect the area, Providing that the statutory consultees were happy that it could be delivered without undue detriment to the environment. We believe that SEPA, SNH and various Highland Council departments have the knowledge and experience to make sure the impact on environment and ecology of the area are minimised and restrictions adhered to and serve to enhance our natural environment.

The objectors have attempted to suggest that local opinion is split on the matter, stating that approximately 200 – 300 local people are on each side of the argument. This is simply not true; we have not been able to find these numbers of local objections. In total we have only had 1 letter of objection and 4 emails of objection. These were only submitted to us after it became public we had received no objections about the development. This is an unprecedented low number of objections submitted to the Community Council. Currently there is one petition for the development with 599 local signatures and 341 other supportive comments on the E Planning website. Local groups including Dornoch and District Community Association, Dornoch and District Community Interest Company and Embo Trust

which represent hundreds of members of the community are all in support of the development. Not Coul have submitted a petition signed by 90,000 people, after a FOI the local signatures declared are 106.

THC Development Plans:

7.2

1 The Approved Development Plan

1.1 The relevant approved development plan comprises the Highland-wide Local Development Plan (HwLDP) adopted 2012, the Sutherland Local Plan 2010 (as continued in force 2012) and statutorily adopted Supplementary Guidance. Below is a review of applicable Highland planning policy.

Highland wide Local Development Plan (HwLDP) (Adopted April 2012)

1.2 The following policies are most applicable.

Policy 28 Sustainable Design outlines the Council's support for developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. The policy lists a range of site-specific, development management criteria against which any proposal is assessed. The proposal may have negative impacts against several criteria such as habitats and species, infrastructure network capacity and the physical constraint of coastal flood risk. However, it is also likely to offer a significant positive impact in terms of social and economic growth. The policy test for overall Plan non-conformity is significant net detriment across a range of these criteria. The developer's proposed mitigation offers some magnified positive impacts and reduction of negative impacts.

Policy 29 Design Quality and Placemaking requires any application to make a positive, net contribution to the architectural and visual quality of the place within which it is proposed. The application offers no obvious net detriment and arguably net betterment in respect of this policy topic. The conversion / redevelopment of existing properties is a positive.

Policy 31 Developer Contributions allows the Council to seek from the developer a fair and reasonable contribution in cash or kind towards additional costs or requirements for improved public services, facilities or infrastructure. The development will generate additional off-site travel movements. The shuttle bus service proposal is welcomed but there will be many additional trips made by staff, construction vehicles and car borne visitors.

Policy 36 Development in the Wider Countryside applies to the proposal site because it lies outwith any defined settlement. This contains a similar list of criteria to Policy 28 above. Again, mitigation is offered but will not offset all adverse impacts.

Policy 43 Tourism offers generalised support for a facility of this type. The application will extend the tourism offer at this location and within the wider Highlands and will therefore comply with this policy. It may help extend the tourism season and will increase the number and length of stay of golf tourists.

Policy 49 Coastal Development presumes against development that will be at risk from coastal flooding or erosion and puts the onus on a developer to demonstrate why a coastal location is justified for the use proposed. Obviously, a links golf course, is, by its nature, coastal. However, the eastern margins of the proposal site

are subject to coastal flood risk and erosion. Both of these issues have been assessed and mitigation offered. Nearby Golspie Golf Course is a case in point where coastal storm surge damage has affected the playability of the course and led to expensive coastal protection works being undertaken. I understand that possible compromise layouts have been discussed but it has been difficult to reconcile the competing aims of golfers being offered elevated seaward views from tees and greens and the dune habitat and natural coastal defence being affected.

Policies 51 and 52 seek to retain trees and woodland and if loss occurs to require compensatory provision. The proposal results in a loss of trees and doesn't appear to offer compensatory provision.

Policy 56 Travel requires development proposals that involve travel generation to include sufficient information with the application to enable the Council to consider any likely transport implications, and, amongst a number of requirements, requires that such developments can be served by the most sustainable modes of travel. The application will generate additional travel movements. These implications have been assessed and mitigation offered. The adequacy of off site road improvements and on-site cycle parking is uncertain.

Policy 57 Natural, Built and Cultural Heritage together with Policies 58 and 59 on protected and other species require all development proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting in the context of the policy framework of heritage features. The application site overlaps and is in close proximity to many regional, national and international heritage features. It is noted that Scottish Natural Heritage objects to the application and that they regard the 8% net irreversible loss of sand dune habitat within the SSSI total as a significant adverse impact. Given such a degree of impact Policy 57 requires that a development proposal must have social or economic benefits of national importance that clearly outweigh its adverse environmental impact and that the development will support communities in fragile areas that are having difficulties in keeping their population and services. It is debatable whether an 8% loss is significant but also whether the new course delivers benefits of national importance or supports communities in Highland's fragile areas. The mitigation of adverse environmental impact offered is limited.

Policy 61 Landscape requires developments to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This should include full consideration of the scale, form, pattern and construction materials and the cumulative effects of development. Visual and landscape impact mitigation has been offered and from the visualisations appears reasonable.

Policies 64, 65 and 66 require assessment and no net detriment in terms of flood risk and drainage impact including water quality impacts. The type and quantity of mitigation of adverse effects offered should be at least partially effective but uncertainties remain about the longer term need for public sewerage and coastal flooding / erosion measures in view of possible future expansion and climate change effects.

Policy 74 Green Networks and Policy 75 Open Space are relevant in that the proposal provides an opportunity to enhance the land's public amenity value and to provide additional, connected habitat in compensation for that lost as a result of the formation of turfed tees, greens and fairways. The applicant has offered translocation of affected habitats.

Policy 77 Public Access requires safeguarding of, no net detriment to, and/or enhancement of access routes. The retention and partial enhancement of the core path is offered in mitigation but this will cross the course at several points creating interruptions if not danger to the flow of both golfers and walkers. A diversion of the path may have been a better solution.

Sutherland Local Plan June 2010 (as continued in force April 2012)

1.3 The following policies are most applicable.

- The pre-application site does not benefit from any specific allocation. Sections B (Strategy) and C (Vision) set out generalised support for new / expanded tourist facilities but also generalised protection for the area's outstanding natural heritage. This natural heritage is reflected on the Plan's proposals map which shows the international designations overlapping the site as a red colour triggering the HwLDP Policy 57 which is detailed above.
- The only specific site allocation relevant to the proposal is Embo B1 which is a business allocation to allow the expansion of the existing holiday caravan park. It directly borders the south eastern edge of the proposal boundary. This allocation has minor compatibility issues with the golf course proposal in that the golf course layout will create a risk of errant shots affecting future development of this land and may prompt the need for high netting to mitigate this risk which would cause an adverse visual impact.
- The Embo section of the Plan also flags up wider issues which are likely to be pertinent to this proposal. Seasonal water supply / pressure limitations, the lack of capacity on the Dornoch / Embo road, the absence of mains sewerage in the wider area, and the recreational pressure on the dunes system and other natural heritage in the area, are all referenced.
- The Natura sites are given specific reference as a development factor and the need for Appropriate Assessment made clear.

Statutorily Adopted Supplementary Guidance (SG)

1.4 The Council's Developer Contributions and Flood Risk and Drainage Impact Assessment SGs are the most applicable to this application. Transport Planning, the Council's Access Officer and SEPA have all commented on the mitigation/betterment required. This golf course development should be treated as a business / tourism proposal for the purposes of developer contributions and is therefore potentially liable for contributions towards transport, waste management, green infrastructure and public art.

Overall Development Plan Conformity

1.5 The approved development plan does not contain any content specific to this site and/or proposal. As such, assessment of conformity requires interpretation of general policies judged to be relevant to the application. As stated above, several Highland planning policies point in favour of the proposal and several against.

1.6 It is for the decision maker(s) to judge positive and negative policy considerations.

1.7 Notwithstanding the above, from the information currently available, in particular in relation to the adequacy and likely effectiveness of mitigation currently proposed, the development appears to pose more risks than it does benefits. For example, the developer has shown a reluctance to commit to effective mitigation whether this is: off site transport improvements; amending the course layout to reduce the loss of sand dune habitat and to provide a greater buffer to the coast; public sewerage; public access arrangements that separate golfers from walkers; compensatory tree planting; or, on-site cycle provision. Indeed, taking a longer term view, with predicted sea level rise and a likely increased frequency of more intense storm events, any development that lies so close to the coast should be assessed with caution in mind.

2 Other Material Highland Planning Policy Considerations

2.1 The replacement for the Sutherland Local Plan, the **Caithness and Sutherland Local Development Plan (CaSPlan)**, has reached an advanced stage. It was approved as a Proposed Plan on 4 November 2015 and now represents the settled view of the Highland Council. One respondent to the Plan sought a specific, positive reference to the Coul Links proposal. The Council declined to include such a reference given the adequacy of the separate development management application process and the timing of the application submission, late in the Plan process. The Scottish Government appointed Reporter in his conclusions on CaSPlan agreed with this approach.

2.2 CaSPlan identifies the east coast of Sutherland including the application site as part of a tourism corridor. The supporting text to the Dornoch section references the importance of Royal Dornoch Golf Course as a key tourist facility attractor. The Plan's vision and spatial strategy also provides generalised support for tourism employment proposals but also for environmental protection.

2.3 Embo is not mapped in the emerging Plan rather it is classified as a "growing settlement" which means it and several others are covered by a single, criteria based policy which is used to assess all proposals. These criteria point in different directions when applied to the pre-application proposal (if we assume that the proposal should be judged in connection with the future of Embo). For example, the proposal may enhance local facilities and amenity but may stretch local infrastructure networks. The Embo specific text references the need for improvements to the Dornoch to Embo road and the need to safeguard the species and habitats closeby in particular from recreational disturbance.

7.3 **THC Transport Planning:** No objection to the development proposed, subject to the above matters being addressed to the satisfaction of the Council, as roads authority.

The proposal to operate the shuttle bus service from the vicinity of Dornoch Golf Club is welcomed. As previously advised, the potential routing of the service via Embo is supported in principle by the Council, but detailed operation of such an arrangement will require to be agreed with the Council's Public Transport Officer.

The proposed works at the site access and C1026, as indicated on the attached drawings, are agreed in principle. Detailed design and construction, including the provision of junction visibility splays commensurate with the assessed speed of main road traffic approaching the site access, will require to be agreed with the Council, as local roads authority. Unless otherwise agreed, minimum junction visibility splays of 4.5 metres x 180 metres in each direction would seem appropriate.

The commitment of the applicant to provide traffic calming measures on the C1026 north of Embo Street is welcomed. The final details of such measures will be subject to consultation with interested parties in accordance with the Department of Transport Traffic Advisory Leaflet, 11/94. The measures proposed shall also be subject to staged safety audits in accordance with the requirements of the Design Manual for Roads and Bridges.

In addition to the above, as noted in my consultation response of 1.11.17, appropriate planning conditions will be needed to secure the following.

- Prior to the start of any works at the site, a Construction Traffic Management Plan shall be established by the developer in consultation and agreement with the Council, as roads authority.

  The CTMP shall generally minimise and control the impact of construction related traffic and, as a minimum, should include the following.

  - Proposed measures to mitigate the impact of construction traffic on the routes to the site following assessment of the affected roads.
  - Measures to avoid conflict with school opening/closing times and any planned local events.
  - Details of appropriate traffic management measures to be established and maintained for the duration of the construction period.
  - Measures to ensure that all affected public roads are kept free of mud and debris arising from construction traffic.

- Prior to the development becoming operational, a Travel Plan shall be introduced and a Travel Plan Coordinator appointed, all in accordance with the details submitted by the applicant.

Note.
No works within or alongside the public road shall commence until appropriate permission from the roads authority has been granted. Application enquires should be made via the Councils website, www.highland.gov.uk , or by contacting General

Enquires, tel. no. 01349 886606.
The detailed requirements of all works affecting the public road shall be agreed through the application process.

7.4 **THC Access Officer:** Raises concerns regarding compliance with Policy 61 of the Highland-wide Local Development Plan (Landscape). The proposed development encompasses a wide area of land on which recreational access rights, as provided by the Land Reform (Scotland) Act 2003, are exercisable by the public in addition to two public rights of way where a public right of passage has been created at common law. The change in use of the land to a golf course does affect the exercise of access rights as some land within a golf course is no longer land that access rights may be exercised upon, notably greens and tees. Whilst other areas of the course may be only accessed for the purposes of passage and cannot be used for general recreational activities, namely fairways, and this will affect how the public access the wider area than they do at present.

Numerous viewpoints have been used in the Landscape and Visual Impact Assessment along the core path (no.s 5, 6 and 9), which is welcome. However there are no view points within the dune system itself particularly from the high/primary dune running along the coast which is regularly used by the public, particularly the area proposed for the 15th green which is in close proximity to Embo and has a considerable level of use by the public.

The applicants assessment of the views from the visual receptors 5,6 and 9 (which are on the core path) have all been classed as high value by the assessment (page 34) and also all these points have been assessed as having a high sensitivity (page 72), though with medium magnitude of change during the operation of the development. The applicants assessment of the significance of effects on the receptors (page 74) states that there will be significant effects on visual receptors close to and within the proposed development during both the construction and operation on the development in including on short sections of the core path which could be assumed to be viewpoints 6, 9 and 10. The conclusion of the assessment suggests that the low number/limited occurrence of significant effects ensures the proposed development will retain and maintain the distinction landscape character of the baseline coastal landscape. I do not agree with this conclusion. 3 of the 10 VP's are assessed as having a significant effect on the landscape by the applicants and these effects are of receptors of high landscape value and sensitity. This is not withstanding assessing the impact of the development from a view point on the high/primary dune, which has not been carried by the applicant, which would most likely result in a significant effect. Such results in my opinion are not low in number or of limited occurrence as they affect a key element of the current access/amenity provision on the site, namely recreation in an area of high landscape value. As such I do not consider the development proposed accords with Policy 61 of the HWLDP.

Policy 77 – Public Access Where a proposal affects a route included in a core paths plan or significantly affects wider access rights, then the Council will require it to either –retain the existing path while maintaining or enhancing its amenity value; or – ensure alternative access provision that is no less attractive, is safe for public use and does not damage or disturb species of habitats.

The applicants have taken a decision not to build upon or alter the core path affected by the development. So in simple physical terms the development could be said to have no effect upon the core path, though there is likely to be minor disturbance to the core path during the construction phase. However the amenity value of the core path is affected. The development will negatively affect the visual amenity of core path users (as detailed previously in these comments), the playing of golf over the core path will also have a negative affect but the development could be said to increase some aspects of the amenity of users of the core path by increasing available access provision including circular and constructed/improved routes for use by the public.

Wider access rights are affected by the development in that paths currently used by the public are proposed to be built upon, namely numerous paths and desire line that cross the fairway for the 14th and fairway, tees and green for the 15th. The impacts on the wider access rights in this area are the same as for those on the core path. The use of the wider area for recreation by the public has been noted in the application, page 42 of the ES, but no detail has been provided with regards maintaining or enhancing the amenity.

The 16 November 2017 Public Access Management Statement submitted by the applicants states that signs will be placed on the core path so that users will be aware of the direction of golf in play and that signs for the golfer will instruct them to wait before playing their shot. This “right of way”/priority for users of the core path will mitigate the impact of some elements of the amenity of those users but not all. Similar mitigation is not possible for the more informal paths that cross the 14th and 15th holes as the direction of play, particularly for the 15th, is along the line of travel by the public.

The loss of land for the exercise of access rights, on the greens and tees, is unlikely to be significant apart from the paths and informal desire lines affected by the 15th hole. The public will be able, subject to any provisions specified in any Recreational Access Management Plan, to access or pass over almost all the remaining areas proposed to be converted to the golf course.

Golf courses in Scotland have traditionally provided the public with a variety of recreational access resource and in particular this is more evident on Links courses. Nearby courses at Dornoch, Tain, Fortrose and Golspie are all used by the public for recreation and it would be inappropriate to say this development could not be undertaken without significant impact to recreation needs. Yet this development is a proposal that has been started from a blank sheet of paper, compared to the evolution of recreation on the aforementions historic courses, and I do not consider

this proposal has adequately considered public access in the context of the HWLDP policy 77 as no meaningful attempt has been made to maintain aspect of the current amenity offered by the site.

Should the development be given permission the conditions should be attached to the planning permission.

- A Recreational Access Management Plan (RAMP) shall be approved by the Planning Authority and Scottish Natural Heritage prior to the commencements of any development. The RAMP shall cover but not be limited to the construction, establishment period, playing season and the closed season.

Reason – in the interests of amenity, public safety and natural heritage

- Public use of the core path shall take preference to that of users of the golf course when golfers are playing over the core path. That is golfers shall give way to walkers,riders, cyclists etc. on the core path.

Reason – in the interests of amenity

- All golf course signs related to the management of the public on the course shall be removed from the course during the closed season (December to March) subject to any signs installed for the purpose of protection of the natural heritage as specified in the Recreational Access Management Plan or to control the public access to land on which access rights are not exercisable.

Reason – in the interests of amenity

If there is to be a construction management plan to be approved by the planning or roads authority prior to starting the development, the Access Officer should be consulted to ensure the construction management plan does not contradict the Recreational Access Management Plan.

7.5 **THC Environmental Health Officer:** No objections. The development includes construction in proximity to noise sensitive properties. Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However a construction noise assessment should be submitted if:-

- It is proposed to undertake construction work, which is audible at the site boundary, outwith the hours of Mon-Fri 8am-7pm; Sat 8am-1pm or;
- Noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works.

7.6 **THC Archaeology:** No objections. I am pleased to see that the ES has provided a comprehensive assessment of the potential impacts of this development. An Archaeological Management Plan (AMP) or Written Scheme of Investigation (WSI) must be submitted by the applicant and approved by this office. The approved programme must be implemented. To ensure that the required mitigation is carried out, please attach an ARC01 condition to any consent issued.

7.7 **THC Historic Environment Team**: No objections. The proposal includes the alteration (including partial demolition) and renovation of a number of buildings, all of which (except the railway hut) are considered to be curtilage listed. The earlier site visit and plans included with the application give sufficient detail to provide support for the broad aspirations of the project, and overall the intention to renovate and re-

use the existing buildings on site is welcomed and supported. However, the detail of the proposed alterations will need to be subject to a separate application for Listed Building Consent and Planning Permission and it is not until this stage that the proposal for each building can be considered in detail.

7.8 **THC Contaminated Land:** No objections. Parts of this site have previous uses which may have caused contamination. I have read Annex C of the Environmental Statement which does not address these concerns sufficiently. Therefore a land contamination condition (as outlined below) is recommended. Please note that this condition only applies to the land immediately under and around the agricultural buildings and former pits. The Applicant shall provide information on the use of pits in the site area, specifically indicating whether or not they have been infilled, and if infilled, the provenance of the material. The NGR of the puts have been previously provided to the Applicant and are contained within their Environmental Statement (page 232 of Annex C). In addition, the Applicant shall complete the attached Steading Questionnaire and provide further information on the former Sheep Wash denotes on OS maps at NGR 281082 894113.

Further Comments - May 2018 - I wish to revise the response to the above Planning Application. In my previous response I noted that there was the potential for contamination with certain parts of the site associated with former borrow pits and agricultural use. Additional potential sources of contamination have been brought, and I therefore recommend that the following more detailed condition be applied to any consent granted. Please note that I would expect a full Phase 1 Desk Survey to be carried out initially for the whole site boundary within 17/04601/FUL. This Desk Study can zone certain parts of the site which may have no potential for contamination such that development could commence in parts of the site while investigation and/or remediation (if needed) were still ongoing in other parts of the site.

No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;

ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;

iii. measures to deal with contamination during construction works;

iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;

v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

7.9 **THC Forestry Officer:** Within the red line of the planning application and predominantly to the east of the old railway line there are several patches of emerging and established mixed broadleaf woodland which is generally quite stunted. These woodland areas are dominated by birch, goat willow and rowan of relatively poor form and with stem diameters which are generally too small to be individually assessed under BS:5837(2012) although there are over 100 trees which merited individual recording/ assessment due to their size. In addition there is an area off to the north-east of Coul Farm which appears to have been lodgepole pine woodland which has been clearfelled in recent years, but does not appear to area been restocked.

Policy 51 (Trees and Development) of the Highland wide Local Development Plan (HwLDP) states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.'

There is no woodland within the site which is listed on the Ancient Woodland Inventory. The proposals represent a potential loss of woodland and therefore the Scottish Government's Control of Woodland Removal policy will apply - Section 218 of Scottish Planning Policy (June 2014) states that 'The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.' If the proposals were to offer public benefit in economic, social or environmental terms then an equivalent area of equal or better quality woodland would need to be planted elsewhere.

Three areas of woodland were large enough to be captured in the Forestry Commission's Native Woodland Survey of Scotland. The southern polygon is classed as pole stage Scots pine, with 70% canopy coverage, but this is the southern end of an area of clearfelled lodgepole pine, so there must be some mistake in the record. The two polygons further north are recorded on the NWSS as upland birchwood which is fully native and fully semi-natural therefore inferring high ecological value.

The applicant has provided a Tree Survey Report, a set of three Tree Constraints Plans and a set of three Tree Removal Plans. The Tree Survey Report claims to accord with BS:5837(2012), but unfortunately does not quite reach the mark. While the groups of trees have been recorded in a schedule with notes including average heights and some comment on condition and value, the individual trees have not been recorded in a tree schedule. The individual trees have been shown indicatively with circles on the Tree Constraints and Tree Removal Plans, but the actual trees are not apparent on the aerial photography which is being used a s the base layer, so the accuracy of the individual tree plotting seems questionable.

The Tree Removal drawings show the proposed removal of group G8 and partial removal of groups G11, G12, G13, G15, G17, G18 & G19. Individual trees 45, 46, 75, 77, 78, 79 & 80 are proposed to be removed due to development and tree 71 is proposed to be removed due to poor condition.

In terms of tree removal, this application does not represent a significant impact, and I have no objection to the principle of the proposed tree removals. I am however concerned by the disappointing lack of proposed tree protection measures for retained trees and the absence of a compensatory tree planting plan to replace the trees/ woodlands which are proposed to be removed. I am therefore not in a position to support the application as it does not comply with Policy 51 of the HwLDP or with Scottish Government's Control of Woodland Removal policy (Section 218 of Scottish Planning Policy). I look forward to receiving additional supporting information (Tree Protection Plan to BS:5837(2012) and detailed Compensatory Planting Plan) before I would be in a position to comment further.

7.10 **THC Landscape Officer:** No response

7.11 **Scottish Natural Heritage:** Object in respect of the effects on the sand dune interest of Dornoch Firth & Loch Fleet Ramsar Site and Loch Fleet Site of Special Scientific Interest. SNH's comments are included in full in an Appendix to this report.

7.12 **Scottish Environmental Protection Agency (SEPA):** Initially objected however this has been subsequently withdrawn subject to conditions relating to waste water drainage and securing a Schedule of Mitigation. SEPA's comments have been included in full in an appendix to this report.

7.13 **Scottish Water:** No objections however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Scottish Water advise the developer should contact them directly via a Pre-Development Enquiry.

7.14 **Historic Environment Scotland:** No objections/comments however recommend further consultation with HES on any Listed Building Consent application for the refurbishment of the Category B listed Coul Farmhouse.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

28	Sustainable Design
29	Design Quality and Place Making
30	Physical Constraints
31	Developer Contributions
36	Development in the Wider Countryside
43	Tourism
49	Coastal Development
51	Trees and Development
56	Travel
57	Natural, Built and Cultural Heritage
58	Protected Species
59	Other Important Species
60	Other Important Habitats and Article 10 Features
61	Landscape
62	Geodiversity
63	Water Environment
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage
72	Pollution
74	Green Networks
77	Public Access

8.2 **Sutherland Local Plan 2010 (As Continued in Force, 2012)**

The general policies which applied previously in respect of the application site have been superseded by the provisions of the Highland-wide Local Development Plan.

9. OTHER MATERIAL CONSIDERATIONS

9.1 **Draft Development Plan - Modified Proposed Plan, 2016**

Caithness and Sutherland Local Development Plan - Policy 3 (Growing Settlements)

9.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide

Historic Environment Strategy

Highland Statutorily Protected Species

Green Networks

Flood Risk and Drainage Impact Assessment

9.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

PAN43 - Golf Course and Associated Development

10. PLANNING APPRAISAL

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

10.3 The site is not covered by any site specific allocations in the adopted Sutherland Local Plan or forthcoming Caithness and Sutherland Local Development Plan. The Sutherland LP does, however, set out wider issues for the Embo area which are likely to be pertinent to the proposal including seasonal water supply/pressure limitations, the lack of capacity on the Dornoch/Embo road, the absence of mains sewerage on the wider area and the recreational pressure on the dunes system and other natural heritage in the area. The Caithness and Sutherland Local Development Plan sets out an overarching vision up until the year 2035. This ties in with the Highland Community Planning Partnership Single Outcome Agreement. The vision includes, for example, a network of successful, sustainable and socially inclusive communities where people want to live, which provide the most convenient access to key services, training and employment and are the primary locations for inward investment. In lieu of any site specific policies, the development must be assessed primarily against the general policies of the Highland-wide Local Development Plan which give regard to, for example, access, siting, design, drainage and other material considerations. In this instance, due to the natural heritage designations within the site, specific consideration must be given to those policies concerned with environmental impact as listed in Section 8 above.

10.4 The proposed development has been subject to pre-application discussions over the course of the last two years, with the applicant/agent as well as statutory consultees. This included provision of pre-application advice in November 2015 through the

Council's formalised pre-application advice service for major developments. It was concluded that the Planning Authority would, without prejudice, welcome such a development opportunity subject to any necessary mitigation works which may be highlighted by statutory consultees, and the full assessment of any third party comments which may be received during the processing of any planning applications.

10.5 The development plan supports the principle of the proposed development particularly through Policy 43 Tourism which offers generalised support for a facility of this type albeit not specifically at this location. However there are a number of natural heritage designations partially covering the site, including those of international importance, therefore environmental assessment of likely site specific impacts and the feasibility are key determinants of the overall development plan conformity. Such impacts, and additional material considerations are considered below.

10.6 **Siting and Design including construction**

With regards to the design of the golf course itself the ES outlines that this has evolved extensively since the initial site visits in 2015 in order to respond to a greater appreciation of the natural landforms and features present on the site and the desire to include an opportunity to gain views west wards towards Loch Fleet. As a result, the layout presented utilises the natural landform to such a point that minimal works will be require to convert the area to golf.

10.7 From within the working areas (tees, greens, surrounds, fairways, semi-rough, managed rough and grass pathways), vegetation will be removed together with the superficial layer of partially decomposed organic matter. This will be spread within the working areas using a process of sand inversion i.e. excavated sand will be used to cap the organic matter to form shallow localised mounds which blend with the surrounding landscape. A heather transplantation plan will involve preparation of the 'donor' areas and the translocation of heather (from within the playing areas of the golf holes). The impacts of this on the natural heritage designations are discussed elsewhere in this report.

10.8 Grading works will involve:

- Localised raising of low areas for drainage importing 0.5m - 1m depth of native sand depending on the proximity of groundwater level;
- Smoothing contours - primarily cut and fill through sections of more abrupt level change within the primary playing areas;
- Development of features, tees, greens and bunkers. This will involve subtle reshaping on a localised basis.

Additional sand for raising levels and shaping of features will be imported from borrow areas within the proposed site, located as noted on the accompanying plans.

10.9 The proposal also requires some areas of tree removal; these are not forestry plantation but naturally wooded and unmanaged areas. As such, the trees to be removed are generally stunted in growth or immature. Around 0.39 hectares of trees are to be removed; some of which will be cut into manageable sections and placed within areas of existing conifer woodland and scrub to east of Fourpenny Road as

stacked timber. This will provide deadwood habitat to encourage biodiversity within the woodland and natural degeneration of the timber. Compensatory planting would be required in order to offset the loss of trees; this would require to secured by condition in the event that any consent is granted. Further information is requested by the Forestry Officer, specifically a Tree Protection Plan and a Compensatory Planting Plan. Such requirements would also require to be subject to condition in the event that consent is granted.

10.10 **New Buildings/ Re-use of Existing Buildings**

It is proposed to erect two new buildings on the site; a clubhouse and a maintenance facility. The maintenance facility proposed comprises of a new agricultural style golf course shed; this is a wide span steel structure clad in a dark green profiled metal sheeting and will house workshop, storage, offices and messing area for green keeping staff. There is also provision for a large forecourt and service yard. The building will have a height to the eaves of 3.1m and an overall height of 4.5m and will be dug into the existing landscape to minimise visual impact.

The clubhouse is a single storey building with an external footprint of 574m². The ES outlines that its design derives from the geometry, proportions, scale and materials of the existing buildings on the site and particularly the steadings.

10.11 Elsewhere the proposal benefits from being able to re-use existing stone buildings which were previously used for both residential and agricultural use. The large stone steading will be converted to be utilised for storage and caddy workshop. The small stone store adjacent to the steading, formerly the Smithie, will be used as a Caddy Hut. The pair of semi-detached 1.75 storey stone cottages, dating from 1874, will be used for offices (the cottages are to be combined). A further single storey cottage, also dating from the 1870's, is also to be converted to a professional's shop.

10.12 An existing former railway hut exists within the proposed course area on the former Embo to Golspie railway line. The simple brick single storey structure will be renovated to return it to its original conditions and it will be used for permanent interpretation displays to inform the public about the site's environment.

10.13 The works to the existing buildings listed in the above paragraphs, as well as the proposals for new structures, would all be subject to further detailed planning applications as well as listed building consent applications for the existing buildings. This is due to the buildings being listed in association ('curtilage listed') with Coul Farmhouse, which is B Listed. Initial indicative proposals for the renovation of the buildings are provided in the Design and Access Statement which, in principle, are considered to be acceptable at this stage. Such proposals include repointing of stone work in lime mortar and removal of later 20th century additions such as lean-to extensions.

10.14 On the whole, it is considered that the extent of building works have been minimised particularly through the re-use of existing buildings wherever possible. Such an approach is supported by both local policy through the Highland-wide Local Development Plan as well as at a national level through Scottish Planning Policy. In addition, by the being subject to future Listed Building Consent applications, the re-development of the steading buildings can be informed by policy and guidance

concerned with management of change in the historic environment. This will ensure the buildings are sensitively restored and that materials appropriate to the building are utilised.

10.15 **Amenity Impact**

There is limited noise emanating from a development of this type during its operational phase. A Noise Impact Assessment has been submitted with the application which provides an assessment of potential noise assessment at noise sensitive properties in Embo village, Coul Farm Cottages and an unnamed property to the north east of the site which concludes that there would be no detrimental noise impact. There may however be noise impact as result of the construction phase. The applicant has however confirmed that it is not proposed to undertake construction work, which is audible at the site boundary, outwith the hours of Mon-Fri 8am-7pm; Sat 8am-1pm and that noise levels during the above periods are not likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. In light of this, no noise assessment is required by Environmental Health.

10.16 Notwithstanding the above there is a requirement for developers to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance under the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels. Should any consent be issued, an informative can be set out which invites the developer to discuss the construction noise level with relevant Environmental Health officers.

10.17 No details of proposed lighting have been submitted with the application. It would be expected that some lighting will be required during twilight and early evening. A lighting strategy would therefore be required and it would be expected that should comprise of low level bollard lighting, lighting columns and building mounted lighting (or similar measures) so as to minimise light pollution. Should any consent be granted, a pre-commencement condition could be added to require the submission of a strategy to be confirmed by the Planning Authority prior to works commencing.

10.18 **Landscape and Visual Impacts**

There are landscape designations covering and close to the site. The Dornoch Firth National Scenic Area (NSA) is located approximately 3.5km to the south of the site. The Loch Fleet, Loch Brora and Glen Loth Special Landscape Area runs across the northern part of Coul Links therefore part of the site falls within this designation. As such there are landscape sensitivities and the location of the site within the SLA means that there is potential for the proposed development to have some adverse impact.

10.19 The ES notes that the golf course has been through several iterations, taking account of comments received from statutory consultees in light of the site designations. The final course layout gives due consideration to the sensitive nature of the site and its environs by taking into consideration detailed environmental constraints outlined after more thorough ecological, ornithological and hydrological investigation.

10.20 The ES outlines that the designer's approach to the layout of the golf course is to intervene as little as possible with existing landforms and vegetation cover, utilising the existing topography and constraints to add to the character and uniqueness of the course wherever possible. The principal landscape and visual effects that are likely to arise will occur during construction of the course when there will be a requirement for construction activity such as earthmoving, re-profiling and vegetation establishment. However, once construction works have been completed and the course has established, the ES concludes that the landscape impact arising from the proposed development will be of a limited magnitude and not deemed significant.

10.21 Indeed the site is located within a relatively self contained area to the north of Embo with limited visibility across the wider area. Views are most likely to be obtained in short range distances, most notably from Littleferry located across the Firth to the north and from more elevated sections of the A9 trunk road some distance to the west.

10.22 A Landscape and Visual Impact Assessment has been submitted with the application, including photographs from 10 locations to consider short to medium range views. Some photomontages have also been provided; these are a useful tool in allowing visual impacts to be assessed however they are just one aspect of the assessment. The selected viewpoints are intended to provide an assessment of visual impact across a range of receptors. 6 of the viewpoints are afforded a 'high' value, with 3 assigned a medium-high value and the remaining with a medium value.

10.23 The great majority of effects on views will not be significant due to a lack of, of very limited, visibility of the proposed development. For example, the communities of Fourpenny and Littleferry (Viewpoints 4 and 1), the recognised viewpoint near Skelbo Castle (Viewpoint 7), the path to the north of the site (Viewpoint 8) and stretches of the core path will not have significant effects during both the construction and operational phases. There will however be some significant effects on visual receptors that lie within, or very close to, the proposed development.

10.24 The construction operations for the proposed development are likely to give rise to temporary, short term significant effects on views from some short stretches of the core path, several elevated locations within the site including the Donnie Kye memorial bench (VP 9 and 10); limited parts of the northern edge of Embo and a short stretch of the minor road to the west as it passes through the new site access.

10.25 These significant effects arise from the combination of the levels of sensitivity of these visual receptors and the medium to high magnitude of change upon them, and is considered to be adverse due to the nature of the change. However, once the course is established and better integrated with the landscape of the site the effects will become not significant due to the reduction of magnitude to a low or medium-low level. Significant effects arising from the operational phase of the proposed development will therefore be limited to stretches of the core path, the Donnie Kye Memorial Bench and the site overview point (VPs 6, 9 and 10). Although such effects are significant, it is not considered that the overall impact is significantly *detrimental.*

10.26 **Access and Parking**

Vehicular access will be via a single access point; which is to be a new access to be created from the existing C1026 Dornoch - Fourpenny Road. The C1026 is a rural road that runs north to south adjacent to the western boundary of the site. It has a total length of around 9.5km between the A9 Cambusnavie junction and the Castle Street/Church Street fork in Dornoch. The road varies in standard with some single carriageway sections as well as some single track sections with passing places. The proposed site will have its sole access point from this road. In recent months, significant improvement works have been undertaken to the road to widen sections to single carriageway from single track between Dornoch and the Embo junction. As part of this application, further road widening in order to facilitate two way movement has been proposed for the C1026 road between the site access junction and the Embo junction. The applicant would also be required to provide additional traffic calming measures between the Embo Street junction and the east end the settlement (a distance of 500m). The full details of all works affecting the C1029 including the site access shall be agreed with the Council through Roads Permit process.

10.27 Cars will arrive from the new access road created across the existing farmland. This shall be a single track road with passing places, consistent with the rural area. A turning area and drop off point will be created close to the proposed professionals shop and clubhouse. A car parking area is also proposed beyond the steadings which will provide a total of 85 spaces as well as coach parking. In terms of wider access considerations, the proposed development lies some distance from the nearest bus stop, which is 1.6km south of the site. Therefore, in order to enable and encourage access by alternative modes of transport, it is proposed to run shuttle bus services taking passengers to and from Dornoch such as from the existing Royal Golf course and potentially a local service to and from Embo. The ES estimates that such a shuttle bus could halve the impact of operational traffic on the local road network.

10.28 A Construction Traffic Management Plan will help to mitigate any traffic related environmental impacts associated with the construction phase. This will ensure planning deliveries and removals which will aim to limit the overall generation of traffic movements and associated noise and air pollution. A dedicated haul route has been incorporated into the layout which has been designed to follow the routing of the golf course only. Thereafter, in the operational phase, when an increase in golfing traffic is expected, it is proposed for the development to appoint a Travel Plan Co-ordinator to implement the Travel Plan which is included in the ES. The objective of the plan is to manage the number of car-borne trips (particularly single occupancy trips) and encourage sustainable travel patterns associated within the proposed golf course for both staff and visitors.

10.29 Transport Planning are generally content with the findings of the ES and the proposed measures. In particular, it is advised that the provision of a shuttle bus is supported in principle however the details of this will require to be clarified. Similarly full details of the proposed road widening works will be required; this matter will also be addressed as part of a formal Road Opening Permit or Road Construction

Consent process however it is noted that additional road improvements in the form of traffic calming measures will also be required on the single track section of road immediately north of Embo Street in the Hilton of Embo area.

10.30 In terms of parking, Transport Planning advise that the proposed level of car parking is considered to be sufficient for the proposed golf course however some overflow parking will also be required (in the event that the golf course hosts an event for example). Areas of overflow parking can be relatively however would need to be identified on plan; this is a further matter which require to be addressed as part of a planning condition. Similarly provision will require to be made for parking and cycle parking to be used by golf caddies.

10.31 Should any consent be granted, conditions would be required to ensure a Construction Traffic Management is submitted and agreed prior to the start of the works and for the Travel Plan to be introduced (by a Travel Plan Co-coordinator) prior to the development becoming operational.

10.32 **Public Access**

The Access Officer outlines that the proposed development encompasses a wide area of land on which recreational access rights, as provided by the Land Reform (Scotland) Act 2003, are exercisable by the public in addition to two public rights of way where a public right of passage has been created at common law. The methods for exercise of these access rights can be summarised into the following ways;

- Access along the foreshore and upper beach areas.

- Well trodden paths from the Embo football pitch and Back Street to the dune area, by the Cluain Burn and continuing along the high/primary dunes.

- The old railway line from Station Road and Embo football pitch towards Foupenny.

- Sporadic use of the wider dune and links area for irregular wandering from the foreshore to the old railway line

The change in use of the land to a golf course does affect the exercise of access rights as some land within a golf course is no longer land that access rights may be exercised upon, notably greens and tees. Whilst other areas of the course may be only accessed for the purposes of passage and cannot be used for general recreational activities, namely fairways, and this will affect how the public access the wider area than they do at present.

10.33 A Core Path dissects the site, running from Embo village in the south towards the north west boundary of the site. Essentially the core path will left untouched, with some minor regrading works undertaken at various points during earthworks. The ES outlines that such changes will not impact on the functionality or accessibility of the core path. Seven of the golf course holes will be played across the core path, bringing the public into contact with active play over these areas of the path. The ES outlines that extensive consideration was given to the core path and its uses during the evolution of the golf course design with no other practical layouts that could be achieved that would be reduce the number of occasions upon which the gold course

would cross the path. This is due to the nature of the land forms and the desire to utilise the land for the existing topography of the land thereby minimise the earth movement requirements for the golf course.

10.34 Diverting the core path to reduce such interactions was also considered as part of the process however was discounted as it was not considered to raise any safety concerns due to the excellent visibility and sight lines on all seven occasions where the golf course plays across the path. Secondly, it is proposed to erect appropriate signage on the tees in question. This is consistent with the approach taken at a number of other golf courses in the Highland area. The Access Officer has outlined that: "the loss of land for the exercise of access rights, on the greens and tees, is unlikely to be significant apart from the paths and informal desire lines affected by the 15th hole. The public will be able, subject to any provisions specified in any Recreational Access Management Plan, to access or pass over almost all the remaining areas proposed to be converted to the golf course."

Golf courses in Scotland have traditionally provided the public with a variety of recreational access resource and in particular this is more evident on Links courses. Nearby courses at Dornoch, Tain, Fortrose and Golspie are all used by the public for recreation and it would be inappropriate to say this development could not be undertaken without significant impact to recreation needs.

10.35 Wider concerns have however been highlighted by the Access Officer relating to the amenity currently offered by the site in relation to the core path. In particular it is noted that numerous viewpoints have been used in the Landscape and Visual Impact Assessment along the core path (no's 5,6 and 9), which is welcome, however the significance of effects is disagreed particular with regard access/amenity provisions.

10.36 **Socio-Economic Impacts**

The ES outlines that golf is a major driver of economic activity in Scotland. Research commissioned in 2013 by the Scottish Golf Union determined that in 2011 golf contributed £496 million Gross Value Added (GVA) to the overall Scottish economy and supported approximately 20,000 jobs. However the applicant's research has indicated that growing number if golfers visiting the Highlands tend to stay in Inverness and that the local East Sutherland communities only receive a small portion of the economic benefits arising from this. Early discussions with the applicant indicated that by creating a golf course at Embo, there would be an increased demand for spend on local facilities. The ES outlines that a recent independent study that is cited has shown that the proposal has the potential to transform Dornoch into a successful golf tourism destination with strong international appeal. It has been estimated that 15,000 golf tourists currently visit Dornoch and the Sutherland area each year - around 6,000 of whom stay overnight locally. Coul Links is anticipated to stimulate demand for a further 14,000 nights of accommodation and to be a meaningful catalyst for spend on local accommodation, food and beverage. Overall the study outlines that in its first year in operation the project will:

1) Generate £4.3 million additional GVA (gross value added) and support around 120 additional jobs in the local area;

2) Generate £6.2 million additional GVA and support around 200 additional jobs within the Highlands;

3) Generate £7.9 million additional GVA and support around 250 jobs across Scotland.

10.37 The above figures have been disputed by objectors to the application who have also provided an independent analysis of economic impact. This concludes that the economic impact will be insignificant, even in an area of low population and limited job opportunities. The study finds that the development would in fact add £1.2 million contribution to the GVA and the net increase in employment would be 30-35 jobs which will make no significant difference to the economic prospects to the area. Both the applicant's and the objectors studies are noted. In terms of the planning assessment it is noted that both outline that there would be economic benefits i.e. a positive impact however of varying degrees.

10.38 Many objectors have highlighted concern that other more recent golf course developments, such as the Trump development in Aberdeenshire, have failed to deliver the promised economic benefits as many elements of the development have not been built i.e. accommodation and so forth. However this proposal is concerned solely with the development of a golf course; no accommodation or other ancillary developments are proposed. As such, the economic benefits likely to arise are spin off benefits to Embo and the wider Sutherland area i.e. increased stays resulting in spending on accommodation, food and so forth. Based on the information provided by the ES and the research undertaken in relation to the proposal it is evident that there is potential for the development to result in a significant positive impact to the local area economically.

10.39 As part of the proposals, the developer has purchased an area of land close to the existing football pitch and intends to work with the Embo Trust to construct additional community amenity grounds such as walking paths, play fields, benches, access points to the site. The applicant has advised that the area will be held in environmental conservation consistent with the SSSI and no further housing or building will be considered. The Planning Authority acknowledge this but it is an aspect that can not be controlled by condition as any future proposals bought forward would require to be considered on their own merits.

10.40 **Impact on Natural Heritage**

As per Policy 57 of the Highland-wide Local Development Plan, a key consideration in the determination of this application is the impact on natural heritage. The site is located within a number of designated sites, as follows:

- The Loch Fleet Site of Special Scientific Interest & Dornoch Firth and Loch Fleet Ramsar Site (national designation due to sand dune habitat);
- Dornoch Firth & Loch Fleet Special Protection Area (SPA) (international designation for bird interests)

The site in its entirety extends to 328 hectares with the area involving any works related specifically to the golf course extending to 22.7 hectares, all of which are located within the above designations. For information, the SSSI designation in it's entirely extends to 180 hectares.

As noted previously, SNH have objected to the proposed development in respect of effects on the sand dune interest of Dornoch Firth and Loch Fleet Ramsar Site and Loch Fleet SSSI. This objection has been maintained throughout the assessment of the application however, SNH have been able to withdraw objections 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.

Loch Fleet Site of Special Scientific Interest and Dornoch Firth and Loch Fleet Ramsar Site

10.41 With regards the Loch Fleet SSSI, this is a designation of national interest and it relates to sand dune habitat. Concerns were initially raised by SNH that the EIA submitted with the application lacked a suitable level of detail of accuracy for a proposal in such an environmental sensitive location. However SNH were able to assess the likely impacts of the development using EIA supplemented by its own experts, site visits and discussions with the applicants.

10.42 SNH have objected to the proposed development with respect to the impact on sand dune habitat covered by the SSSI and Ramsar designations. It is noted that Coul Links support some of the best quality SSSI dune slack habitats in Scotland. The water table and water chemistry of Coul Links are very important as they influence the sand dune vegetation communities which they support, especially the sand dune habitats. Fertiliser, herbicide or pesticide could be washed towards or even into a dune slack potentially damaging these dune habitats.

10.43 SNH advise that, as presented, the proposal will result in significant permanent loss of sand dune habitat, especially dune heath and dune slacks and impacts to other species which depend on it. The new golf turf will not include plant species that are identifiable as a sand dune habitat therefore, the proposal will result in a marked change of habitat type. The proposed golf course will impact on around 4.4 hectares of dune heath with direct loss extends to around 9% (16.4ha) of the SSSI sand dune habitat, most of which is located midway along the dune system. The ES proposed to mitigate this through ‘translocation’ of dune heath however even after mitigation, the residual losses are extensive (at around 8% - 14.9ha) and likely to be permanent, with indirect losses of unknown extent adding to the area lost under the course footprint.

10.44 In addition, SNH advise that the proposed development will create a high level of disruption to natural dune processes, such as dynamism, due to large dune areas becoming stabilised. It will also result in significant levels of habitat fragmentation, with the course infrastructure spread throughout the dune system. In SNH’s view, translocation of habitat is unlikely to be successful and therefore not an appropriate technique to safeguard a protected area of such natural environmental complexity and notable dune quality.

10.45 The proposal will however be positive for the control of invasive species. However, taking this into account and balancing these gains with the loss of habitat, SNH conclude that the adverse impacts will greatly outweigh any benefits to the sand dune habitat.

10.46 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 slacks. 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 Group on the Water Framework Directive. SNH advice that these adverse effects are likely to alter sand dune habitats, resulting in permanent habitat change/loss.

10.47 SNH note the applicant is willing to address concerns about nitrate and pH levels of abstracted water to be used for irrigation, but would question the effectiveness of this as mitigation, as larger quantities of nitrate will be applied to the golf course as fertiliser. SNH also 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. SNH therefore advise new drains should avoid entering dune slack habitats.

10.48 SNH have also responded to note that it has 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. SNH 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. Although mitigation has been proposed by the applicant through “translocation”, this has not been accepted by SNH in this instance. **SNH therefore maintain its objection to the golf course construction as it will result in additional adverse effects on Ramsar and SSSI sand dune habitats.**

10.49 *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, SNH consider that any impacts to these features will be of a very low scale.

10.50 Concern is also noted in public comments about the potential impact on the Fonseca Seed Fly (Botanophila fonsecai) which is a species supported by sand dune habitat. The EIA shows that Coul Links supports a population of the fly. SNH advise that very

little is known about this fly and as such it is not possible to estimate the level of disturbance that would be considered tolerable however no objection is made with regards this specific species. The developer has indicated an intention to promote further research of the fly and some mitigation is proposed due to the proposed retention of areas supporting Compisitae flowers (e.g. sow-thistle and black knapweed, etc.). Therefore, should consent by granted, SNH recommend that this is secured by condition.

10.51 *Breeding birds (SSSI)*

The management objective for breeding birds for this SSSI is 'to maintain the population if breeding birds and to avoid significant disturbance to these birds during the breeding season'. SNH advise that there are bird interests of national importance on the site, which could be affected by the proposal through disturbance as a result of increased use of the area. A Recreation and Access Management Plan to help determine whether the proposal will affect the integrity of the SSSI was requested by SNH in November 2017. This was provided and SNH have withdrawn its objection to this element of the proposal.

10.52 Dornoch Firth and Loch Fleet Special Protection Area & Ramsar site

The proposal lies within the Dornoch Firth and Loch Fleet SPA and Ramsar site. This SPA is protected for its range of non-breeding waterfowl and breeding osprey and the Ramsar site is protected for its range of coastal features. The proposal also lies adjacent to the Moray Firth proposed SPA (pSPA), protected for its marine waterfowl and seabirds. SNH advise that it appears that the proposal is not connected with or necessary for the conservation management of the designation hence no further consideration is required.

10.53 This proposal is likely to have a significant effect on these SPA birds. Consequently, Highland Council, as the competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. This is appended to this report.

SNH advise that in its view, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal 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, SHN consider that any impacts to the marine invertebrate forage for these birds will be of a very low scale.

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

In SNH's 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. This is appended to this report. SNH advise that the proposal will not adversely affect the integrity of the site based 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.

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

In SNH's 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. This is appended to this report. SNH advise that the proposal will not adversely affect the integrity of the site based 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.

10.54 SNH further advise that the proposal is likely to have a significant effect on teal and wigeon using flooded areas of dune slack through disturbance as a result of increased numbers of people using the site. However, this can be mitigated through a condition attached to any consent, as follows:

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.

10.55 *Moray Firth pSPA*

SNH advise that the proposal 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. This is appended to this report. SNH advise that recreational disturbance will not adversely affect the integrity of the site based 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.

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

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 SNH's view, these will not be adversely affected by the proposal. In SNH's 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.

10.56 *European Protected Species*

There is potential for the development to impact on bats due to the proposed re-use of former steading buildings which may have the capacity to host roosts. SNH advise that survey work would be required in order to allow an assessment of impacts to be made. Should consent be granted, the re-use of the existing buildings will be subject to future planning applications therefore it would be appropriate for any further applications to be accompanied by the appropriate bat survey work.

10.57 *Impacts on Natural Heritage - Conclusion*

The concerns of SNH are noted, particular with regards impact on sand dune habitat. Such concerns have been expressed by SNH since pre-application advice was sought in 2015 with the advice at that time outlining that the layout of the golf course could be altered to include areas of agricultural land which would then avoid the need for the proposal to impact on the dune heath habitat. The applicant has not progressed such alterations for reasons relating to the desirability of the golf course. In response to SNH concerns the applicant has proposed mitigation measures which would be implemented as detailed above including translocation and implementation of a Recreational Access Management Plan, removal of invasive species, better site management, cessation of winter shooting of wildfowl and no golf over the winter months along with other measures. SNH have advised that, whilst such mitigation will be positive in some areas, it does not fully address the impact on the SSSI and the loss of sand dune habitat. As such it has necessary for SNH to object to the proposed development. SNH are a statutory consultee and are the Scottish Government's advisors on matters of natural heritage. As such, based on the advice presented by SNH and the fact that the Planning Authority is aware that alternative layouts exist within the wider site, it is not considered that the proposal is in accordance with the Policy 57 of the Highland-wide Local Development Plan by virtue of having a significantly detrimental impact on the sand dune interest of the Dornoch Firth and Loch Fleet Ramsar Site and Loch Fleet Site of Special Scientific Interest.

10.58 **Flood Risk/Drainage**

The site is not known to have been subject to any form of flooding however the SEPA Flood Risk Map shows that the site lies adjacent to an area at risk of 1 in 200 year event of coastal flooding around the mouth of Loch Fleet in the north, the beach to the east and the mouth of the southern burn. SEPA have also identified that there are some areas within the study area that are at medium to high risk of surface water flooding in areas that largely correspond to the drainage channels, as well as the winter loch and other hollows within the dune slack system that are known to be

water filled during times of high groundwater levels. There are no buildings proposed in a flood risk area however the ES also outlines that application of sustainable drainage (SUDS) will prevent any increase in flood risk.

10.59 There is potential for the development to impact on local hydrology and associated ground water terrestrial eco-systems, for example, through raising of ground levels, increased hard surfaces and potential for increased pollution risk due to chemical storage etc. A series of proposed preventative and mitigation measures are set out in the ES including use of soakaways and filter strips for pre-treatment of run-off from buildings. In addition, bridge crossings and boardwalks will be installed to facilitate course operation and maintain existing hydrology conditions within dune slacks. SEPA have no objection subject to the development progressing in accordance with the submitted assessments and secured by condition.

10.60 *Foul drainage*

Following SEPA's consultation comments, it is proposed to install a tertiary treatment discharging to a reed bed system before discharging to a surface water ditch which outflows to Loch Fleet. This arrangement would require a licence under The Water Environment (Controlled Activities) (Scotland) Regulations with SNH being consulted on any licence application due to the natural heritage designations present at Loch Fleet. The applicant has confirmed that they would seek to build the waste water drainage system to adoptable standards to enable the adoption of the system by Scottish Water. SEPA have therefore requested that, should consent be gratned, a condition is attached stating the following:

> *The wastewater strategy and subsequent development of the wastewater system for the development will be in accordance with the technical recommendations of report reference SBA 1719_February 2018: Coul Links Golf Course Development, Wastewater Treatment Review and Revision, Stuart Burke and Kiloh Associates Ltd., 05/02/2018. The subsequent design, construction, operation and maintenance of all integrated elements of the wastewater treatment facility will follow the best practice principles of the most recent edition of Sewers for Scotland, and Scottish Water's Specification 301 (or most recent edition)- Wastewater Treatment Works, Appendix VI, with particular reference to first- time discrete sewerage systems (also known as packaged plants). All waste water drainage from further development within the red line boundary shown on Drawing EC106722 030 dated 22 September 2017 must be directed to this system. No wastewater drainage other than that identified within Masterplanning drawing EC106722 016 (22/09/2017) Proposed Course Layout can be directed to this system until the system is adopted by Scottish Water.*

10.61 **Coastal Erosion**

A study of coastal processes has been submitted with the application which outlines a series of recommendations specifically that the developer commits to an ongoing and robust dune management plan that will involve utilising soft engineering principles to enhance the existing coastal processes. This will increase the overall sustainability of the development by building up the existing dune system which acts as a very flexible and highly effective natural buffer against coastal erosion. Going forward, future increases in relative sea level rise due to climate change are likely to result in a trend of slow landward retreat along the Coul Links coastline. Therefore, a

coastal monitoring programme should be implemented and a robust coastal processes study undertaken to assess and quantify the risk of coastal erosion and develop an environmentally sustainable long terms management plan for the course. A number of public comments and consultee comments refer to the need to avoid installation of sea defences therefore in the event that consent is granted, the need to ensure the recommendations of the study are adhered should be secured by condition.

10.62 **Cultural Heritage**

As noted previously it would be intended for the proposed development to make use of existing buildings on site; the general principle of this is considered acceptable with the re-use of brownfield sites encouraged by both local and national planning policy. The Historic Environment Team note that there is sufficient detail at this stage to confirm that the broad aspirations for the project are supported. The proposals will, however, require to be subject to further detailed applications as well as Listed Building Consents due to being 'curtilage listed' in association the Coul Farmhouse. It is not until this stage that the proposals for the each building will be considered in detail.

11 **Matters to be secured by Section 75 Agreement**

In this instance, the developer contributions which have been identified by consultees are largely concerned with road improvements, which are noted on the accompanying plans and could therefore be secured via condition.

12 **Procedural Note**

Members are advised that, on the basis that SNH have objected to the application, if they are minded to recommend approval of the application it will be necessary to notify Scottish Ministers who have the opportunity to call the application in for their determination.

13. CONCLUSION

13.1 The application represents a significant development proposal for Sutherland. In the absence of any site specific development plan allocations, the application must be assessed against the policies of the development plan. To this end, there is broad support for a development of this nature i.e. a proposal which has the capacity to contribute to the Council's overarching vision with regards tourism. Moreover, the supporting information submitted with the application indicates that the development has potential to create additional economic benefit which would result in increased demand for accommodation and so forth. Such effects are likely to 'trickle' down within the Sutherland area. In particular the proposal will add an additional golf course to the Sutherland area which has the potential to extend the time visitors stay in Sutherland.

13.2 A significant level of support has been received in relation to the proposed development; the majority of which stems from the local area but also elsewhere within the Highlands and further afield. Many supporters have argued that such a development would be 'unprecedented' and a 'once in a lifetime' opportunity for the village of Embo. In addition, the potential to retain young people in the area has also

been expressed by supporters. Whilst it cannot be said that there is unanimous support amongst the local area, it is evident that there is a significant level of positivity towards the development.

13.3 The proposal has, however, attracted a large amount of objections, the majority of which echo the concerns of SNH with regards loss of sand dune habitat. The applicant has sought to address this by providing a range of proposed mitigation measures including management of invasive species, implementation of a Recreational Access Management and 'translocation' of habitat. Whilst some impacts could be mitigated, there remains significant concern about the impact on the SSSI in particular. SNH have not been persuaded by the mitigation measures put forward and consider the adverse impact would be irreversible. Whilst the Council acknowledges the significant economic benefits of the application, it is not considered that the proposal complies with Policy 57 of the Highland-wide Local Development Plan as a result of the significant detrimental impact to the SSSI.

13.4 The proposal was first presented to the Planning Authority for pre-application advice in 2015. The advice that was provided was broadly supportive of the proposal however this was subject to ensuring satisfactorily resolution of any matters raised by consultees. As detailed in this report, many considerations relevant to the planning assessment have raised no concern (subject to planning conditions being attached to any permission) such as access, parking, cultural heritage impacts with many elements of the proposal being positively received such as the re-use of existing buildings within the site. The applicant has also sought to address the concerns initially raised by SEPA, which has allowed its objections to the proposal to be completely removed. The submission of additional information has also addressed many of the concerns expressed by SNH's initial comments however the applicant has been unable resolve these concerns fully with SNH who have advised that the proposed development would result in significantly detrimental impacts to the natural heritage through loss of sand dune habitat with the applicant unwilling to alter the layout of the golf course to allow this objection to be resolved. Although mitigation has been presented, this is not considered to be satisfactory by SNH and would not overcome the loss of some of the best quality sand dune habitat which Scotland has.

13.5 The applicant has been advised by SNH that a revision to the layout of the course away from the designated areas may well address their concerns. For the reasons set out above the appcliant has declined to modify this as it would erode the quality of the course they seek to construct. The application must be considered as submitted and whilst the Planning Service is satisfied that the proposal is largely acceptable and that the applicant has actively resolved the majority of issues the failure to addres these ecological concerns to SNH's satisfaction preclude a recommendation of approval.

13.6 All relevant matters have been taken into account when appraising this application. It is considered that despite compliance with many of the relevant policies contained in the Highland-wide Local Development Plan, due to the conflict with Policies 28 and 57, the proposal is contrary to the Highland-wide Local Development Plan. The assessment against other material considerations does not outweight the assessment against the development plan.

12. IMPLICATIONS

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Refused** subject to the following reasons for refusal:

1. The application is contrary to the provisions of the Highland-wide Local Development Plan Policies 28 (Sustainable Design) Policy 57 (Natural, Built and Cultural Heritage) as the proposed development would result in a significantly detrimental impact on the Loch Fleet Site of Scientific Interest and Loch Fleet Ramsar Site, designated for its sand dune habitat. In particular, the Coul Links support some of the best quality SSSI dune slack habitats in Scotland and the proposal, in its current format, will result in significant and permanent loss of sand dune habitat, particularly dune heath and dune slacks and impacts to other species which depend on it. Although mitigation is proposed the residual losses are extensive and likely to be permanent. In addition, the proposed development will create a high level of disruption to natural dune processes, such as dynamism, due to large dune areas becoming stabilised. It will also result in significant levels of habitat fragmentation, with the course infrastructure spread throughout the dune system. Furthermore, translocation of habitat is unlikely to be successful and therefore not an appropriate technique to safeguard a protected area of such natural environmental complexity and notable dune quality.

Designation:	Area Planning Manager - North
Author:	Gillian Webster
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan Plan 2 – Location Plan 2 Plan 3 – OS Location Plan Plan 4 - Site Masterplan Plan 5 - Coul Links Site layout Buildings 1 Plan 6 - Coul Links Site Layout Buildings 2 Plan 7 - Coul Links Large Store Plan 8 - Coul Links Railway Hut

Plan 9 - Semi Detached Elevations
Plan 10 - Semi Detached Floor Plan
Plan 11 - Steading plans
Plan 12 - Workshop Plans
Plan 13 - Car Park Design 1
Plan 14 - Car Park Design 2
Plan 15 - Car Park Design 3
Plan 16 - Car Park Design 4
Plan 17 - Access Road Design 1
Plan 18 - Access Road Design 2
Plan 19 - Access Road Design 3
Plan 20 - Access Road Design 4
Plan 21 - SUDS & Drainage - Plan 2
Plan 22 - Temporary Construction Compound Details
Plan 23 - Proposed Borrow Pit 1A
Plan 24 - Proposed Earthworks Area 1
Plan 25 - Proposed Earthworks Area 2
Plan 26 - Proposed Earthworks Area 3
Plan 27 - Proposed Earthworks Area 4
Plan 28 - Proposed Earthworks Area 5
Plan 29 - Proposed Finished Contours 1
Plan 30 - Proposed Finished Contours 2
Plan 31 - Proposed Finished Contours 3
Plan 32 - Proposed Finished Contours 4
Plan 33 - Proposed Finished Contours 5
Plan 34 - Revised Haul Route

Appendix 1: SNH comments (final comments - 25th May 2018)

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:

- 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 Site[1]. 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 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

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

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 rush[2] (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 slacks[3].

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 Group on the Water Framework Directive[4]. These adverse effects are likely to alter sand dune habitats, resulting in permanent habitat change/loss.

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[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/.

[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.

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.

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 Coul 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 Coul 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 building[5]. 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.

Appendix 2: Planning Consultation from Scottish Environment Protection Agency (SEPA)

This new information enables us to remove our objection to the above planning applications. With regards to planning application 17/04601/FUL for the golf course, we request that conditions relating to waste water drainage and securing the Schedule of Mitigation are applied. If any of these conditions are not be applied, then please consider this representation as an objection.

As several environmental issues within our remit could potentially have an impact upon qualifying features of the designated sites then, in accordance with the land use planning working arrangements between SEPA and SNH (available from www.sepa.org.uk/environment/land/planning/advice-for-key-agencies/) we have drafted this response in consultation with SNH to ensure that relevant issues have been considered and that our advice is complementary.

1. Waste water drainage

1.1 Policy 65 of the Highland-wide Local Development Plan requires connection to the public sewer wherever single developments of 25 or more dwelling (or equivalent) are proposed. The Population Equivalent of 25 dwellings is 125.

1.2 Page 12 of "Coul Links Golf Course Wastewater collection, treatment and disposal, foul drainage statement" – Allen Gordon for Maxwell & Co. dated 19 January 2018, estimates the Population Equivalent for the proposal to be 116. This calculation does not allow for the future expansion of the clubhouse or other facilities. During a meeting with the applicant on 1 February 2018, it was confirmed that non routine operations such as championships would be served by temporary toilets which would discharge to sealed units with waste water being removed by a licensed carrier and discharged to a licensed waste water site. Provided this is acceptable to the Council, then the current proposal falls below 125 Population Equivalent. However, any future expansion would necessitate a connection to the public sewer.

1.3 The ground investigation for the original proposal of a discharge to soakaway demonstrated that ground conditions were unsuitable and would result in a detrimental impact upon groundwater and Groundwater Dependant Terrestrial Ecosystems. The applicant has subsequently revised their proposals as detailed in the "Wastewater Treatment Review and Revision" document dated 5 February 2018. Appendix 4 of this document details the proposal for tertiary treatment discharging to a reed bed system before discharging to a surface water ditch which outflows to Loch Fleet.

1.4 This proposed system will require a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR). As Loch Fleet is a Special Protected Area and Site of Special Scientific Interest we may consult SNH as part of the CAR licence determination. Until this process is complete we cannot advise on the likely consentability. For information, we may apply monitoring conditions under CAR to ensure the proposed effluent discharge conforms to the required standards. Should there be any difficulties in achieving regulatory standards then further consideration of connection to public sewer may be necessitated.

1.5 The applicant has confirmed that they would seek to build the waste water drainage system to adoptable standards to enable the adoption of the system by Scottish Water should further development occur within the red line boundary. They also agreed for this to be to be secured by condition. Therefore, in order to remove our objection, we request that a condition is applied. To assist, the following wording is suggested:

The wastewater strategy and subsequent development of the wastewater system for the development will be in accordance with the technical recommendations of report reference SBA 1719_February 2018: Coul Links Golf Course Development, Wastewater Treatment Review and Revision, Stuart Burke and Kiloh Associates Ltd., 05/02/2018. The subsequent design, construction, operation and maintenance of all integrated elements of the wastewater treatment facility will follow the best practice principles of the most recent edition of Sewers for Scotland, and Scottish Water's Specification 301 (or most recent edition)- Wastewater Treatment Works, Appendix VI, with particular reference to first- time discrete sewerage systems (also known as packaged plants). All waste water drainage from further development within the red line boundary shown on Drawing EC106722 030 dated 22 September 2017 must be directed to this system. No wastewater drainage other than that identified within Masterplanning drawing EC106722 016 (22/09/2017) Proposed Course Layout can be directed to this system until the system is adopted by Scottish Water.

2. Schedule of mitigation

2.1 We are pleased to note that the applicant has pulled all proposed mitigation into a Schedule of Mitigation supported by appendices. As detailed in Sections 3 – 12 below, in order to remove our objections, we require this Schedule of Mitigation to be secured by condition. To assist, the following wording is suggested:

All work shall be carried out in accordance with the Schedule of Mitigation dated 15 February 2018. Any alterations to this document must be submitted for the written approval of the planning authority in consultation with SEPA [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the up to date approved plan. Reason: to control pollution of air, land and water.

3. Surface water drainage

3.1 The revised temporary construction compound Drawing EC106722036, dated 16 November 2017, Appendix 6 of the Schedule of Mitigation, demonstrates that the surface water drainage system will be located further than 6m from the lochan and will discharge away from the nearby Groundwater Dependant Terrestrial Ecosystem (GWDTE) MG10a. It is proposed to discharge to a filter strip, silt chamber and oil interceptor before discharging to an infiltration trench which will be 1m above the water table. We also note that there will be bunded fuel and wash down areas draining to a sealed system. Given the distances to sensitive receptors and proposed pollution prevention measures we remove our objection to this issue provided the Schedule of Mitigation is secured by condition.

3.2 Please note we do not generally provide advice on the water quantity aspect of SUDS. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought in terms of water quantity/flooding and adoption issues.

4. Disruption to Groundwater Dependant Terrestrial Ecosystems (GWDTE)

4.1 As stated above, in accordance with the land use planning working arrangements between SEPA and SNH, we advise on the protection of GWDTE outwith designated sites and any GWDTE that are not qualifying features of designated sites. Advice on qualifying features of the designated sites should be sought from SNH. We recognise that the tests and drivers which SNH is required to apply to designated sites differ from those which SEPA applies to GWDTE. The advice below relates solely to GWDTE within our remit.

4.2 We have reviewed the further information regarding GWDTE outwith the designated site and any GWDTE that are not qualifying features of the designated site. Having considered the overall proportions of habitat and each GWDTE type that will be directly lost, we remove our objection to the proposal in terms of the direct impacts upon GWDTE.

However, in order for the indirect impacts to be acceptable, we require the mitigation measures identified within Appendices 1 – 9 of the Schedule of Mitigation to be secured by way of the Schedule of Mitigation condition. Further technical comments on this mitigation are given below.

4.3 On this site, and following liaison with SNH, we consider that the SSSI notified natural features that could be considered GWDTE are the dune slacks. Therefore the non-qualifying GWDTE that we are advising on within the designated site include areas of M15, MG9, MG10, MG11, M23, M25, M27, W1, W2 and areas of CG10 within U4/SD7. We are also advising on the GWDTE outside the designated site, including the previously listed NVC types as well as some areas of SD16. We note that SD16, M15, M25 and CG10 are listed as Annex 1 habitats as well as likely to be groundwater dependent.

4.4 We note and accept that after further assessment and referring to 'Appendix K: Revised GWDTE Determination', some of these are no longer considered to be groundwater dependent but we still consider that the remainder are likely to be either highly or moderately groundwater dependent. Apart from the specific habitats listed below, we consider that the above GWDTE are generally avoided by the development and are not at risk of indirect impacts.

4.5 SD16 Salix repens- Holcus lanatus dune-slack community (areas outside the designated site): There is an area of SD16 adjacent to the proposed locations for holes 14 and 15 where we consider that there is a significant risk posed by the application of fertilisers, pesticides or other chemicals particularly where these holes cross the SD16. We support the proposals for a 20m micro siting allowance (Page 208 of the EIAR, page 2 of the Schedule of Mitigation and Appendix 4 of the Schedule of Mitigation) to avoid this habitat where possible but accept that where this is not possible small areas of this habitat may be directly lost but that the proportion is very small compared to the total study area proportion. For the avoidance of doubt, micro siting should still ensure the minimum buffers for the applications of chemicals are maintained and that minimum buffers to surface waters are maintained as detailed within the other appendices of the Schedule of Mitigation. It must also be ensured that alterations to playing surfaces and pathways between any of the holes will not compromise the groundwater connectivity between the areas of this habitat. We are satisfied that the measures outlined in the Addendum to the Construction Environmental Management Plan (Appendix 8 of the Schedule of Mitigation), including elevated boardwalks across dune slacks, address these concerns.

4.6 W1 Salix cinerea-Galium palustre and W2 Salix cinerea-Betula pubescens-Phragmites australis woodlands: we are pleased to note that the wet woodland has largely been avoided by the golf course layout and will not be significantly directly impacted. We believe there may be minor loss of 0.14 ha of wet woodland, which is undesirable, but we do not object to this as the proportion lost is small in comparison to the overall proportion of the study area. It is also our understanding that the areas of this habitat near the proposed locations of holes 2 to 8 are more elevated than the playing surfaces and therefore should be at less risk from application of fertilisers, pesticides or other chemicals. If the golf playing surfaces had been higher than the wet woodland then the risk would be greater and the nutrient input could alter the vegetation type to a more nutrient rich wet woodland type.

4.7 M27 Filipendula ulmaria- Angelica sylvestris mire: this is a wet species-rich and botanically interesting GWDTE of moderate dependency which should be avoided through micrositing as per the Schedule of Mitigation. It is likely that these areas would be lower than the golfing surfaces and therefore would be at risk from indirect impacts from fertilisers, pesticides or other chemicals. It is our understanding that holes 17 and 18 which

cross an area of this habitat are being linked by a boardwalk and that the groundwater continuity will not be compromised.

4.8 We note that many of the recommendations included in our previous response for reducing direct and indirect impacts from use of pesticide, fertilisers and other chemicals have been included in the Addendum to the Construction Environmental Management Plan and associated drawings DE106722 048-52 Fertiliser & pesticide buffer zones & GWDTE. This Addendum addresses the hydrological impact of permanent and temporary drainage systems upon GWDTE. We consider that some of the GWDTE could be vulnerable to alterations in vegetation type particularly where the managed playing surfaces will be in close proximity and it can be very difficult to remedy nutrient impacts once they have occurred. The irrigation and fertiliser application should be carefully dosed to enable the full uptake by the grass. It is of paramount importance that the application methods and amounts are such that there will be no spray drift. Therefore taking into consideration the significant risk posed to these identified areas of GWDTE it is important that the Addendum to the Construction Environmental Management Plan is secured by way of the Schedule of Mitigation condition. In addition SBA 1719 Coul Links GWDTE Review and Assessment contains some useful mitigation and we welcome the reference to this within the Schedule of Mitigation.

4.9 We are particularly concerned about the potential risks that could be posed by nitrates and therefore welcome the Schedule of Mitigation which proposes that the application rates do not exceed the threshold values outlined in 'Table 4 Proposed nitrate trigger values (mg/l N) 'of 'UK Technical Advisory Group on the Water Framework Directive: Technical report on groundwater dependent terrestrial ecosystem (GWDTE) threshold values' Version 9.23 June 2014. This lists threshold values by GWDTE category. This ensures that nitrate values of the chemicals must be measured prior to each application, and may only be applied if less than the nitrate threshold value of the nearby wetland.

4.10 We note that when compared with surface water samples obtained from burns and ponds in the dune area, the bedrock aquifer presents a higher level of nitrate (26mg/l in bedrock against 2mg/l in surface water) and a lower chloride content (38mg/l in bedrock against approximately 60mg/l in surface water). This exceeds the nitrate threshold vales for GWDTE set out in Table 4 Proposed nitrate trigger values (mg/l N) 'of 'UK Technical Advisory Group on the Water Framework Directive: Technical report on groundwater dependent terrestrial ecosystem (GWDTE) threshold values' Version 9.23 June 2014. Therefore, the irrigation water should also be tested for nitrate levels to ensure that the water applied is less than the relevant GWDTE nitrate threshold value. We already requested that monitoring boreholes MW1 and MW2 are added to the monitoring schedule and should include groundwater quality. It may be useful for the applicant to measure the nitrate concentration across the depth profile of the abstraction well to inform the depth at which they abstract the water to ensure that abstracted water is already below the threshold value. If the concentration in the abstracted water is above the nitrate threshold then dilution with surface or rain water will be necessary prior to use in irrigation. The Schedule of Mitigation proposes further consultation with us and SNH regarding the proposed monitoring regime. This should be undertaken prior to any works commencing. We note and welcome that only inorganic fertilisers are now to be used. We note and welcome the measures that have been included in the Addendum to the Construction Environmental Management Plan and that buffers for inorganic fertilisers are now in line with General Binding Rule 18 under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR) and that there is a commitment to a

buffer of 1m for pesticides. We also note and welcome that fungicides will be used only on the greens and tees and pesticides will not be used on fairways or semi rough areas.

4.11 We note that groundwater and surface water monitoring will be carried out and that condition assessment will be carried out within SSSI dune slacks. We welcome that the Schedule of Mitigation also includes additional vegetation monitoring across the areas of GWDTE outside of the designated site to ensure that the proposed mitigation does prevent indirect impacts from application of fertilisers, pesticides and other chemicals. These should include several quadrats within each GWDTE type e.g. wet woodland (W2), dune slack (SD16) and fen/mire (M27). These should be permanent quadrats monitored on a yearly basis for changes in flora particularly bryophytes that could provide an early indicator that there is a problem and therefore the application rate of pesticides, fertilisers and herbicides can be altered as required.

4.12 Appendix 5 of the Schedule of Mitigation, Drawing EC106722 032 dated 16/2/18 includes appropriate mitigation to protect the area of MG10 from any dewatering from borrow pits 2 and 3. It is our understanding that these will be open for no more than a year and that they will then be reinstated to the pre-existing ground level and therefore pose a short term impact. We also note that these are now proposed to be shallower excavations, 2m below existing ground level and remaining above the 6m contour. We also welcome the proposed monitoring and mitigation detailed on Drawing EC106722 032 and consider this should prevent any significant adverse impact upon the area of MG10. The proposed hydrological barrier should be removed during the borrow pit reinstatement phase.

4.13 Based on the additional submitted information and Drawing EC106722 031 dated 16 November 2017 we now do not consider borrow pit 1A to be a significant risk to GWDTE. The Schedule of Mitigation refers to Drawing EC106722 031 and thus should ensure that the excavation depth and dimensions do not exceed those stated on the drawing and that the borrow pit will not remain open for longer than a year and is reinstated to the pre-existing ground level.

5. Water abstraction

5.1 Planning application 17/04404/FUL includes the operation of boreholes and construction of a reservoir to provide a water supply for the golf course. The abstraction will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR).

5.2 Two deep groundwater abstraction wells (BH1 and BH2) and two shallow monitoring wells (MW1 and MW2) have been installed 1km east between the abstraction wells and the dune system with the purpose of recording potential groundwater level variation during the abstraction testing. The submitted water abstraction information presents the borehole locations, groundwater chemical tests and the groundwater level charts obtained during the testing period.

5.3 Groundwater levels in the observation wells MW1 and MW2 are shown to have steadily dropped in the period before and during the abstraction tests. The MW1 and MW2 charts show a dipping of approximately 5cm and 15cm respectively that appears to coincide with the start of the step test. The levels recovered in MW1 but not in MW2. The groundwater levels in both monitoring wells appear to have levelled after the cessation of the test.

5.4 Although the groundwater levels in the observation boreholes do not show a significant reaction to the abstraction test, the interference of a groundwater abstraction from BH1 and BH2 on groundwater levels in MW1 and MW2 cannot be excluded. Changes to groundwater levels could result in some groundwater depletion on the downgradient wetland system. The period of time utilised to produce the submitted pump test results is standard practice for an abstraction pump test under The Water Environment

(Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR), but this limited monitoring event does not allow for an evaluation of the long term pumping effects, which will be provided following longer term monitoring.

5.5 Based on the information submitted to date, we consider that the proposed borehole abstractions are likely to be consentable under CAR but will be subject to a quantitative assessment of the groundwater depletion on the downgradient wetland, long term monitoring at MW1 and MW2 (and possibly other monitoring wells if needed), monitoring review and possible limitation to abstraction rates under CAR. We therefore remove our objection on this matter but we advise that it would be in the applicant's best interests to put a contingency plan in place as, should the longer term monitoring demonstrate a groundwater depletion on the downgradient wetland system, SEPA will be obliged to reduce the permitted abstraction rate under CAR. For example, should the permitted abstraction rate be reduced then it may be that alternate water supplies options are limited and the establishment of the golf course will take longer. The applicant should plan for these uncertainties. For the avoidance of doubt, the monitoring schedule will be agreed with us as part of the CAR determination process.

5.6 We welcome the revised reservoir design as shown in Drawing CL1001 dated 2 January 2018. This will hopefully enable the development of a more natural waterbody with biodiversity opportunities. The applicant should note our regulatory advice regarding the reservoir below.

6. Existing ground water abstractions

6.1 The submitted maps of existing groundwater abstractions within 1.2km of the site demonstrate that there are no nearby private water supplies and the only authorised abstraction is 750m side-gradient. We therefore consider that the proposed development is unlikely to have an adverse impact upon existing ground water abstractions and therefore we remove our objection on this issue.

7. Borrow pits

7.1 We note that only 3 borrow pits are now proposed, borrow pits 1a, 2 and 3. Now that the other 3 borrow pits have been removed we remove our objection on those matters.

7.2 In terms of borrow pits 1a, 2 and 3 our concerns related to GWDTE. As detailed in Section 3 above, we remove our objection to those provided the Schedule of Mitigation condition is applied.

8. Protection of the surface waterbodies and flood risk

8.1 Appendix 12 of the Schedule of Mitigation, Drawing EC106722 038 dated 15 February 2018, demonstrates that there will be a minimum buffer of 6m to all surface water bodies except in the vicinity of the watercourse crossings. It also states that all watercourse crossings will have no in-river supports, and that the abutments will be set back from the banks of the watercourse and designed to accommodate the 1 in 200 year design flow at all points without causing constriction of flow or increasing flood risk elsewhere. We remove our objection on this matter on the proviso that the Schedule of Mitigation condition is applied.

9. Forest removal and forest waste

9.1 Appendix 13 of the Schedule of Mitigation and Drawings EC106722 026-028 sets out the limited tree removal proposed. The supporting statement states that approximately 540m2 will be removed and utilised as deadwood habitat elsewhere within the site. We remove our objection on this matter on the proviso that the Schedule of Mitigation condition is applied.

10. Construction Environmental Management Plan

10.1 The Schedule of Mitigation and supporting appendices demonstrate that there should be enough space to accommodate appropriate pollution prevention measures in terms of soil management and protection of waterbodies. Our comments regarding protection of GWDTE are set out above. We remove our objection on this matter on the proviso that the Schedule of Mitigation condition is applied.

10.2 Comments regarding the protection of the qualifying features of the designated sites should be sought from SNH.

11. Golf Course Management Plan

11.1 Appendix 14 of the Schedule of Mitigation, the Golf Course Management plan, includes what we consider to be appropriate pollution prevention measures for the operation of the golf course. We remove our objection on this matter on the proviso that the Schedule of Mitigation condition is applied. Our comments regarding GWDTE should be noted above. Comments regarding the protection of the qualifying features of the designated sites should be sought from SNH.

12. Earthworks

It is our understanding that the previous proposals to import 25112m3 of sand from onsite borrow pits and to re-use all soils and sand onsite still apply to the revised layout shown in Appendix 11 of the Schedule of Mitigation, Drawings EC106722 054-059. We therefore understand that there will be no surplus materials and that aggregate and materials from the temporary haul routes will be removed and re-used within the site construction. Provided this is the case, then we still have no objection on this issue and welcome the inclusion of these drawings within the Schedule of Mitigation.

Scottish Water: No objections however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Scottish Water advise the developer should contact them directly via a Pre-Development Enquiry.

Appendix 3: SNH - Site Integrity Assessment for Coul Links Golf Course affecting Loch Fleet Site of Special Scientific Interest (SSSI)

Scottish Planning Policy[6] outlines that development should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

This assessment considers the first test for the sand dune interest of Loch Fleet SSSI.

Summary of main points

- It has not been possible to avoid impact on the integrity of the SSSI sand dune habitat whilst meeting the objectives of this development.
- Direct adverse impacts extends to around 7% of the SSSI sand dune habitat, most of which is located midway along the dune system. Even with the counter-acting measures proposed, the impacts are extensive and likely to be permanent, with indirect impacts adding an unknown area to the known 7% directly impacted.
- Most of the suggested positive measures will not adequately counteract the adverse impacts due to uncertainty of success, or they will take too long (i.e. >5 years) to make good losses of such high importance.

Background

The impacts to the sand dune feature of Loch Fleet SSSI have been assessed using the Site Integrity Assessment method, following guidance as outlined in SNH's Development Management Guidance[7]. The sand dune habitat of this SSSI was last monitored in August 2014 using standard Site Condition Monitoring (SCM) methodology for sand dune habitats. The SSSI habitat was found to be in unfavourable condition. The management issues in bold were identified on Coul Links, but may not necessarily be restricted to this part of the SSSI:

- Over-grazing
- Under-grazing
- **Scrub encroachment**
- **Invasive species (native and/or non-native)**
- **Unauthorised vehicle use**

The proposal involves construction of an 18 hole championship golf course, irrigation system, practice area and associated infrastructure. This assessment is based on the information provided by the developer, as part of the EIA submission process through the Local Planning Authority. This includes:

- A course layout map
- GIS layout of the course where we have also used Alba Ecology NVC data
- Course and Ecological Management Plans
- Biodiversity Net Gains Report
- Dune heath translocation info.
- Coastal Management info.
- Other EIA Reports

1. Impacts on the natural features of a site (i.e. sand dune habitat)

Using habitat data provided by the developer, in combination with GIS shape-files of the golf course layout, including consideration of deep-cut rough management indicates that **15ha (14.9ha)** of SSSI sand dune vegetation will be impacted within the footprint of the golf course proposal. The developer's figures[8] indicate that 110ha of habitats on Coul Links can be attributed as sand dune vegetation. The area of SSSI that consists of sand dune vegetation also includes Ferry Links, which is approximately 70ha. This gives a total of approximately **180ha** of sand dune habitat within Loch Fleet SSSI. Therefore, the direct footprint impact is approximately **8% (7% after mitigation has been**

[6] Scottish Planning Policy (2014); see http://www.gov.scot/Publications/2014/06/5823.
[7] *SNH Development Management Guidance*, see http://www.snh.gov.uk/docs/B699305.pdf.

[8] Phase 1 habitat survey, NVC Survey & GWDTE Report for Coul Links. Alba Ecology, Oct 2016.

considered) of the SSSI sand dune habitat. There are likely to be indirect impacts from the proposal (e.g. from construction disturbance and ongoing maintenance post-construction etc.), but as yet this has not been quantified within the EIA Report and it is difficult for us to make an informed assessment on this issue.

The works will involve re-profiling the height of dune habitats, creation of turfed access paths, fairways and tees, creation of internal access paths/roads, with some of these being permanent. This proposal will result in habitat loss and fragmentation, as well as disruption to natural sand dune processes. The impacts to the dune habitat are clearly extensive, permanent and significant.

A range of measures to reduce impacts of this proposal are included within a Biodiversity Net Gains Report and also within Management Plan Aspirations. Most of the proposed positive measures identified within the EIA Report will not adequately counter-act the adverse impacts created by this proposal due to uncertainties of success or the long period of time it might take to make-good the loss or damage to sand dune habitats[9].

Table 1 - Approximate scale of sand dune impact, incorporating the above mitigation.

Operation	**Approx. direct impact (% of SSSI dune habitat)**	**Approx. indirect impact (including direct). (% of SSSI dune habitat)**
Construction and turfing of golf course, including paths, tracks, tees, fairways, rough and greens.	14.9ha (8%)	It has not been possible to accurately estimate indirect impacts at this time.
Mitigation – invasive species	+ 1ha allocation (it is not clear what scale of SSSI scrub control will take place). 0.5ha of trees will be removed to make way for habitat translocation (Tree Survey Report, Annex B of EIA).	N/A
Balances and totals (Maximum and worst case scenario)	Loss/impact = 14.9ha Mitigate = 1.5ha **Total direct impact = *c.* 13.4ha (7.4%)**	It has not been possible to accurately estimate indirect impacts at this time. **Total direct impact = >*13.4*ha (>7.4%) + unknown area through indirect effects.**

Measures to make good sand dune habitat

Management Plan Aspirations (EIA Report) include; control of invasive species and better access management (e.g. unauthorised vehicle use) will make a positive contribution to the management of the site. However, other measures within 4.4 of this document (listed below) will not provide an adequate level of benefit to off-set impacts of such importance. Unfortunately, the developers have not identified areas (in ha.) to benefit from invasive species control (e.g. scrub control); therefore it is not clear what scale of invasive species control is planned to benefit the sand dune habitat. This makes it difficult to assess the total net benefit, but we consider that there could be *at least* 1ha of scrub control undertaken to benefit the dune heath habitat (see table 1 above).

Measures that will not counter-balance/off-set the impacts[10]

The following measures will not off-set the impacts of this proposal:

a) Positive management of dune habitat adjacent, but outwith the SSSI.
b) Seeding of dune heath areas (long-term measures).
c) Translocation of dune heath.

[9] Maclean, I.F.G (2003). *A Habitats Translocation Policy for Britain*. Joint Nature Conservation Committee, in combination with The Countryside Council for Wales, English Nature and Scottish Natural Heritage. JNCC Peterborough.

[10] *A Handbook on Environmental Impact Assessment (EIA): Guidance for competent authorities, consultees and other involved in the EIA Process in Scotland.* 4th Edition (2013). Scottish Natural Heritage (pp. 97-99), https://www.snh.scot/sites/default/files/2017-06/A1198363.pdf.

d) Grass sward scraping.
e) Juniper expansion through translocation.

Positive management outwith the SSSI
Although the suggested management measures are likely to be positive, they are not within the boundary of the SSSI. Therefore, any benefits to dune habitats will not contribute to off-setting losses from within the SSSI.

Seeding of dune heath
The seeding of new dune heath areas is not considered appropriate for making good losses of SSSI dune heath, as the heath seeding will take too long (i.e. >5 years). Therefore, these measures will not be effective in off-setting SSSI habitat loss.

Heath translocation
Scientific literature available to date indicates that translocation of dune habitat types may not be successful. Although, we acknowledge that dune turf can be moved, the dune processes that apply to it cannot, and there is a lack of evidence that functional dune heath can be successfully translocated; even though some individual species may survive the process. Therefore, there is a high risk that loss of important dune heath habitat cannot be adequately off-set.

Grass sward scraping
This management is proposed for improving the condition of rank grassland swards. Grazing would be identified as having the same effect, but stock grazing is not identified as future management of the SSSI. To restore existing rank grasslands that are no longer dune habitats (e.g. NVC type MGh) would take time to reverse that process (e.g. more than two growing seasons). Creating new dune grassland areas will not provide adequate measures to make good the losses of the SSSI dune grassland.

Juniper translocation
There is a risk that juniper plants may not survive the translocation process. In addition, the processes that make the ground favourable for juniper may not readily be found at the receptor sites. Juniper plants are present at their current locations because they find the micro-habitat suitable there. As we stated above, translocation is inherently risky and has a low success rate.

Conclusion – Adverse impacts on the qualities/condition of habitat.

2. The extent to which adverse impacts undermine the management objectives for the site
The management objectives for the site can be found within the Site Management Statement for Loch Fleet SSSI. For sand dune habitat, the management objective is listed as:

- *To restore the condition of the sand dune habitat*

The impacts to the sand dune habitat (as listed in table 1 above) indicate that the management objectives for this SSSI will not be met due to loss and damage to dune habitat as a result of the golf course proposal. The proposal will be positive for the habitat on one hand (e.g. invasive species control) and negative on the other (e.g. habitat loss and fragmentation). Balancing these gains and losses (see table 1 and 2) indicates that the adverse impacts will still greatly outweigh any legitimate benefits for the sand dune habitat. Therefore, the golf course proposal will not result in the dune habitat being restored, but instead will create new pressures resulting in additional adverse impacts. ***Conclusion – Adverse impacts on the qualities/condition of habitat.***

3. The extent to which impacts might affect the condition of the dune habitat
The introduction of golf turf throughout Coul Links will result in a notable habitat change to the existing sand dune system, as the current sand dune habitat within the footprint of the golf course will be largely removed and replaced with a seeded grass turf specifically for golf use. This new golf turf will not include plant species that are identifiable as a sand dune habitat. Therefore, the proposal will result in a marked change of habitat type. However, some of the measures proposed will also enhance the sand dune habitat (see table 2 below).

Some of the positive impacts from the proposal could result in improvement with respect to targets currently not met (e.g. scrub encroachment). However, the proposal would also result in assessment attributes failing, which previously passed SCM, (e.g. from loss of habitat extent and new amenity grassland, etc.). The most important SCM target of "habitat extent" will fail on all three of the four dune habitat types listed below.

Table 2 – Likely impacts of the proposal on mandatory Site Condition Monitoring (SCM) targets for the SSSI sand dune habitat.

Dune habitat type	**No of unfavourable attributes benefiting**	**No of favourable attributes now likely to fail**
Embryo dune	Not affected thus far	1-2
Dune slack	1	1
Dune heath	2	3
Dune grassland	3	5
Total **% of total no of attribute targets which would change**	**6** **8% (*n*=80)**	**10-11** **13-14% (*n*=80)**

In addition to the SCM targets shown in table 2 above, which are directly related to the golf course proposal, there are attribute targets (e.g. invasive species) for this SSSI which will still fail due to influences/impacts on other parts of the SSSI dune habitat. An indicative assessment suggests that a total of around 18-20 (23-25%) sand dune mandatory attributes targets are likely to fail based on pressures identified in the 2014 SCM assessment.

So, to summarise, if the golf course was approved, six attributes are likely to improve, 10-11 previously favourable attributes are likely to fail, culminating in a likely maximum of 20 (25%) attributes failing overall. ***Conclusion – Adverse impacts on the qualities/condition of habitat.***

4. The permanence of the impacts

The direct impacts of habitat loss are considered permanent, as these will form the main footprint of the golf course, along with associated paths and tracks, etc. It could be difficult to restore a golf course to the original sand dune habitat, after long periods of watering, weeding and fertiliser input, etc. Therefore, it should be considered that a new golf course is a permanent fixture. ***Conclusion – Adverse impacts on the qualities/condition of habitat.***

5. Impacts in combination with other proposals and activities

As identified within table 2 (above), this development proposal adds new pressures to the SSSI, in addition to other management activities occurring on other ownerships, such as under and over grazing. As the sand dune habitat is currently in unfavourable condition, this proposal adds to the adverse impacts affecting the sand dune feature.

The SNH Development Management Guidance suggests that our advice should be to promote recovery, rather than accept additional adverse impacts. The golf course proposal could make it impossible to get the sand dune feature back into favourable condition. This is the only planning development proposal affecting the SSSI at this time and we do not know of any other firm proposals in the pipeline. ***Conclusion – Adverse impacts on the qualities/condition of habitat.***

6. Concluding comments

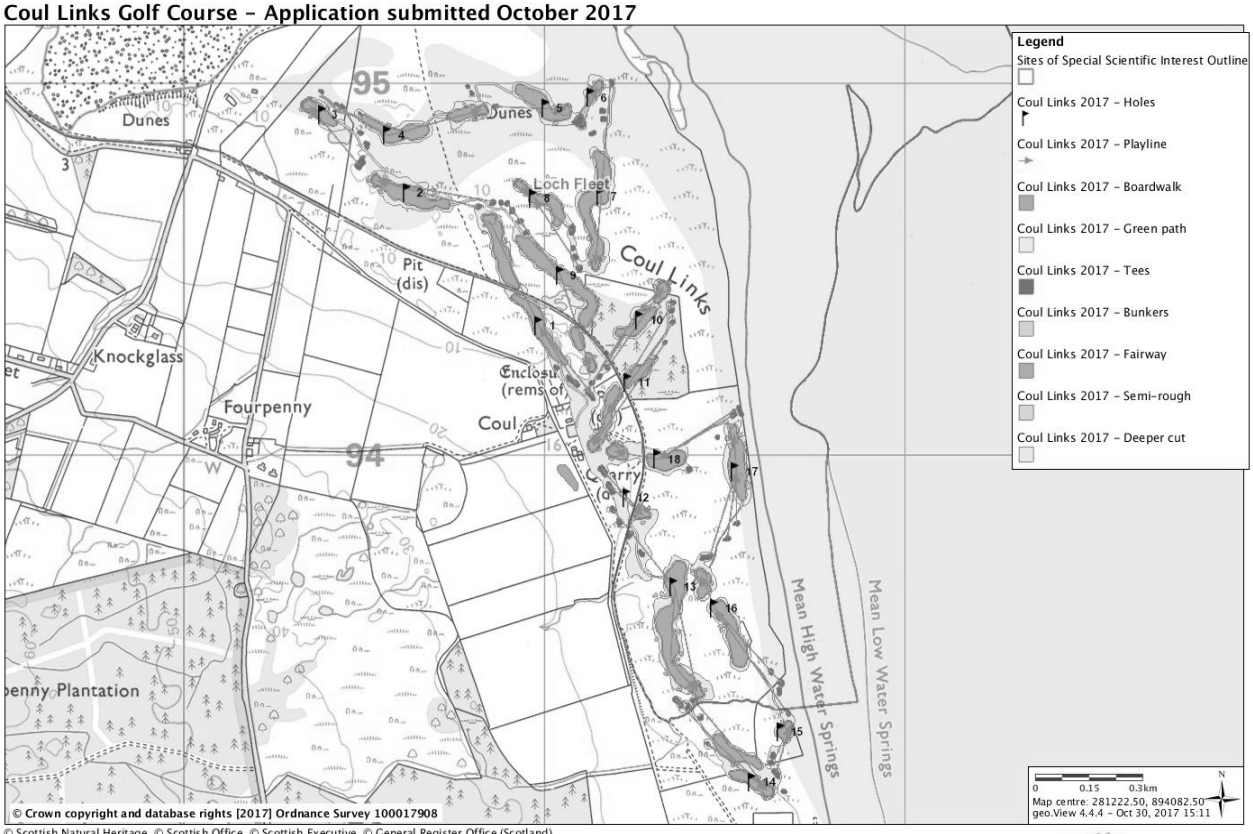
The five sections above show adverse impacts to the condition of the sand dune habitat within Loch Fleet SSSI, even after the developers measures are taken into account. **Therefore, it can be concluded that the proposal will affect the integrity of Loch Fleet SSSI sand dune habitat.**

SNH – Golspie (0300 067 6841)
Northern Isles and North Highland
Reviewed and updated[11] – 5 February 2018.

[11] *This document has been updated to reflect the review carried out on direct impacts from deep-cut rough management on dune habitats.*

Annex A – Map showing golf course layout in context to Loch Fleet SSSI

Coul Links Golf Course – Application submitted October 2017



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

Appendix 4 Appropriate Assessments
Dornoch Firth and Loch Fleet SPA and Ramsar site

SNH advise that in its view, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal 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, SHN consider that any impacts to the marine invertebrate forage for these birds will be of a very low scale.

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

SNH advise that the proposal will not adversely affect the integrity of the site based 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.

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

SNH advise that the proposal will not adversely affect the integrity of the site based 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.

SNH further advise that the proposal is likely to have a significant effect on teal and wigeon using flooded areas of dune slack through disturbance as a result of increased numbers of people using the site. However, this can be mitigated through a condition attached to any consent, as follows:
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

Moray Firth pSPA
SNH advise that recreational disturbance will not adversely affect the integrity of the site based 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.
- SNH advise that the RAMP mitigation measures should be implemented in advance of construction taking place, if the proposal receives consent.