



Inverclyde
council
**LOCAL
DEVELOPMENT
PLAN**

**PROPOSED PLAN
2018**



**HABITATS REGULATIONS
APPRAISAL RECORD**

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INTRODUCTION

- 1.1** Habitats Regulations Appraisals assess the likely impact of plans on relevant 'European Sites'. In Scotland, European Sites consist of Special Protection Areas (SPA), classified under the Birds Directive (2009), Special Areas of Conservation (SAC), designated under the EC Habitats Directive (1992), and 'candidate' Special Areas of Conservation (cSAC). Scottish Government policy affords the same level of protection to proposed SACs and SPAs which have been approved by Scottish Ministers for formal consultation. Therefore effects on these sites should also be appraised.
- 1.2** All plans not directly connected with or necessary to the management of a European site, but likely to have a significant effect on such a site, are required under Article 6(3) of the EC Habitats Directive (1992) to undergo an 'appropriate assessment' of their implications in view of that site's conservation objectives. The effect may be a direct consequence of the plan, or arise in combination with other plans or projects. The plan-making body may only approve the plan if the assessment shows it will not adversely affect the integrity of the site concerned. The only allowable exception is where the provisions of Article 6(4) of the Directive are met i.e. there are no alternative solutions and the plan is necessary for imperative reasons of overriding public interest. Where this is the case, compensatory measures must be taken to ensure the coherence of the Natura 2000 network, a network of terrestrial and marine nature protection areas within the European Union made up of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Protected Areas (MPAs), is protected.
- 1.3** This procedure is applied in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and is known as the 'Habitats Regulations Appraisal' of plans. The Habitats Regulations Appraisal encompasses both the 'screening' process for determining whether an 'appropriate assessment' is required, as well as any 'appropriate assessment'. An 'appropriate assessment' is only required where the authority determines – through the 'screening process' - that the plan is likely to have a significant effect on a European site.

PLAN CONTEXT

- 1.4** The Planning etc. (Scotland) Act 2006 sets the legislative framework for development in Scotland. This consists of a hierarchy of three types of development plans, which apply at different scales. At the national level there is the National Planning Framework, currently NPF3 (2014), which sets out in broad terms how the Scottish Ministers consider development and the use of land could and should occur. At the city-region level, there are four Strategic Development Plan areas covering the city-regions of Aberdeen, Dundee, Edinburgh and Glasgow. At the local level, Planning Authorities are required to prepare a Local Development Plan for their area. Where a Planning Authority is also

part of a Strategic Development Plan area, the Local Development Plan is required to accord with the relevant Strategic Development Plan.

- 1.5** The Inverclyde Local Development Plan: Proposed Plan accords with the approved Clydeplan Strategic Development Plan (July 2017), and has been prepared by Inverclyde Council under The Planning etc. (Scotland) Act 2006. The Plan sets out strategies, policies and proposals for the protection, future development and use of land in Inverclyde. The present stage in the Local Development Plan process is the Proposed Plan, which presents Inverclyde Council's settled view of how the development of land and buildings within Inverclyde should be managed. Other organisations and members of the public will be consulted and invited to comment on the Proposed Plan.
- 1.6** 'Land Use Plans', including Local Development Plans, are required to have their impact on European Sites assessed by Part IVA (regulations 85A – 85E) of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended. The Plan therefore, is required to be subject to a Habitats Regulations Appraisal.
- 1.7** The Appraisal will be carried out with regard to:
- The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
 - Planning Circular 1:2009, Development Planning Appendix 1: The Habitats Regulations;
 - Habitats Regulations Appraisal of Plans, Guidance for Plan-Making Bodies in Scotland, version 2;
 - Habitats Regulations Appraisal Advice Sheet 1: Aligning Development Planning procedures with Habitats Regulation Appraisal (HRA) requirements; and
 - Habitats Regulations Appraisal Advice Sheet 2: Screening General Policies and Applying Simple Mitigation Measures.
- 1.8** The staged appraisal process suggested in the Habitats Regulations Appraisal Guidance will be used in the report. Stage 1 of the Guidance advises on whether the plan is one that should be checked for its effects on European sites. Stages 2 to 4 provide the evidence base for the appraisal and suggest early, but discretionary, discussions with Scottish Natural Heritage about the method and scope of the appraisal. Stages 5 - 7 systematically 'screen' all aspects of the plan to identify whether, and if so which, aspects of the plan should be subject to further appraisal because they would be likely to have a significant effect on the European sites, taking account of mitigation measures that can be incorporated into the plan as part of the appraisal process. Stages 8 and 9 are the 'Appropriate Assessment', if required, and help to identify mitigation measures and procedures to ascertain that the Plan would not adversely affect the integrity of the European sites. Stages 10 – 13 deal with consultation on the draft appraisal record; how to take account of changes to the Plan; and how to finalise the appraisal process and record.
- 1.9** This Habitats Regulations Appraisal Record is being published in conjunction with the Local Development Plan: Proposed Plan and the

Environmental Report and is being deposited along with other relevant documents at the Inverclyde Council offices, at all Inverclyde Council libraries, other notified locations and on the Council's website, www.inverclyde.gov.uk/newldp.

1.10 Hereafter, the following acronyms are used in this report:

- 'ER' for Environmental Report;
- 'HRA' for Habitats Regulation Assessment;
- 'LDP' for Local Development Plan
- 'MIR' for Main Issues Report
- 'SNH' for Scottish Natural Heritage;
- 'SPA' for Special Protection Areas;
- 'Regulations' for The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

THE APPRAISAL

STAGE 1: Deciding if the plan should be subject to HRA

2.1 The Inverclyde LDP is a land use plan that is required under Part IVA (regulations 85A – 85E) of the Regulations to have its impact on relevant European Sites assessed through the HRA process.

STAGE 2: European Sites in Inverclyde

2.2 There are two European Sites that could be affected by the Inverclyde LDP.

- Inner Clyde Estuary Special Protection Area, which was designated in 2000 to protect the population of Redshanks that winter on the sandbanks in the river. This site was also designated as a Ramsar site in 2000, which is an International designation which protects wetlands. Although Ramsar sites are not regulated under European legislation, Scottish Ministers, as a matter of policy, have extended the requirement for Habitat Appraisal to Ramsar sites listed under the International Convention on the Conservation of Wetlands of International Importance.
- Renfrewshire Heights Special Protection Area, which was designated in 2007 to protect the population of Hen Harriers present in the area.

Both sites span areas between Inverclyde and adjoining Authority areas. The Inner Clyde Estuary SPA falls within Inverclyde, Renfrewshire, West Dunbartonshire and Argyll and Bute council areas, and the Renfrewshire Heights SPA falls within Inverclyde, Renfrewshire and North Ayrshire Councils.

2.3 Maps showing the location and extent of the two SPAs are included in Appendix 1.

STAGE 3: Information about European Sites

2.4

TABLE 1: EUROPEAN SITES POTENTIALLY AFFECTED BY INVERCLYDE LDP		
Information	Site 1	Site 2
Site name	Inner Clyde Estuary – Inverclyde Part	Renfrewshire Heights – Inverclyde Part
Designation status	SPA/RAMSAR	SPA
Date of designation	Classified 27/03/2000	Classified 14/12/2007
Qualifying interests	Redshank (<i>Tringa totanus</i>)(over-wintering)	Hen harrier (<i>Circus cyaneus</i>)
Conservation objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of 	<p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of

	habitats supporting the species; <ul style="list-style-type: none"> No significant disturbance of the species 	habitats supporting the species; <ul style="list-style-type: none"> No significant disturbance of the species
Site condition	Favourable - Maintained	Unfavourable - Declining
Factors currently influencing the site	<ul style="list-style-type: none"> Industrial activity Dredging (not thought to conflict with nature conservation interest at current level) Water quality 	<ul style="list-style-type: none"> Disturbance from recreational activities Habitat loss through inappropriate land management and agricultural practices (burning)
Vulnerabilities to change / potential effects of the plan	<ul style="list-style-type: none"> None established at this time. 	<ul style="list-style-type: none"> Potential increased recreational disturbance from promotion of access through green network promotion.

STAGE 4: Discussion with SNH

2.5 All of the policies in the 2014 LDP were screened out and it was agreed that it was therefore unlikely to have a significant effect on any European site and an appropriate assessment was not required. It is assumed that the elements of the 2014 LDP that are being carried forward into the new LDP will continue to be unlikely to have a significant effect on any European site as there have been no new European sites identified, no changes to the boundaries of the existing European sites and no change in their conservation objectives, site conditions, the factors influencing them or their vulnerabilities to change. New development sites submitted for potential inclusion in the plan through the 'call for sites' process were assessed by SNH, with none being identified as likely to have a significant effect on the European sites. Potential changes to policy that were the subject of consultation through the MIR were screened in the draft HRA report that accompanied the MIR, with SNH agreeing with the conclusions of that report. The screening tables set out below are being sent to SNH along with a copy of the Proposed Plan and Proposals Map for further comment.

STAGE 5: Screening

2.6 The screening table for the policies, proposals and sites contained in the Inverclyde LDP Proposed Plan is shown below.

Aspects of the plan which would not be likely to have a significant effect on a European site alone	Relevant parts of the plan	Reasons for screening out
General policy statements (Step 1)	Policy 1 – Creating Successful Places Policy 2 – Priority Projects Policy 6 – Low and Zero Carbon Generating Technology Policy 17 – Land for Housing Policy 20 – Residential Areas	These policies are general statements which are screened out as they are unlikely to have a significant effect on the environment. Inchgreen in Greenock is within the SEIL that was determined as one of the areas where development is most likely to have a potential impact on the Inner Clyde Estuary SPA. However, Policy 2 only supports development proposals in principle and such proposals would be subject to all the other relevant policies within the plan. Following consultation with SNH, it was agreed in the HRA for The Inverclyde Local Development Plan 2014, that there is enough distance between the SEIL at Inchgreen and the SPA to act as an effective buffer to ensure there are no significant impacts from development on the SPA.
Aspects excluded from the appraisal because they are not proposals generated by this plan (Step 2)	<i>Inverclyde Local Development Plan Priority Projects</i> <u>Glasgow City-Region City Deal</u> Greenock Ocean Terminal Inverkip Infrastructure Inchgreen, Greenock	These Priority Projects are brought forward from the City-Region City Deal
Aspects which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment (Step 3a)	Policy 8 – Managing Flood Risk Policy 9 – Surface and Waste Water Drainage Policy 12 – Air Quality Policy 14 – Green Belt and Countryside	These policies are designed to protect, conserve or enhance the natural, built or historic environment. None of these policies actively encourages development and can have no effect on any European site.

	<p>Policy 15 – Soils Policy 16 – Contaminated Land Policy 28 – Conservation Areas Policy 29 – Listed Buildings Policy 31 – Scheduled Monuments and Archaeological Sites Policy 32 – Gardens and Designed Landscapes Policy 33 – Biodiversity and Geodiversity Policy 34 – Trees, Woodland and Forestry Policy 36 – Delivering Green Infrastructure Through New Development Policy 39 – Water Environment</p>	
Aspects which will not lead to development or other change (Step 3b)	<p>Policy 10 – Promoting Sustainable and Active Travel Policy 11 – Managing Impact of Development on the Transport Network Policy 22 – Network of Centres Strategy Policy 23 – Greenock Town Centre Retail Core Policy 24 – Network of Centres Sui Generis Uses Policy 25 – Business and Industrial Areas</p>	These policies mainly provide criteria for the assessment of development, and do not promote development themselves. The implementation of these policies will therefore have no impact on any European sites.
Aspects which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site (Step 3c)	<p><i>Inverclyde Local Development Plan Priority Places</i> The Harbours, Greenock Woodhall, Port Glasgow Peat Road/Hole Farm, Greenock Broomhill and Drumfrochar, Greenock Clune Park, Port Glasgow Regent Street, Greenock</p> <p><i>New private housing development opportunity sites</i> R7. Industrial Estate, Dubbs Road, Port</p>	The sites included in this step all make provision for development but are all distant from the SPAs with no link or pathway between them and the qualifying interests.

	<p>Glasgow R20. Ratho/MacDougall Street, Greenock R30. Greenock Health Centre, Duncan Street, Greenock R39. Former Holy Cross Primary School, Lyle Road, Greenock R48. Auchneagh Road, Greenock R49. Former Sacred Heart Primary School, Westmorland Road, Greenock R58. Kirn Drive, Gourrock</p> <p><i>Housing Opportunities</i></p> <p><u>Port Glasgow</u> R1. Slaemuir R2. Broadfield Hospital R3. Woodhall R4. Southfield Avenue R5. Auchenbothie Road R6. Dubbs Road R7. Port Glasgow Industrial Estate R8. Selkirk Road R9. Clune Park R10. Bay Street R11. 3 Highholm Street R12. Broadstone Avenue R13. Lilybank Road R14. Kingston Dock</p> <p><u>Greenock</u> R15. James Watt Dock (East) R17. Sinclair Street R18. Carwood Street R19. East Crawford Street R20. Ratho/MacDougall Street R21. Garvald Street</p>	
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	<p>R22. Cardross Crescent R23. Luss Avenue/Renton Road R24. Gareloch Road R25. Wellington Park R26. Drumfrochar Road (Tate & Lyle SE) R27. Tate & Lyle (NE) R28. 89-105 Drumfrochar Road R29. Drumfrochar Road R30. Duncan Street R31. Hill Street R32. Regent Street R33. Victoria/East India Harbour R34. 16 West Stewart Street R35. Houston Street R36. Union Street R37. Madeira Street R38. Eldon Street R39. Lyle Road R40. Killochend Drive R41. Mount Pleasant Street R42. Papermill Road R43. Peat Road/Hole Farm R44. Bow Farm R45. upper Bow R46. Merlin Lane R47. Ravenscraig Hospital R48. Auchneagh Road R49. Westmorland Road R50. Auchmead Road R51. Juno Terrace</p> <p><u>Gourock</u> R53. Shore Street R54. Ashburn Gate R55. 1 Ashton Road R56. Weymouth Crescent</p>	
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	<p>R57. Kempock House, Kirn Drive R59. Cowal View R60. Levan Farm</p> <p><u>Inverkip and Wemyss Bay</u> R61. Bridgend R62. The Glebe</p> <p><u>Kilmacolm and Quarriers Village</u> R64. Leperstone Avenue R65. Smithy Brae R66. Lochwinnoch Road R67. Whitelea Road R68. Balrossie R69. Woodside Care Home</p> <p><i>Community Facilities Opportunities</i> F1. New Greenock Health Centre, Wellington Street, Greenock</p> <p><i>Network of Centre Opportunities</i> C1. 15 Nelson Street, Greenock C2. 16 West Stewart Street, Greenock C3. 4 West Stewart Street, Greenock C4. 25 West Blackhall Street, Greenock C5. Cumberland Walk Local Centre, Greenock C6. Main Street, Inverkip</p> <p><i>Business and Industrial Development Opportunities</i> E1. Kelburn (Parklea Road), Port Glasgow E2. Duchal Road, Port Glasgow E3. Newark Street, Port Glasgow E4. Bogston Lane, Greenock E5. Port Glasgow Road (south), Greenock</p>	
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	<p>E6. Port Glasgow Road (north), Greenock E7. Inchgreen, Greenock E8. Sinclair Street, Greenock E9. Main Street, Greenock E10. Cartsyke Avenue, Greenock E11. Crescent Street, Greenock E12. Ingleston Street, Greenock E13. Scott Street, Greenock E14. Baker Street, Greenock E15. Regent Street, Greenock E17. Larkfield Industrial Estate, Greenock</p>	
<p>Aspects which make provision for change but which could have no significant effect on the European site (minor residual effects), because any potential effects would be so restricted that they would not undermine the conservation objectives for the site (Step 3d)</p>		
<p>Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected (Step 3e)</p>	<p>Policy 3 – Priority Places Policy 4 – Supplying Energy Policy 5 – Heat Networks Policy 7 – Waste Reduction and Management Policy 13 – Communications Infrastructure Policy 18 – New Housing Development Policy 19 – Individual and Small Scale Housing Development in the Green Belt and Countryside Policy 21 – Community Facilities Policy 26 – Business and Industrial Development Opportunities Policy 27 – Tourism Development Policy 30 – Enabling Development Policy 35 – Open Spaces and Outdoor</p>	<p>These policies apply across a range of sites or throughout the Inverclyde Area and promote a range of types of development. This means that it is not possible to know what may be developed and the specific locations that could be affected.</p> <p>Policy 3 include sites along the coast, and the policy allows for a wide range of potential developments that could affect the Inner Clyde SPA. Development supported by this policy could come forward at any of these locations at any time however and so it is not possible to know if any European site may be affected.</p> <p>Policy 35 includes the re-provision of outdoor sport facilities and Policy 38 includes the re-provision of paths lost due to development. Without knowing what this re-provision would</p>

	<p>Sports Facilities Policy 37 – Clyde Muirshiel Regional Park Policy 38 – Path Network</p>	<p>consist of and where it would take place it is impossible to know what the impact on the European sites may be.</p> <p>There are over 240 listed buildings throughout the Inverclyde area and Policy 30 could apply to any of them, making it impossible to determine if either of the European sites would be affected.</p> <p>Policy 27 applies across the Inverclyde Area and Policy 37 applies across Clyde Muirshiel Regional Park and it is therefore impossible to determine what affect it could have on the European sites.</p> <p>Policies 18, 21 and 26 apply across the built-up area of Inverclyde, while Policy 19 applies throughout the Greenbelt and Countryside, making any affects of development on the European sites impossible to predict without specific locations.</p> <p>Policies 4, 5, 7 and 13 apply throughout the Inverclyde area and therefore any impact on the European sites is impossible to predict.</p>
	<p><i>Inverclyde Local Development Plan Priority Projects</i> Affordable Housing Delivery Programme Early Learning and Childcare Inverclyde Cemetery and Capacity</p> <p><i>Inverclyde Local Development Plan Priority Places</i> James Watt Dock/Garvel Island, Greenock Former Inverkip Power Station, Wemyss Bay Spango Valley, Greenock</p> <p><i>Housing Opportunities</i></p>	<p>The sites for the priority projects and communities facilities opportunities are not defined, therefore it is not known where they may be implemented.</p> <p>The priority places, housing opportunities and business and industry development opportunities are large sites that will include smaller development areas that will be brought forward in phases over a number of years. It is therefore not known precisely where or when development will occur and which, if any, European sites may be affected.</p>

	R16. James Watt Dock/Garvel Island R52. Spango Valley R58. Kirn Drive R63. Former Inverkip Power Station <i>Business and Industry Development Opportunities</i> E16. Spango Valley <i>Community Facilities Opportunities</i> F2. Early Years Facilities F3. New cemetery	
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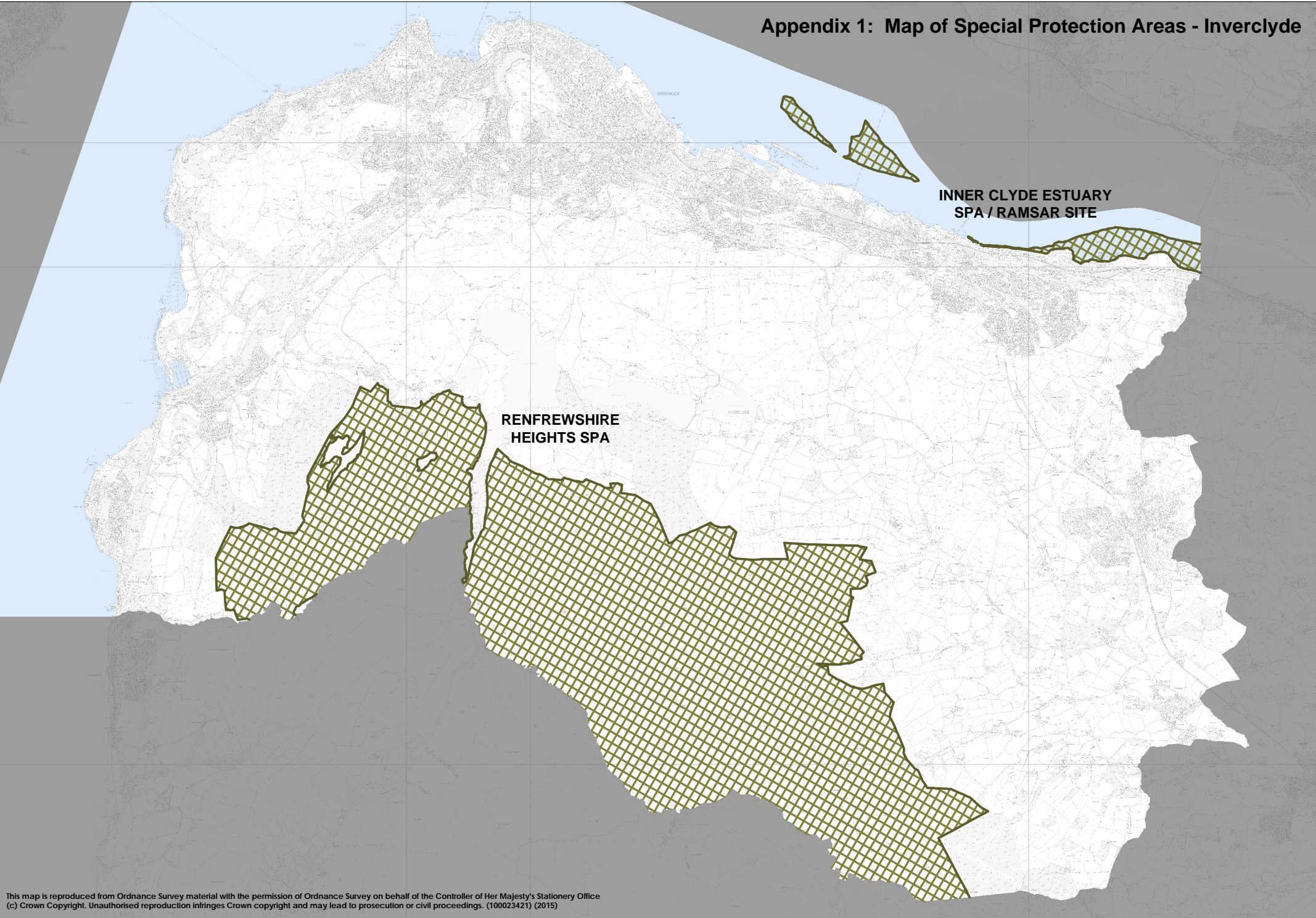
STAGES 6 AND 7: Applying Mitigation Measures, Rescreening the Plan and Deciding if Appropriate Assessment Required

- 2.7 As all the policies and proposals in the Inverclyde LDP Proposed Plan were ‘screened out’, further mitigation measures are not necessary at this stage.
- 2.8 There are a number of other plans that could potentially have an impact on the European Sites identified in this Assessment such as the approved Clydeplan Strategic Development Plan and the Renfrewshire Local Development Plan. However as no policies or proposals were identified under Step 3 (d) of the screening process as having minor residual effects on the European sites identified, no cumulative or in-combination assessments have been carried out.

CONCLUSION

- 3.1 The Inverclyde Proposed LDP is unlikely to have a significant effect on any European site. As the Plan is unlikely to have any significant effects, no appropriate assessment, or cumulative or in-combination assessments were carried out.

Appendix 1: Map of Special Protection Areas - Inverclyde



**INNER CLYDE ESTUARY
SPA / RAMSAR SITE**

**RENFREWSHIRE
HEIGHTS SPA**



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