
PLANNING STATEMENT
PROPOSED GOLF DEVELOPMENT
COUL LINKS, EMBO, SUTHERLAND

NESS
PLANNING

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1. Executive Summary

1.1 This Planning Statement has been prepared on behalf of Communities for Coul Ltd (C4C) in support of the application for the construction of an 18 hole links golf course together with a Par 3 course. The application includes the associated infrastructure, access, drainage and ancillary facilities. It also involves the change of use of the existing farm buildings and cottages associated with Coul Farm to provide golf related facilities including clubhouse, golf pro shop, changing facilities, office accommodation, maintenance shed and storage facilities.

1.2 The application is supported by the following information.

Statutory Environmental Impact Assessment Report
EIA Non-Technical Summary
Design and Access Statement
Pre-application consultation report
Drawings and course layout
Details of the change of use of the existing buildings

1.3 The Planning Statement sets out the principle matters associated with the development proposal and provides a detailed analysis of the relevant material planning considerations to demonstrate that the proposal is supported by the relevant national and planning policies and statutory guidance.

1.4 The submission of the application follows the undertaking of statutory Pre-Application Consultation by the applicant. The submission also follows extensive pre-application discussion in consultation with the planning authority as well as with key stakeholders including the local community councils.

1.5 Detailed consideration has been given to the environmental matters associated with the development site, taking account of the Loch Fleet SSSI and Dornoch Firth and Loch Fleet Special Protection Area. The response to these designations is reflected in the scope of the proposal now submitted. The design, construction and operation of the proposed course has been arrived at only after consideration of the overarching matters raised by Scottish Ministers in the determination of the previous proposal and with due regard of the issues raised during the pre-application stages.

1.6 This Statement should be read together with the other documents and supporting information submitted with the application.

2. Introduction

- 2.1 This Planning Statement is submitted on behalf of Communities for Coul Ltd (C4C), the Applicant, and relates to a planning application for an 18 hole championship links golf course together with a Par 3 course on Land at Coul, Embo, Sutherland.
- 2.2 The description of the proposed development which is the subject of the proposed planning application is:
- Construction of an 18 hole golf course, practice area, access, parking, ancillary infrastructure and the change of use of existing buildings to form clubhouse, pro shop, maintenance shed and ancillary facilities.

The Applicant

- 2.3 The Applicant is represented by a group of local residents who together comprise Communities for Coul Ltd. This is a not-for-profit company formed in January 2021 with a remit to develop a new, environmentally sensitive, world-class golf course at Coul, Sutherland. The Applicant's detailed local knowledge of the area, the value of championship golf courses to the economy of the area and an appreciation of the significant changes in the demography of the area with an increasingly ageing population, has provided a catalyst for action to deliver a development that would both support the local communities and help reverse depopulation by young residents.
- 2.4 The Applicant has a clear understanding and appreciation of the special status of the local environment that comprises the proposed site. They have witnessed the degradation of the site, the changes the 'do nothing' scenario has effected and seek to promote a development that delivers a world class facility, creating a golfing 'cluster' for the wider benefit of the local economy. Underpinning this Vision is a desire to secure the long term protection of the site's environmental qualities by a detailed, site specific, Management Plan, developed and delivered in partnership with NatureScot.
- 2.5 The Management Plan will include the wider area identified within the application site boundary, extending beyond the construction footprint and operational area. This will be wholly funded, implemented and managed as a component part of the Proposed Development and, as a result, will secure the long term protection and conservation of the area for the wider benefit of biodiversity enrichment, the environment and the local community.

Pre-Application Process

- 2.6 The Proposal has involved extensive pre-application consultation and engagement with the planning authority and local community.
- 2.7 A pre-application request was submitted to Highland Council in April 2022 (22/02046/PREMAJ) and a response provided on 6 July 2022. The issues and matters subsequently identified have involved detailed consideration and have informed the scope and extent of the development now proposed. In particular, the construction footprint has

reduced following a careful and meticulous review of the key concerns and comments received during the pre-submission process.

Other key changes include:

- Reduced development footprint
- Reduced habitat loss within the SSSI
- Protection of dune heath and dune juniper
- Greens and tee positions adjusted to minimise intervention within the existing topography
- Revised construction methodology to avoid the need for stripping and levelling out of land
- Minimal alteration of the existing landform and contours
- Minimal areas of new seeding
- Reduction in the need for irrigation
- Reduced requirement for fertilisers
- Reduced intervention to form paths and access
- Coarse layout revised to avoid areas of particular sensitivity
- No new building, existing buildings converted to provide all golf related facilities
- A long term management plan (in agreement with NatureScot) for the wider area to secure appropriate mitigation and restoration of the dune habitats.

Improving Biodiversity

- 2.8 Scotland's Environment Strategy sets out the Scottish Government's vision for tackling the twin climate and nature crises. Building on this, a new Scottish Biodiversity Strategy will set targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045. NPF4 provides the strategies and policies that will secure positive effects for biodiversity. This revised proposal embraces those principles, has assessed in detail the decline of the SSSI in particular and provides solutions to redress the negative impacts that are evident on site.
- 2.9 The terms of NPF4, Policy 3 provide guidance in favour of securing positive benefit effects for biodiversity. This is achieved through conserving, restoring and enhancing biodiversity. Policy 3 promotes investment in nature-based solutions that will benefit people and nature.
- 2.10 The reduced footprint of the development area, now only 1.4 hectares of direct habitat impact within the SSSI, together with the changes in approach towards development, minimising intervention other than for tees and greens, provides the opportunity to conserve, enhance and restore the environment in favour of positive biodiversity outcomes. This revised proposal embraces the principles of Policy 3 in particular and will enrich and restore the biodiversity of the site.
- 2.11 The proposed course design, form, layout and subsequent management is based on a thorough understanding of the issues and concerns raised on consideration of the previous proposal. It seeks to ensure positive effects by conserving, restoring and enhancing biodiversity. This revised proposal achieves these objectives by the following measures:

i) Conserving – the extent of land affected by the development proposal has reduced. This change is achieved by reducing the area altered by the development. Only tees and greens will require intervention, soil stripping and seeding with grass seed to form playable surfaces. The total area of soil stripping within the entire course is restricted to 2.7 hectares. This represents direct impact (habitat loss). By comparison, the area of direct impact involved in the original proposal was 22.7 hectares. The direct impact of the proposed course is offset by the long term benefits the proposal can deliver through maintaining and enhancing the full 317.7 hectares defined by the red line site boundary.

ii) Restoring – the proposal will serve to restore biodiversity within the full 317.7ha application site boundary, providing opportunity for nature recovery and restoration. Managed and appropriate removal of the invasive species identified within the EIAR, whose spread across the site is increasing year on year, can be addressed by this proposal. The restoration will involve a managed and long term programme, increasing opportunity for biodiversity rich environments to flourish while increasing opportunity for public access across and through the site.

iii) Enhancing – the golf course development brings the financial mechanism by which restoration and conservation measures will be secured. Without long term and robust intervention, to include action already confirmed by NatureScot as necessary, including, but not limited to, gorse removal and felling of the expanding birch woodland in the north of the site, the biodiversity of the site will diminish. The speed at which change has occurred at Coul Links, including within the SSSI, is notable when compared with the earlier proposal. Without intervention, the area will deteriorate further. This proposal will enhance the biodiversity through a careful and managed long term funded programme of remediation.

- 2.12 The site will be in a demonstrably better state as a result of the development. Chapter 6 of the EIAR provides detail of the degrading biodiversity of the site. The extent of direct impact of the proposal (1.5 hectares) when compared to the opportunity to restore, conserve and enhance 29 hectares more than off sets direct impact on habitat.

Environmental Impact Assessment

- 2.13 A Screening Opinion (20/02820/SCRE) was submitted to Highland Council in July 2020. Highland Council responded in September 2020 and determined the proposal as a Schedule 2 development and would require an Environmental Impact Assessment.
- 2.14 A Scoping Request was thereafter submitted to the Highland Council (THC) in March 2022 (22/01330/SCOP) with THC providing a detailed written response in May 2022. The EIAR has been prepared taking into consideration the matters raised within the Scoping response and has removed matters scoped out.

Pre-Application Consultation

- 2.15 In accordance with the Regulations governing a major category of development, pre-application consultation was undertaken to inform and advise the local community and statutory consultees of the details of the Proposed Development.

A Proposal of Application Notice (PAN) was submitted to the Highland Council in June 2022 (22/02800/PAN). The PAN was notified to the local community councils, local Councillors, MSP's and MP's and all those residents residing within a 500 metre radius of the application site boundary.

- 2.16 The PAN process requires a minimum of two public consultations to take place. The first was held in Embo Community Centre on 27 July 2022 with a second, virtual Teams meeting held on 30 August 2022. The PAC report accompanying this application provides the full details of the public consultation, responses and action taken to address those matters raised during the consultation process and material to the proposal.

3. Planning History

- 3.1 The Proposed Development represents a revised proposal for a golf course on the site and seeks to address the matters raised by Scottish Ministers in their determination to refuse planning permission. The decision to refuse planning permission (17/04601/FUL) was made following a 'Call-in Direction' and subsequent Public Local Inquiry. This followed the decision by The Highland Council's North Planning Applications Committee (NPAC) to grant planning permission subject to conditions.

- 3.2 The Reasons for Refusal were concerned principally with the perceived adverse effect the proposal would have on habitats and species and the potential adverse effects on the qualities for which the special designations, more specifically the SSSI, are identified.

- 3.3 Ministers agreed with the Reporter's decision and concluded that:

'the proposed golf course is likely to have significant adverse impacts on the important natural heritage interests at Coul Links, and that those harmful impacts would not be outweighed by the socio-economic benefits of the proposal. As such, we conclude that the proposed development is contrary to the development plan and national planning policy.'

- 3.4 The proposal before the Reporter and Scottish Ministers differed significantly from that now proposed. The failure of the previous proposal to gain planning permission and the reasons for the decision, have together driven the scope of changes now proposed. The revised and updated EIAR responds to the concerns and addresses the critical aspects of the previous refusal.

- 3.5 It is material to note that the previous proposal delivered positive outcomes including socio economic benefits. Importantly, Ministers decision confirmed that no adverse effects would be attributed to water quality and environment or transport related matters. Support for the re-use of the existing, largely redundant, Coul Farm buildings was also confirmed. A summary of the key Findings is presented in Table 1 [Appendices Document 2].

- 3.6 It is against this background, that the Applicant, a group of locally based residents, seeks to gain planning permission for the now revised proposed golf course. It will be designed by Bill Coore and developed by Mike Kaiser, a world leader in course development and has the potential to be both the catalyst for significant socio economic benefits as identified in the

relevant chapter (10) of the EIAR, and deliver a programme for the long term management of Coul Links to the wider benefit of biodiversity gain and enrichment.

4. The Proposed Development

- 4.1 The revised and amended proposal for the development of an 18 hole links golf course together with ancillary facilities and infrastructure has involved a detailed appraisal of the site constraints, the landscape, topography, specific designations together with a detailed analysis of the issues raised during consideration of the earlier proposal.
- 4.2 The detailed re-assessment of the site constraints, while aiming to deliver a world class links golf course, has governed the approach and outcome. The environmental designations provide challenges but also opportunities. These have influenced the layout, protecting the key elements of a biodiversity rich environment, while delivering a challenging course.
- 4.3 The proposal, as revised, recognises the importance attributed to the natural environment and seeks to minimise impact through careful planning, design and with reference to positive examples of other links courses within SSSI's. It has embraced the opportunity to reverse the biodiversity loss occurring as a result of the encroachment of invasive species in particular. This proposal has sought to demonstrate that it will conserve, restore and enhance biodiversity and ensure the land within the application site boundary is in a demonstrably better state than without intervention.
- 4.4 This proposal is an entirely different development: while recognising that it will deliver an 18 hole golf course, its form, layout and construction methodology differs significantly from that of the previous proposal. The emphasis is on working with the special qualities of the area, creating a course that responds to the landform with only minimal intervention. Concurrently, it will create and develop opportunities to enhance the present status of the SSSI, in line with NatureScot recommendations. Further, it provides the catalyst for employment opportunities while associated benefits will accrue for the local rural economy. It will enhance access to sport and recreation facilities and will develop opportunities for augmenting golf associated higher education courses and in other other fields including hospitality and catering and available through the UHI.
- 4.5 The detailed analysis of the previous proposal at Inquiry has had significant benefits in guiding the content of this revised proposal. It has identified those areas that must be avoided and protected, it has clarified on issues that require sensitive treatment if damage is also to be avoided and it has clarified on matters that simply will not be considered appropriate or capable of support. It is against this wealth of background knowledge and with a clearer understanding of the critical issues that must underpin any successful development of the area, that this revised proposal is now submitted.
- 4.6 The proposal has drawn from examples elsewhere within Scotland and the UK where golf courses have enhanced and improved habitats, including those within SSSI's. The reduced construction footprint and a similarity in approach towards developing and managing sensitive environments currently evident on these comparable sites, delivers a course that will deliver positive benefits for the site. Chapter 6 of the EIAR establishes the extent of damage resulting from the increasing spread of invasive plant species, the changing dune system that is increasingly stable and the resultant threat to the long term integrity of the SSSI and the species for which it is designated.

- 4.7 The approach the Team has adopted in delivering a revised proposal is guided by four key principles:

Reduce the footprint of the development site, particularly within the designated SSSI boundary, by limiting intervention and change to the landscape and habitats it supports

Increase the extent and quality of the existing dune habitat

Maintain connectivity across the site by design changes to the golf course profile, reduced width of footpaths, limited intervention on fairways and paths and a conservation, biodiversity enhancing led approach towards management of the course. The course is dictated by the environment not the reverse.

The course will enable the appropriate long term, fully funded, management of the SSSI, embracing the preferred methodologies promoted by NatureScot, working in partnership with them and delivering on Scottish Governments objectives for biodiversity enhancement.

Trained staff will implement the management programme, gaining a sense of ownership and pride in their delivery of quality stewardship and providing value for money.

- 4.8 Environmental designations, particularly the SSSI, do not preclude development, only that it is demonstrated to be an appropriate intervention. This revised proposal, as set out in detail within the EIAR, serves to achieve synergy between protecting and enhancing the environment, and consequential brings benefits to biodiversity enrichment, and delivery of a world class course. Each brings benefits and these are detailed in the EIAR.

Site Layout

- 4.9 The proposed golf course application site boundary defines an area of 317 ha hectares but of this, only 14.7 hectares comprises the actual course development area in the SSSI including roughs. It is important to emphasise that of that 14.7 ha total, only 1.5 ha is within the SSSI. Drawing 22-11-MRH -104 provides the details of the area (hatched yellow) that is excluded from any part of the development of the course. By comparison, the previous course occupied an area of 22.7 hectares, including roughs, of which 14.7 ha was direct impact in the SSSI. The application site boundary deliberately extends beyond the footprint of the development and corresponds to the area that is suggested and proposed to be maintained as part of the Management Plan. This is clearly defined on Drawing 22-11- MRH 106. The footprint of the course, as revised, extends from the south at Embo towards the north where the south coastal edge of Loch Fleet defines the north boundary. The footprint of the actual course is held back from Loch Fleet boundary by approximately 300 metres. To the west, the boundary includes the existing farm buildings and adjacent fields. It also includes the line of the new access road. The footprint of the golf course development is however limited to the land abutting the existing farm access track. To the east, the boundary is identified by the lower lying ground that sits between the two main dune ridges that run north to south. The east boundary of the course footprint is some (approximately, in places) 300 metres distant from the coastal dune system.
- 4.10 The boundary defining the actual area of construction is therefore significantly reduced and occupies a north /south axis running parallel with but some distance from the coastline.
- 4.11 The Proposed Development includes the following additional features.

- i) access road extending from the C1026 public road to the west of the site and located at an existing field gate access with the road. The new section of road extends through an existing field currently used for grazing purposes, to adjoin the existing private farm track. The access junction with the public road will be upgraded and designed to accord with roads authority requirements while the existing farm track will also be upgraded to serve the development. No part of the access is located within the boundary of the SSSI.
- ii) change of use of the existing farm buildings and cottages
 - Existing steading converted to form maintenance shed, store and club house
 - Existing cottage converted to golf pro shop.
 - Existing cottage converted to form changing facilities for golfers
 - Existing cottage converted to form offices and staff facilities
 - Formation of car park for visitors and staff based on the existing yard are allocated to the rear of the steading
- iii) installation of a new foul drainage system together with secondary and tertiary treatment and outfall to Loch Fleet
- iv) surface water drainage system for the proposed converted buildings
- v) irrigation/reservoir (permission granted, not issued)
- vi) ancillary facilities including provision for waste storage and collection, cycle storage and secure parking facilities, landscaping of the areas adjacent to the buildings and electric charge points.

Construction Methodology

- 4.12 The two significant and overarching changes encompassed within this revised proposal relate to the area contained within the footprint of the golf course and the method of construction. The direct impact of the course has changed from 22.7 ha to 2.7 ha with only 1.5 ha of that within the SSSI.
- 4.13 The proposed golf course is designed as a links course. The full success of the course will be determined because of its links location. Scotland has recently been confirmed as the world's Number 1 golfing destination, a significant milestone and one on which to build and develop the reputation for quality, world class golf courses. Scotland is the home of golf, with the historical development of the sport based on links locations. The preferred choice of play for golfers is a links course, as confirmed in the leading golf magazines.
- 4.14 The design of the proposed golf course will deliver a world class, quality links course achieved by adopting a carefully considered balance between protecting the environment and using the existing topography as the template for the course design.
- 4.15 The objective is to minimise every aspect of the construction, form and layout of the course and so reduce any adverse impact on the environment, habitats and species. This is achieved by allowing the existing landform and topography to govern the layout of the course. The following construction methodology secures this objective:

- i) the design, form and layout of the course including the position of tees, greens, fairways and paths has been determined by the existing topography. This means that the more sensitive areas (for example previous Hole 4 and Hole 16) are relocated and sited to avoid the sensitivities now identified as a result of the previous application. This micro siting of tees and greens ensures that the landscape requires little alteration to accommodate the relevant tee or green feature.
- ii) Fairways are now designed to include natural bridges (breaches) between existing habitats and enable access through and across the site, creating natural corridors to maintain connectivity and reducing risk of edge effect and fragmentation significantly;
- ii) there will be no stripping of the existing ground for fairways or paths. The existing vegetation, which generally comprises natural grass species such as fescues or dune heath, will be mown providing a graded profile between rough, semi rough and managed rough. The play surface will therefore not involve swathes of new grass seeded areas or adjusted topography profiling. The skill in playing the course will be based on the existing landform, not a new, manufactured profile.
- iii) only the tee and greens will require grass seed to provide a playable surface. These areas may also require, on certain of the greens, site specific levelling off. This will be achieved with a mix of soil and sand fill. The location of the greens in particular has been selected because of the natural landform, choosing areas that require the least amount of adjustment or alteration.
- iv) interconnecting paths have been reduced in width to no greater than 1.5-1.8 metres. Paths will be managed through profile mowing, increasing vegetation height toward the outer boundaries and avoiding the negative edge effect of sharply defined boundaries at the outer edge.
- v) by limiting the areas of grass seeding to tees and greens only, the amount of irrigation required is kept to an absolute minimum. Greens will only be irrigated when required through a managed process and understanding of the surface requirements.
- vi) fertilisers will not be used. Additives will be used on greens and tees where appropriate but the requirement for extensive use of growing enhancers has been replaced by the corresponding reduction in the areas of seeded grass.
- vii) rare lichens are avoided and removal of fertilisers from fairways will avoid any negative effects. Areas of juniper heath are avoided and none will be removed or lost as a result of the development proposal
- viii) equipment required to deliver the construction of the golf course will be limited to small low impact vehicles thereby avoiding ground compaction and habitat damage.

Operational Methodology

- 4.16 The changes to the design, form and layout of the proposed golf course result in a corresponding change to the operation of the course. The need for extensive irrigation, use of fertilisers and excessive mowing, is each minimised. Careful management of cut vegetation, including a programme of conservation best practice, for example in collecting seed from dune heath, will augment the opportunity for appropriate replacement planting and restoration where appropriate.

- 4.17 The equipment required to manage the course once operational will be restricted to low impact vehicles avoiding the potential for ground compaction and associated implications for drainage and habitats. Mowers, maintenance equipment etc will be restricted to ensure it can be accommodated on the 1.5-1.8m wide access paths. Where aeration equipment is required, these will also use the existing paths for access. Golfers will not have access to golf buggies. With the exception of disabled access, the course is credited with being a 'walking' course.

Access

- 4.18 Public access to the area will not be affected by the proposal. Access paths through and across the site, albeit now less visible than in previous years due to growth of the vegetation cover, will be maintained. The existing Core Path that extends to the west of the course based on the former railway line will not be affected although the proposed course will provide an opportunity for its maintenance and upkeep as part of the overall management programme. Golfers playing across the path will give way to pedestrian access.
- 4.19 The course will be out of play during the winter months (October – March) and access across the dune slack where secured by new raised board walks, will be discouraged by removal of the sections of boardwalk during the winter period. This will have immediate benefits for overwintering birds. Winter shooting of wildfowl will also cease.

Drainage

- 4.20 The adjusted golf course and significantly reduced areas of new seeding, restricted to the greens and tees, results in a similarly significant reduction in the requirement for irrigation. During the development stage, irrigation may be required but it will be limited to those areas identified as necessary. The reduction in irrigation requirements has a corresponding reduction in the amount of water required, minimising extraction to the extent that for irrigation purposes, the permitted reservoir is anticipated to be more than adequate. This negates the need for drainage within the SSSI.
- 4.21 Foul and surface water drainage are dealt with in detail in the appropriate EIA chapter (7) but, in the absence of an available connection to the public sewer, has been designed to meet the stringent conditions required to ensure the environment is fully protected. Details relating to the use of the buildings is provided with discharge, post treatment, to Loch Fleet.

Further Information

- 4.22 The full details of the construction, operation and management of the proposed development are provided within the relevant chapters of the EIA.

5 Environmental Designations Assessment

- 5.1 An assessment of the application demands a full appreciation and understanding of the environmental designations. These areas interconnect and overlap and, significantly, extend beyond the application development site boundary. This is an important and relevant consideration. Those environmental designations identified within the application site are:

Dornoch Firth and Loch Fleet Special Protection Area (SPA) is protected for its range of non-breeding waterfowl and breeding osprey;

Dornoch Firth and Loch Fleet Ramsar site, also protected for its non-breeding waterfowl, breeding osprey and its range of coastal features; and
Loch Fleet Site of Special Scientific Interest (SSSI), notified for its intertidal marine habitats, its coastlands, its native pinewood, its vascular plant assemblage, and its birds.
The application site also lies adjacent to the Moray Firth SPA, protected for its marine birds.

- 5.2 The boundary for these four designations is identified on Plan 1 in the appendices. The boundaries and the citations relating to each are important material considerations but must be assessed in the context of their designations. To demonstrate that the impact on the designations is negligible and potentially beneficial is explored in this section.

Loch Fleet SSSI

- 5.3 The measured site of the SSSI is 1238ha. The south boundary extends from an area just to the north of Embo, the west boundary follows the former railway line towards Loch Fleet and from there extends around the Loch Fleet boundary to the A9 bridge, the east boundary is defined by the coast line while the north boundary extends across Loch Fleet to include areas of pine woodland and the Ferry Links and Dunes. This means that the majority of the designated area extends beyond the proposed development site.
- 5.4 The Citation refers to the Notified Natural Features. These are defined as:
- Intertidal marine habitats – eelgrass beds
 - Intertidal marine habitats – sandflats
 - Coastlands - saltmarsh
 - Coastlands – sand dunes
 - Woodlands = native pinewood
 - Vascular plants – vascular plant assemblage
 - Birds – breeding bird assemblage
 - Birds – eider
- 5.5 An appreciation of the application development area (distinct from the site boundary) confirms that the greater majority of the citation features are either not present or are unaffected. This may be summarised:

Eelgrass beds, saltmarsh and sandflats – these are located round the intertidal areas and sheltered shores of Loch Fleet and are therefore not affected in any way by the proposed development. The site layout plan [22-11 MRH-100D] confirms that the footprint of development and construction is some distance from these areas.

Pinewood – this refers to the pinewood at Ferry Links, situated on the north side of Loch Fleet confirming the proposal will have no effect on this feature.

Breeding Bird Assemblage – coastal birds such as ringed plover, shelduck, common, Arctic and little terns and eider each breed on the foreshore, dune and saltmarsh habitats. Other coastal breeding birds include wheatear, sedge warbler and reed bunting, osprey, Scottish crossbill and treecreeper are found in the pine woodlands. As defined, the birds identified are either coastal based or within the pine woodlands

to the north. Only a small section of inland dune is affected by the proposal (to the north comprising greens 3, 4,5 and 6). The vast dune system that defines the coast to the east of the development site is unaffected by the proposal.

Wintering birds – the SSSI supports important numbers of eider. These are coastal birds that feed on the marine invertebrate fauna.

The SSSI is designated for the following birds: bar tailed godwit, dunlin, greylag goose, oystercatcher, teal, widgeon, waterfowl, osprey and curlew. With the exception of the osprey, these birds are coastal waders.

Vascular plants – the SSSI includes nationally scarce plants including twin flower (natural habitat being pine woodlands), wintergreen (also pine woodland) and sea centaury found on the sand dunes and generally dry grassy areas.

Sand dunes – Coul Links displays a complete transition from foredune to slacks. The area supports in particular coastal heathland and juniper scrub.

5.6 NatureScot have determined eight key management objectives for land managers to protect the SSSI and maintain and where necessary enhance its features of special interest. These are:

To maintain the condition, distribution and extent of the eelgrass beds, sandflats and saltmarsh habitats.

To restore the condition of the sand dune habitat.

To maintain the condition, distribution and extent of pinewood habitat.

To maintain the distribution and population size of rare and scarce plants.

To maintain the population of breeding birds and to avoid significant disturbance to these birds during the breeding season.

To increase the wintering population of eider and to avoid significant disturbance to this species.

To maintain non-breeding populations of waterfowl and avoid significant disturbance.

To maintain the distribution and extent of marine habitats and species which are part of the Moray Firth SAC.

5.7 The impact on the SSSI, which the Citation confirms is designated for the European birds listed above, will be negligible. The golf course development is set back from the coastal margins and will be closed during the winter months from October – April. This proposal differs significantly from the previous proposal. This proposal is concerned with protecting the existing habitats by avoiding sensitive areas, by minimising construction operations, by creating opportunities for vascular plants to flourish, particularly through removal of the identified spreading invasive species including bracken, gorse, rosebay willow herb and meadowsweet.

5.8 Rather than impeding the conservation and enhancement of the natural features of the SSSI, this proposal, as set out in the EIAR, Chapter 6, Ecology, will provide the mechanism whereby the deterioration of the habitats can be restored through a careful programme of Management designed and executed in consultation and partnership with NatureScot.

- 5.9 Breeding birds that rely on areas of reed (sedge warbler), rock crevices (wheatear), ditch edges and set aside (reed bunting) are not affected in any way by the proposal. The area of high sand dune that is altered for the delivery of the course is restricted to the north west on the dunes set back from the Loch Fleet boundary. The changes proposed on these dunes are however minimal with only the proposed greens requiring some micro management to level the ground. Dune slacks offer opportunities for some nesting birds. This proposal seeks to improve and to restore the existing slacks, particularly those that run parallel to the shoreline. It will also enhance the open water ponds to the north favoured by breeding birds. This proposal delivers improved opportunities for breeding birds through a programme of mitigation, restoring the dune slacks that are becoming choked with meadowsweet, leaf litter and the resultant build up of humus.
- 5.10 The impact on the integrity of the SSSI, recognising the extent and varied characteristics for which it is designated, has been a key consideration in designing this revised proposal. The overall sand dune features, comprising dune heath, dune slack, dune grassland and semi fixed dunes will derive positive benefits from this proposal through proactive management. The deteriorating condition of the dune slacks will be restored by removal of the invasive species, particularly meadowsweet. The dune heath will be protected from incursion by gorse in particular through a managed programme of removal by the roots thus creating instability and opportunities for pioneer plants to colonise. Dune grassland, the majority of which lies outwith the development footprint, will be protected by the removal of the expansive areas of bracken, particularly to the south of the course area; and by the appropriate removal of the birch woodland that threatens to continue its spread and so alter the character of the fixed dune habitats. While it is possible for NatureScot to implement a Management Plan that will achieve similar results, the impact of year 1 of the agreed management plan has had minimal success and has barely halted the spread of invasive species. This proposal can deliver an effective long term management plan for the entire area, extending beyond the footprint of development, and secure the overall integrity of the designation for the benefit of habitats, species and the wider community. The mitigation proposed outweighs any adverse effects, none of which are defined as significant within the relevant EIAR chapters.

It will deliver on the Scottish Government objectives of conserving, restoring and enhancing biodiversity.

Dornoch Firth and Loch Fleet SPA

- 5.11 The SPA is a large area covering the Moray Basin and Dornoch Firth ecosystems. The area extends beyond the Loch Fleet SSSI but includes the application area within part of its boundaries. The revised Citation for the SPA notes the Qualifying Interest as the bird populations supported by the estuaries in particular. The application site and the area beyond the development footprint, extending in the north from Loch Fleet to Embo in the south, is included within the SPA boundary. The SPA supports waders in particular, populations of greylag goose and nationally important populations of curlew, teal, scaup, redshank, wigeon, bar tailed godwit, dunlin and oystercatcher. Osprey are also cited.
- 5.12 None of these species however rely on the dune system for overwintering. Many shelter and feed on the open farmland to the west. Others are coastal waders dependent on the foreshore

and mudflats in particular. The SPA Citation is concerned with over wintering birds rather than breeding populations. The dune slacks will be important for shelter during winter months: that this proposal restores the existing dune slacks and lochans, neither of which would be achieved without this proposal. It will serve to enhance the opportunities for the overwintering birds cited. Habitat enhancement to support the species is to be welcomed. Closure of the course during winter months, and limiting construction during this period, will provide the protection the qualifying species require. The effect on the qualifying species cited within the SPA is therefore negligible.

- 5.13 The proposed golf development will involve two adjustments to the existing vegetation. The fairways will be formed by mowing of the existing vegetation cover, including grass and dune heath. None will be removed as a result of this proposal. The tees and greens only will require adjustment, to level off the ground and seed with new grass. This totals 1.5 ha combined for all the proposed tees and greens. It is a considerable reduction on the previous proposal of 14.7 ha of direct loss within the SSSI. The potential for disturbance to over wintering birds cited within the SPA is not relevant as the course will not be in play during the winter months. Construction of the course can be controlled by appropriate conditions. Alteration of only 1.5ha of existing vegetation cover will not have an unacceptable adverse effect on the habitats supporting the species. The remediation of existing slacks will enhance and expand habitat potential and support the species. The conservation objectives of maintaining the distribution and extent of habitats supporting the species is not threatened.
- 5.14 The proposed golf course does not extend near the estuaries or Firth ensuring breeding birds will not be affected. The landowner has confirmed that winter fowl shooting will cease. The course will be closed for play during the main breeding season and over wintering winter months.

Dornoch Firth and Loch Fleet Ramsar Site

- 5.15 The Ramsar designation corresponds to the SSSI boundary. The previous decision to refuse planning permission had cited 'potential loss of bird habitat and disturbance of qualifying species [that] would be likely to result in an adverse effect on overwintering birds'. However, as demonstrated, the extent of habitat change, the extent of new areas of grass and the extent of change overall has been considerably reduced. The extent of degradation of the dune slacks in particular taken together with the spread of gorse, bracken, birch woodland and other invasive species, all of which will be managed as a part of this proposal, means that the potential loss of bird habitat, if indeed it can be identified, will be off set more than adequately by the mitigation proposed. This will be undertaken fully in accordance with NatureScot's Management Plan for the site. The result of careful long term management of the site, including areas beyond the construction and operational footprint, will enhance habitats, restoring them and encouraging colonisation of many of the species that are currently being adversely effected by the habitat degradation evident on site.

Special Landscape Area

- 5.16 The SLA extends along the coast to the north of Fourpenny to Helmsdale. It includes a wide variety of landscapes. An area of the proposed golf course is included within the SLA but not

all of it is within the development (construction) footprint. Loch Fleet is noted as an important feature but no specific reference is made to the area south of the Loch. The SLA citation identifies the Sensitivity to Change criteria. None relate to the proposed application site area. There is no adverse effect deriving from the proposal on the character and integrity of the SLA.

NatureScot Management Plan

- 5.17 While this section has considered the significance of the environmental designations and the potential effect of the proposed golf course development, it is particularly relevant to also highlight the fact that NatureScot has agreed a Management Plan with the landowner. The existing Plan does not cover the entire site but has selected key areas for intervention. The Plan is intended to span over a period of five years at a cost to the public purse of some [REDACTED] per annum. This year involved removal of selected areas of gorse, removal of birch and willow scrub, weed control (ragwort and field thistle) and fungicide treatment of a section of bracken.
- 5.18 NatureScot has advised that implementation of the Landowner Management Plan is intended to ‘carry out specific works to improve and protect the sand dune feature within part of Loch Fleet SSSI. This will relieve the threat of encroaching scrub closing in and out competing rare dune habitats’. NatureScot, while on site, (Professor Stuart Angus) has indicated that the preferred option would be the complete removal of the birch woodland, removal of all gorse, particularly fragmented plants, and removal of the expansive areas of bracken. The Management Plan also recommends mowing of limited areas and accepts that vehicular access will be required. Management of the golf course will provide a long term solution for implementation of the Management Plan, with staff trained in the use of equipment and operating in partnership with NatureScot. The golf owners would also finance the implementation of the Management Plan.
- 5.19 The remediation proposed by NatureScot to deliver their agreed Management Plan differs little from that now proposed to develop the course. The revised layout now proposed avoids all of the sensitive areas previously identified, including dune juniper. It involves only 1.3 hectares of new grassed areas for the tees and greens. It will manage the removal of gorse, implement bracken control, the removal of birch and willow scrub woodland, invasive species, weed control and maintain this over the lifetime of the course.
- 5.20 Given the aligned methodologies with NatureScot’s Landowner Management Plan proposed for the long term management of the area, it is difficult to consider other than that the golf development will deliver an appropriate and comprehensive long term protection of the area, agreed and approved as a Habitat Management Plan. Working together with NatureScot, the proposal has the capability to deliver meaningful enhanced biodiversity, conserving and restoring the SSSI and wider area for the benefit of nature and habitats.

6 Planning Policy Assessment

- 6.1 The HwLDP is more than five years old. Paragraph 33 of Scottish Planning Policy 2014 states that where a development plan is more than five years old, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that all applications are determined in accordance with the development plan unless material considerations indicate otherwise. Chapter 4 of the EIAR sets out the relevant planning policies that will determine the proposal. The relevant general policies are contained within the adopted Highland wide Local Development Plan 2012 and the relevant Supplementary Planning Guidance. In addition, the more recently adopted Caithness and Sutherland Local Development Plan (CaSPlan) 2018, is relevant. Together these comprise the development plan.

Caithness and Sutherland Local Development Plan – CaSPlan - 2018

- 6.3 The CaSPlan provides the Vision, Strategy and Policies that underpin development within the Plan area. The Vision seeks to:

- Grow communities
- Secure a strong, diverse and sustainable economy
- Develop high quality places where the outstanding environment is celebrated

The Plan identifies the wider surrounding area, including the application site, as an ‘Area for Co-ordinated Tourism Connections’ where the Vision can be delivered through growing the tourism industry. Paragraph 18 advises that this is a ‘key objective’ and could generate significant numbers of jobs noting that there is potential for various scales of tourism/leisure developments. This is reinforced at paragraph 55 which confirms that the tourism sector is considered as an increasingly important component of the economy with the Tourism Corridor in which the site is located, recognised as having particular development potential.

- 6.4 Paragraph 52, Employment, confirms that one of the key aims of the Plan is ensure that development ‘helps to maintain and grow a strong and diverse economy’. The Plan further confirms that the tourism sector is considered an increasingly important component of the economy and will support suitable opportunities throughout the Plan area particularly in the rural and remote locations. It specifically identifies the East Coast Connectivity and Tourism Corridor, in which the Proposed Development is located, as particularly suited to tourist related opportunities.
- 6.5 This objective is also reflected in paragraph 72 where the Plan seeks to ensure safeguards for the natural environment and to achieve a balance between capitalising on the assets and their continued protection. Policy does not preclude development only that protection of the environment is fully considered. This proposal, as revised, has significantly reduced the impact on the environment, (now 1.4 hectares in total only affected within the SSSI) species and habitats through a detailed assessment of the special characteristics of the environmental designations. This proposal works with the existing landforms and its habitats, it introduces construction and operation methodologies that achieve a balance between improving opportunities for species and habitats to thrive while delivering an economically viable world class facility in line with tourism objectives.
- 6.6 The Dornoch Economic Masterplan was commissioned by Highlands and Islands Enterprise and it highlighted the importance of raising the profile of the town in the tourism industry. Chapter 10 of the EIAR provides a detailed assessment of the acknowledged socio economic

benefits delivered through the proposed course. The Plan's Vision for a 'strong, diverse and sustainable economy' is proven capable of delivery as set out in this Chapter.

- 6.7 Recognising the wide ranging advantages, both in biodiversity and economic terms, development of this course will deliver to the wider area, and building on the acknowledged benefits derived from 'cluster' developments, this proposal has far reaching benefits for the long term survival of this remote area.
- 6.8 The objectives of the CasPlan are therefore satisfactorily met.

Highland wide Local Development Plan 2012 (HwLDP)

- 6.9 The Policies of the HwLDP provide the general guidance against which all proposals are assessed. The Proposed Development will accord with very many of them. For example, Policy 29, Design Quality and Place Making, by incorporating the sensitive re-use of redundant buildings, Policy 43, Tourism by creating new opportunities and extending the length of stay and spend of visitors and golfers in particular. The advantages of promoting a golf destination cluster will have significant benefits for not only Dornoch and Embo but also Tain, Golspie and Brora as the area develops as a world class golf destination with opportunities to play additional courses on consecutive days. The course has the potential to attract greater numbers of visitors and provide a destination resource encouraging golfers to stay in the area rather than as day visitors as at present.
- 6.10 Policy 28 – Sustainable Development, underpins all development proposals. It seeks to ensure that all development enhances the social, economic and environmental well-being of the people of Highland while embracing the principles of sustainable development. The policy advises on a range of site specific criteria. The Council's pre-application response confirmed that the proposed development is likely to offer a significant positive impact in terms of social and economic growth. This is borne out by the Socio Economic chapter (10) in the EIAR. The EIAR also details the extent and quality of mitigation proposed together with an explanation of the revised construction and operation methodologies. These attributes combine to minimise any potential negative impacts on habitats, species, scenery and landscape in particular and in doing so, comply with the relevant terms of Policy 28.
- 6.11 In addition, the Proposed Development accords with Policy 56 – Travel. It provides an acceptable new access to the site, it considers alternative, non car borne, means of transport, particularly for staff, and addresses, in Chapter 8, the impact of the development on the existing road network which is demonstrated to be negligible.
- 6.12 The sensitive environment has required detailed consideration of drainage matters: surface water and waste water in particular. The design of the relevant drainage systems has been arrived at only after detailed discussion with SEPA. The design of the proposed drainage systems accords with relevant legislation and demonstrates no adverse effect on the environment all as set out in Chapter 8 of the EIAR. There is no direct flood risk associated with the site including all buildings. The terms of Policy 64 Flood Risk, Policy 65 Waste water treatment and Policy 66 Surface Water Drainage are each met as detailed in the accompanying EIAR and drawings.

- 6.13 The changes to the form and layout of the proposed golf course, noting particularly the reduced area of grassed tees and greens, now limited to 1.5ha, has had a corresponding reduction in the need for irrigation. The impact on the water table through abstraction is all but removed with irrigation water provided by the consented reservoir located to the south west of the site. SEPA has previously accepted the abstraction amounts and these are significantly reduced with the revised proposal. The requirement for ground water abstraction is therefore greatly reduced, limiting impact on GWDTE. In addition, the design of the reservoir will be altered to better reflect the character of the area and 'soften' the boundaries to create a more natural outline.
- 6.14 Policy 49 – Coastal Development requires that a proposal should not be at risk from coastal flooding or erosion. The EIAR Chapter 11 confirms that this section of the coast is one of deposition and not erosion and should not be considered as similar to either Dornoch or Golspie coastlands where erosion is evident. This is particularly clearly demonstrated within Figure 3 included within Chapter 11. Reference is made to the Dynamic Coast document referred to in the assessment of the previous proposal. The document is principally concerned with the evident coastal erosion occurring at Golspie. The Report Summary confirms that Coul Links experiences pockets of accretion with central Coul showing accretion rates of up to 1.1 metres per year. The Report further confirms that the sections along 'southern Coul show surprisingly little changes to the MLWS'. This accords with the research undertaken as part of the EIAR, by Professor Pye, in assessing in detail the Coul Links coastal area. The site is not considered to be at risk and in any event is afforded additional protection from the raised beach and abandoned cliff-line that lies behind the dune system with only very restricted areas of dune slack behind the frontal dune ridge below 3.0 m OD. In summary, there is no risk from coastal erosion along the Coul Links coastline.
- 6.15 Policy 51 Trees and Development – it is noted that one area of pine woodland has previously been removed. Replacement planting elsewhere under the ownership of the land owner has been agreed and is a committed development. The area previously wooded, and incongruous in its form and setting, remains visible. This proposal will provide the scope to clear the site of debris and remaining tree roots from felled trees. The restoration will bring positive benefits not least visually. It is understood that removal of the remains of the woodland plantation has been an objective for some of the community and this proposal will achieve that benefit.
- NatureScot has previously confirmed that they seek the removal of the existing birch woodland to the north west of the site. This is a fast growing copse of trees that evidence year on year spread into the area of dune heath. NatureScot seek its removal to restore this area of the dune system. This proposal will secure that removal in line with current guidelines to ensure protected species are not adversely affected. Should replacement planting be required, this will be implemented on land within the land ownership and potentially on fields to the west of the application site. This can be addressed through appropriate conditions.
- 6.16 Policy 57 - Natural, Built and Cultural Heritage. Compliance with the terms of this Policy have guided the scope of the development proposal, governing the changes introduced to alleviate the concerns associated with the earlier submission. Policy 57 does not preclude development where the site is situated within areas of international, national, or regional importance, only

that it is demonstrated that it will not unacceptably compromise the natural environment, amenity and heritage resource.

The site is included within part of the Loch Fleet SSS1 (national importance), SPA (international importance), Special Landscape Area (local/regional importance). To address the potential impact on the site, the proposal now presented, is significantly different in its construction, operation and layout. In summary, only 1.5 hectares of the entire site will be directly affected by the proposal, this being the areas involved in minor modification of contours to create level playing surfaces and grass seeding to form a playable surface. The total course area extends to 22.7 hectares, including roughs. But within this only the tees and greens result in habitat loss, equivalent to 1.5 ha within the SSSI.. The remaining area comprising the fairways, access paths, roughs and semi roughs will be managed through a regulated programme of angle blade mowing and minimal intervention.

Chapter 6, Ecology of the EIAR confirms that the SSSI is rapidly approaching a situation where the invasive species are dominant, altering the very habitats for which the SSSI in particular is designated. At its simplest, the area comprising the links, including the golf course development footprint and the adjoining lands (highlighted as yellow hatch on Drawing xxx) has five dominant areas of change:

- Gorse

- Bracken

- Invasive flowering plants including Meadowsweet, rosebay willowherb and burnett rose

- Birch woodland

- Rank grass

Together these species are altering the composition of the habitats, limiting opportunities for ground loving species to survive and creating increasing stability within the raised dune areas. Left untouched, the dune system will reach its ecological climax supporting taller plants, including birch woodland which in turn shade out the pioneers. As plants colonise the dunes, the sand disappears as the acid soils increase with deposition of organic matter content. These nutrient rich soils provide habitats for the invasive species that are already taking hold.

In line with Policy 57, proposals that are likely to have a significant adverse effect on the integrity of a site will not be supported. However, recognising the reduced footprint of the development that will only directly affect 1.2 hectares as a result of the proposal, taken together with the opportunity for the long term management of the wider area, included within the application site boundary, the positive benefits this proposal brings to the area cannot be ignored.

Policy 57 further advises that if a priority habitat or species would be affected, proposals will only be allowed if the reasons for overriding public interest relate to human health, public safety or beneficial consequences of primary importance for the environment. In addition, the policy confirms that where a development will bring benefits to support communities in fragile areas who are having difficulties in keeping their population, or where social or economic benefits of national importance are secured, support can be given to such proposals.

In this instance, the Chapter 10 on Socio Economic which identifies the benefits accrued from the development, is of particular relevance. Firstly, the impact on features of national importance is not 'significant'. This is assessed in Chapter 8 Ecology. Secondly, the area involving a direct change of the habitat is 1.2 hectares, not significant when assessed against the total development footprint. Mowing of the dune heath, removing the areas of gorse and creating opportunities for greater instability within the dune system, creating opportunities for pioneer species to thrive, creating new and improved dune slacks and removing the extent of bracken that is gradually altering the lower lying grassed areas to the south, each contribute towards creating a dynamic dune system where it no longer exists.

The Socio Economic benefits are described in detail within Chapter 10. The support of the local community is proven in the Civica community ballot undertaken where the turnout was 44.4% and of that total, 69% voted in favour the development.

The extent of outward migration of young people within the area is an increasing concern and will have significant adverse effects on the longer term wellbeing and economic viability of the area. NPF3 and now the approved NPF4 confirm that the Priority is to 'maintain and help to grow the population' and 'to support local economic development by making use of the areas world class environmental assets to innovate and lead greener growth'.

This proposal is predicated on achieving a balance in favour of protecting the special habitat designations for which the site is recognised and achieving a sensitively designed and constructed world class golf course. The planning system provides the scope with which to enable delivery of such benefits while ensuring a measured approach towards habitat protection can be secured.

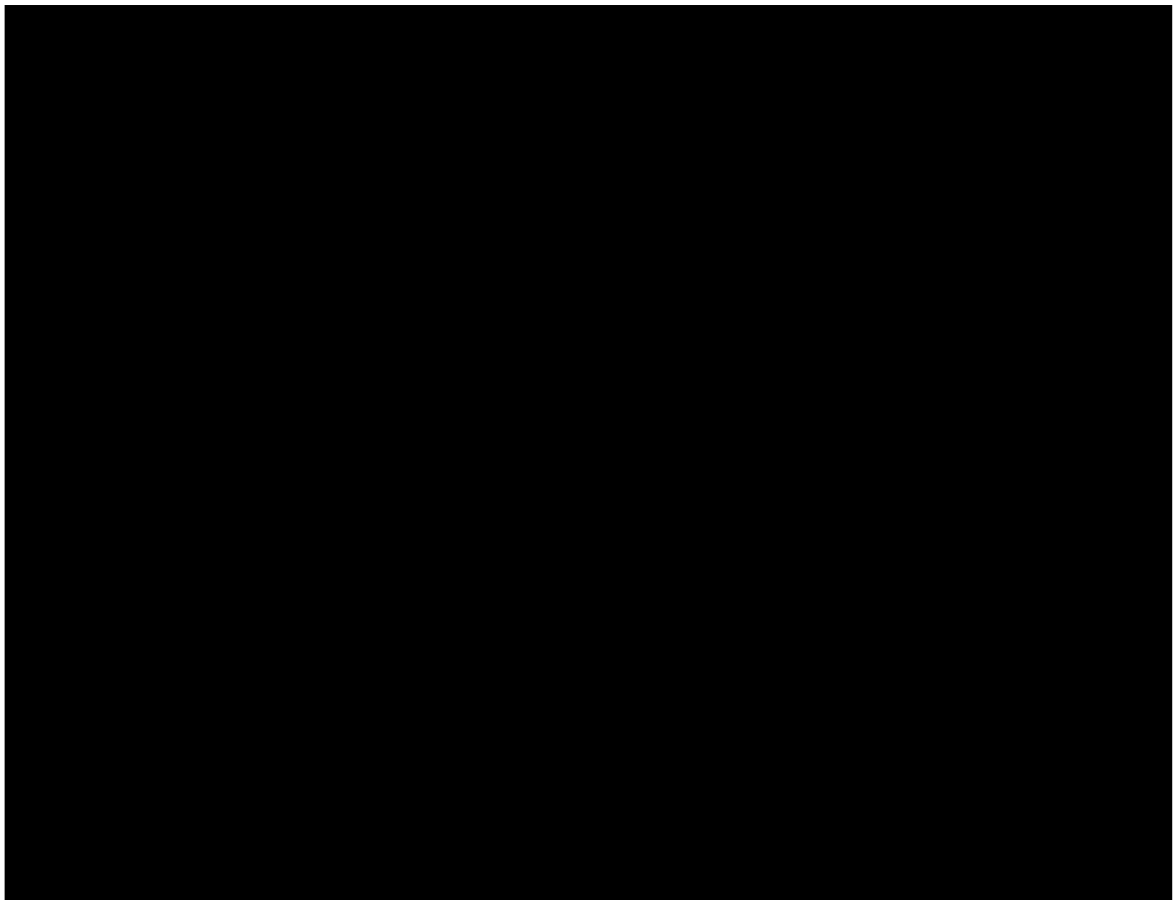
By designing the proposed course to secure positive biodiversity benefits, limiting intervention, minimising direct impact within the SSSI to a maximum of 1.2 hectares, drawing on the experiences of existing, similarly sensitively located courses, the proposed development, in its revised form, limits the potential for significant adverse effects on the designated habitats and the species they support, the proposal accords with Policy 57.

- 6.17 Policy 58 - Protected Species - serves to ensure that species highlighted as being present, including within the existing buildings, are not damaged as a result of the development. The change of use of the existing buildings will not impact on species including bats. The redevelopment of these buildings provides an excellent base for the golf development and ensures the long term protection of the buildings which reflect the traditional architecture of the area.

The site designations confirm that the area is both important for breeding and over wintering birds. Birds that occupy the mudflats and eelgrass at the estuary, that are waders and that do not breed in the area, are not affected by the proposal. None of the proposed development area or playing area once established, is located close to the Loch Fleet estuary. The birds colonising these areas will not therefore be affected. Opportunities exist to improve existing

water bodies while careful management of access through the site during the winter months, provides scope to encourage nesting terns, particularly to the north of the site.

Overwintering birds typically favour the dune slacks. Document xx provides evidence of the impact on the main dune slacks before and after inundation by meadow sweet. The latter has colonised the dune slacks particularly the longer, linear slack that runs parallel to the coastal dune ridge. This has all but disappeared and is increasingly less favoured by overwintering birds. This proposal not only creates an opportunity for the long term management and restoration of the dune slacks, but by closing during the months October – March, will ensure minimal nuisance to over wintering birds.



6.18 Policy 74 – Green Networks encourages connected networks of greenspaces. The Highland Council’s long term vision for a Highland Green Network is: “The creation of a sustainable, connected network of high quality, fit for purpose greenspaces and green corridors which deliver benefits to the economic, environmental and social wellbeing of the whole region.’ The site is located within one of the three areas identified as a Green Network area (Figure 10 HwLDP). The Policy sets out four main principles including the following:

Development should contribute positively to the creation, maintenance and enhancement of the Green Network and will be a key contributor to place making and the enhancement of local distinctiveness

Every effort should be made to control the spread of non native species

A Green Network must seek to protect and enhance a cohesive path network to the benefit of tourists and the local population

Green Networks should facilitate regeneration, job creation and enterprise and must seek to enhance the tourist industry in the area

These principles (together with the full list within the Policy) will form the cornerstone for the development of Green Networks. The relevant additional Supplementary Guidance advises that the focus for delivery of Green Networks will be based on those identified within the adopted Development Plan. The proposed site includes one of the three identified sites.

Delivery of the key principles, relating to Environment, Social and Economic can be secured through this proposal. The existing informal network of footpaths that extend in particular from Embo in the South and northwards along the dune systems, have diminished in recent years as the vegetation, and invasive species in particular, take greater hold. This proposal provides the opportunity, through a committed programme of mitigation and creation of maintained paths, to deliver improved access for the public, local residents and tourists and to accrue the benefits identified within the Development Plan. Green Networks are described within the Plan as an opportunity to ‘safeguard and enhance’ wildlife corridors and it is noted, will often comprise important habitats and recreation opportunities. The Policy further confirms that the Council is seeking to protect and enhance these spaces, enabling new development to take advantage of the outstanding landscape of the area.

The proposed development of a golf course on part of the area included within the Green Network identified in Figure 10 HWLDP, not only aligns with the terms of the policy but will provide the catalyst for delivery of a Green Network across the site, maintaining the informal paths developed by visitors and local residents alike. It will have the important added advantage of providing a network of paths that avoids the most sensitive areas, particularly during the bird breeding season and over winter. This will be achieved by enabling sections of path to be removed (particularly where boardwalks are proposed) and orientating the network of paths to avoid the key sensitive areas while maintaining access through the site. The micro siting of paths can be delivered in discussion with NatureScot in particular.

This proposal entirely accords with the key principles of Policy 74 and will provide the Council with the opportunity to deliver a significant section of one of the three Green Networks identified within the HwLDP. As delivery of the A96 Green Network has demonstrated, the success of providing the Network is based on delivery through the planning process and associated developments. Delivery of the Green Network will be a positive and beneficial attribute of the proposed development. The existing Core Path that is based on the former railway line is not directly affected by the proposal although it is noted that several fairways do cross the path. Pedestrians will have right of access with golfers giving way as necessary. Significantly, the course provides an opportunity to enhance and contribute towards the on going maintenance of the Path to the benefit of visitors and local residents.

- 6.19 Policy 77 – Public Access seeks to ensure that existing Core Paths are protected from development or alternatives are provided. A small part of the course, extending from the start point at the club house, will cross the Core Path. This has the potential to impact on access but reference is made to the Reporter’s Findings during consideration of the previous proposal

where reference to the support from local residents was a material consideration and was considered to ‘reduce the significance of the potentially negative impact on public access’. In addition, the development of the course will provide scope to enhance and improve the core path with a contribution towards the active maintenance of the path. The EIAR includes a detailed RAMP, previously accepted by NatureScot, outlining the proposed management of the course and public access. The course will be fully available during all periods when it is out of play particularly during the winter months.

Development Plan Summary

- 6.20 Consideration of the relevant policies of the Development Plan confirms that the changes now proposed, in conjunction with a comprehensive assessment of the reasons for refusal of the previous decision, has the capability to deliver a world class facility in compliance with the key objectives of the Development Plan. In particular, this proposal provides an opportunity to secure long term benefits that will both enhance and protect biodiversity objectives, landscape and environment.
- 6.21 The policies of the Development Plans and associated Supplementary Guidance serve to guide development and to provide opportunities that bring economic and social benefits, particularly to the remoter areas of the Highlands. The EIAR demonstrates that the proposal can be delivered without adverse effect on the special environmental criteria by promoting a detailed programme of appropriate and considered mitigation.

7 Material Considerations

Scottish Planning Policy (SPP)

- 7.1 The Reporter’s Findings on assessment of the earlier proposal is relevant to this revised proposal. It concluded that the scope of development is consistent with SPP and the strong support it lends towards economic growth, rural development, growing communities and tourism. SPP recognises too that tourism is a key growth sector in the Scottish economy.

Much emphasis is placed on valuing the natural environment. Paragraph 194 confirms that the planning system should, amongst other criteria, seek benefits for biodiversity from new developments including the restoration of degraded habitats, and also to conserve and enhance protected sites and species. This proposal achieves each of these: it improves the existing environment, creates new opportunities for wildlife and birds in particular and provides the mechanism for the long term conservation of the site and the species it supports.

Paragraph 202 is also relevant and lends support for proposals that minimise adverse impacts on the natural environment. This revised proposal introduces opportunities to manage the course, drawing from the tried and tested examples implemented on other similar courses. Angled mowing is an increasingly recognised means of reducing fragmentation and the negative edge effect associated with distinct boundaries along fairways in particular. Creation of species corridors through the site ensures unnatural boundaries and barriers are not created. Removing vegetation that has stabilised areas of dune heath creates the instability favoured by pioneer species. Examples of intervention supported by NatureScot are evidenced at the nearby course at Skibo Castle, also located within a SSSI.

At a broader scale, golf courses are increasingly recognised for their positive contribution towards biodiversity. The RSPB has applauded the positive impact resulting from golf course management that has led to improved habitats for nesting and over wintering birds, many identified as species for which this area is designated.

Only recently Marie Athorn, Business Conservation Advisor with RSPB, and working closely with the golf industry, confirmed that 'golf courses are well placed to help provide connectivity between existing habitats' where 'golf courses are already known to support some of our fastest declining species' and acknowledging that 'the contribution golf courses can make to nature conservation is not just on a local scale but have the potential to contribute on a wider scale across the landscape'. The RSPB acknowledge that golf courses have done much to encourage some of the rarer and fastest declining species while landscape scale conservation projects delivered through golf course developments have encouraged the rarer butterflies, reptiles and plant species. Durness golf course now supports orchids and kidney vetch over swathes of its rough areas.

Paragraph 204 refers to the precautionary principle and advises that it should not be used to impede development without justification, rather the opportunity must be given to consider modifications to the proposal to eliminate the risk of such damage. This proposal is based on eliminating risk: the reason for the refusal of the earlier proposal has guided the changes now proposed serving to eliminate the adverse effects of the much greater intervention previously proposed. The area of land that is adjusted to form the greens and tees (1.4 ha) is considerably less than that of the previous proposal. All other land associated with the golf course will be managed through a regimen of mowing the existing vegetation. There is no requirement for stripping of large areas of the existing ground cover. This results in reduced irrigation requirements and only site specific application of fertilisers will be required, limited to tees and greens.

There will not be 'significant irreversible damage'. Indeed, the opportunity to implement a management plan, the scope of which will be determined in consultation with NatureScot, provides long term and far-reaching benefits sufficient to outweigh the impact of the tees and greens.

Paragraph 207 advises that it is only where a proposal is likely to have a significant effect on a site of international designation that an appropriate assessment is required. The test for 'significance' is not provided. More significantly, the EIAR in relevant chapters does not identify any long term significant adverse effects. The benefits to the local rural economy, employment opportunities and the compensation measures provided that will deliver a long term management plan for the remediation and management of the designated sites, each confirm that this proposal is not in conflict with national planning policy. The EIAR Chapter 10– Socio Economic, prepared by Professor David Bell, provides a clear analysis of the socio economic benefits the proposal will bring. The identified 'cluster' effect is proven elsewhere within Scotland. This rural area is undergoing significant depopulation, particularly of young persons. Proposals that can deliver and help to reverse this trend are supported by the relevant SPP and Development Plan policies.

The revised proposal will not compromise the integrity or objectives inherent within the special designations. It will deliver long term biodiversity and socio economic benefits and align with NatureScot’s management objectives for the future integrity of the site. The terms of SPP are met.

7.2 **Edinburgh Declaration on post global Biodiversity Framework**

The Edinburgh Declaration sets out the aspirations and commitments of Scottish Government and associated partners in delivering for nature over the coming decade. Highland Council met with NatureScot in December 2022 to underline its commitment to tackle climate and ecological issues and to mark the signing up to the Edinburgh Declaration. It confirms the Council’s position in working together to prevent further biodiversity loss. The Council, in their Statement, highlighted the key role of the private sector, including the financial sector, ‘to catalyse the transformative change needed through full, active and responsible engagement, in support of biodiversity conservation, ecosystem restoration and sustainable use.’

This proposal delivers on restoring and conserving the biodiversity of the site, restoring areas degraded by lack of management and encroaching invasive species. It provides for new biodiversity enhancements including some additional 11 hectares of dune heath as detailed in the EIAR. This proposal provides an opportunity for Highland Council to conform its commitment towards providing the mechanism to secure enhancements through proven methods of restoration and the active long term, fully funded management of the SSSI.

National Planning Framework 3 (NPF3)

- 7.3 While NPF3 will be superseded by NPF4, it remains the relevant document in setting out national planning policy and is therefore material to this proposal. The previous decision concluded that the proposal to develop a golf course at Coul would be of local and regional significance in socio-economic terms and the widespread support amongst the local community for the project are ‘important factors’. It was also recognised that the proposal would promote high end tourism and create good jobs and develop rural communities. This aligns with the strong support noted in NPF3 for the sustainable economic growth this would bring. It is not intended therefor to reiterate these benefits or the compliance of the proposal with the relevant associated policies set out in NPF3.

The decision to not grant permission was however tempered by the view that the need to protect the natural environment and the importance of biodiversity outweighed the socio economic benefits.

This revised proposal will deliver the socio economic benefits previously identified. The significant change to the proposal is in the diminished adverse effect on the natural environment and positive biodiversity gain. The period intervening this and the previous proposal provides a readily identifiable appreciation of the deterioration of the SSSI environment. This is set out in detail in Chapter 6 of the EIAR together with reference to the Outline Habitat Management Plan . Without intervention, the site will continue to diminish as favourable for species and habitats.

NPF3 at paragraph 4.7 recognises that a planned approach to development helps safeguard assets which are irreplaceable and will facilitate change in a sustainable way. Rural Scotland provides significant opportunities for tourism and outdoor sports. More proactive and innovative environmental stewardship is required to better reflect the fact that the environment is a dynamic resource. The proposed golf course, in its revised form with a better considered approach towards construction and operation, will deliver a proactive solution for the betterment of the environment which is undergoing significant and rapid decline. Without stewardship, the features for which the SSSI is designated will decline. Invasive species will dominate and the habitats favoured by both over wintering and breeding birds will diminish.

NPF3 confirms that one of the four Planning Outcomes will ‘ make Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.’ This proposal delivers on that Outcome.

The course uses only a small percentage of the overall designated SSSI area, the main coastal foredune, dune slack and much of the fixed dune to the south is untouched by the development. This proposal delivers a sustainable option for the long term viability of the site and so meets the objectives of NPF3.

National Planning Framework 4 (NPF4)

7.4 The amended Town and Country Planning (Scotland) Act 1997 directs that the National Planning Framework must contribute to a series of six outcomes:

- improving the health and wellbeing of our people;
- increasing the population of rural areas;
- meeting housing needs;
- improving equality and eliminating discrimination;
- meeting targets for reduction of emissions of greenhouse gases; and
- securing positive effects for biodiversity.

The latest Draft NPF4 was published on 8 November 2022 and approved by Scottish Government on 11 January 2023. It provides the Scottish Government’s most up to date Spatial Principles and the associated policies that will enable their delivery. Rural Revitalisation is identified as one of the six Spatial Principles where sustainable development will be encouraged. Aligned to this is Scotland’s Environment Strategy and Biodiversity Strategy. This will serve to halt biodiversity loss and restore and regenerate biodiversity by making efficient use of the land and managing competing uses in a sustainable way.

Acknowledging that adoption of NPF4 is at an advanced stage, detailed reference is made to the relevant policies and their implications for the application.

National Spatial Strategy

7.5 NPF4 sets out six overarching National Spatial Principles, one of which seeks to secure and deliver on Rural Revitalisation. This will be achieved in a number of ways, aligned to the Spatial Strategy, and including actively enabling rural development and employment opportunities.

Applying the Spatial Principles, as appropriate, will support the planning and delivery of sustainable, liveable and productive places where biodiversity is restored, where opportunities to live better and healthier lives are created and where a 'greener, fairer and more inclusive well being economy' is established.

7.6 NPF4 identifies 18 national developments to support the overarching strategy and the associated Regional Spatial Priorities that will take the strategy forward. The importance placed on Rural Revitalisation and Biodiversity enrichment and restoration, together representing two of the key strategy objectives, confirms the importance of this proposal in meeting these objectives.

7.7 NPF4 is required by law to deliver to contribute to 6 outcomes:

- housing needs
- health and well being
- increasing population in rural areas
- improving equality
- reduction of emissions
- securing positive effects for biodiversity

This proposal delivers on 2 of these outcomes, 33% of the NPF 4 Outcomes. It will secure positive effects for biodiversity and has the potential increase population in this remote rural area.

Spatial Principles and Policies

7.8 The Spatial Strategy for Scotland identifies six Spatial Principles. This includes Rural Revitalisation. The Policy Intent of each policy defined within NPF4 sets out the purpose of the policy in delivering the aspirations while the Policy Outcome will determine what should be achieved through application of the policies. The proposed development of a golf course, in its revised and amended form, will contribute towards the successful delivery of the relevant Policy Intents and secure the desired Outcome. It meets the objectives of tackling biodiversity decline, of providing improved recreation and sport facilities, of providing opportunities for associated rural development and developing tourism.

Regional Spatial Priorities

7.9 Within the Regional Spatial Priorities, aimed at delivery of the national Spatial Strategy, five 'broad regions' are identified. These align to specific regions within Scotland. The North is defined as one such key area and the one in which the site is included. Priorities for the North include:

- supporting local economic development by making sustainable use of the area's world class environmental assets;
- supporting, maintaining and helping to grow the population where planning decisions are based on taking a positive approach towards rural development;
- protect environmental assets and stimulate investment in nature restoration

It is recognised that depopulation is a key concern with an imbalance between the loss of younger people and the resultant aging population which in turn places increased pressure on some services. Natural assets and environmental quality are recognised to underpin the area's main economic sectors and must be protected and restored sustainably. This proposal can deliver on these Spatial Priorities for the North, bring investment to a defined Remote Rural Area, create opportunities for employment and help restore and conserve the rich biodiversity of the site.

- 7.10 Wider but closely related priorities include continuing conservation at a landscape-scale, to develop resilient nature networks, visitor management and recreation, and economic development. Delivering on these Spatial Priorities will provide opportunities for good quality local employment, strengthen and diversify local economies and help to secure a sustainable future for local people. The golf course development will deliver on these objectives, creating employment opportunities within the visitor and recreation sectors and providing scope for opportunities for young people to train and develop golf management skills.

Policy Sections

- 7.11 NPF4 comprises a total of thirty-three policies. The Policy sections comprised within the document 'are for use in the determination of planning applications'. The relevant, associated NPF4 Policies provide the mechanism by which the National and Regional Spatial Strategies will be delivered. As stated Rural Revitalisation comprises one of the Strategies. The relevant Policies identify how rural revitalisation will be secured. These relevant policies are addressed in the next section.

Rural Revitalisation Policies

- 7.12 Policy 21 supports development that will provide opportunities for sport and play. The Policy Intent is to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. New development should be 'well designed, high quality, accessible and inclusive'. New proposals must provide effective management and maintenance plans for their long term delivery. Encouragement is given towards proposals that will appeal to children and young people. As identified, the proposed Par 3 course is aimed at encouraging young people to develop skills in golf and to take part in a new sport. The course will be free to school pupils providing further encouragement to enjoy the new facilities. Policy 21 requires that new or enhanced sports facilities provide effective management and maintenance plans for the long term delivery and upkeep of the facility. The proposed golf course and associated facilities will be managed and funded for the long term through a commitment made by the developers. There is no conflict with Policy 21 or the Policy Intent.
- 7.13 Policy 29 is particularly relevant and relates to Rural Development. The Policy Intent is to encourage rural economic activity, innovation and diversification whilst ensuring the distinctive character and natural assets are safeguarded and enhanced. The Policy Outcome will create vibrant rural places and a balanced and sustainable rural population. Developments that improve or restore the natural environment will be supported as will developments that support local employment and support and sustain existing communities.

- 7.14 The Proposed Development is located within an area defined as a 'Very Remote Rural Area' as defined by the Scottish Government's 6 Fold Urban Rural Classification 2020. Proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. This includes proposals that reuse redundant or unused buildings and that improve or restore the natural environment. Policy 29 further identifies that development proposals in remote rural areas, as here, will be supported where they support local employment and are suitable in terms of location, access, siting, design and environmental impact.
- 7.15 The proposed golf course development will bring opportunities for local employment, not limited to the management of the course but in the potential positive impact for the area that developing a new golf cluster will deliver. This includes enhanced employment opportunities in, for example, service and hospitality sectors. The EIAR has established that the potential environmental impact of the proposal is limited and will bring the added positive advantages of enhancing the natural assets and improved biodiversity.
- 7.16 Policy 30 provides support for sustainable development in key sectors including tourism which in turn aims to ensure community, environmental and business considerations are fully taken into account. The Policy Intent is to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments and inspires people to visit Scotland.
- 7.17 The associated Policy Outcome ensures communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation. Proposals that provide opportunities to provide access to the natural environment will be supported as will those that contribute to the local economy. Taking into account that the proposal has the support of the majority of the local communities as referenced by the Civic ballot results, that the Socio Economic report at Chapter 10 of the EIAR provides a sound basis for the benefits the proposal will deliver, and the recent announcement that Scotland is the World No1 golf destination, the Policy Intents of each of these Policies referred to will be delivered.
- 7.18 The spin off benefits the proposal will bring are well documented in areas of established golf clusters, for example at St Andrews. This proposal brings the opportunity to link visitor trips with Nairn, Castle Stuart, Royal Dornoch, Tain, Golspie and Brora, defining a North golf cluster and bringing to an area of limited employment opportunities, new options. It will enable improved and additional training opportunities for young people both by enhancing existing curricula offered by the UHI and also as apprentices on course management. It will deliver opportunities for tourist based facilities including accommodation and has the potential to increase visitor spend by increasing the length of stay of visitors within the area. Too many golf visitors currently only make a day trip to the area. Having a further world class golf course will promote the area as a destination in its own right.
- 7.19 The importance of revitalising the area, bringing opportunities to encourage young people to stay and rebalance the population demographics underpins much of the objectives set out in NPF4. Rural Revitalisation will only be secured in the more remote areas if visitors are

encouraged to travel and stay, recognising the quality of the attraction. This, in turn will provide the catalyst for associated growth and development.

This proposal therefore accords with the Policy Intent of Policies 21, 29 and 30.

Biodiversity Spatial Strategy and Policies

- 7.20 NPF4 notes Biodiversity as a Spatial Strategy. The Policy Principle seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development. The Policy Outcome seeks to enhance biodiversity through strengthened nature networks and nature based solutions. Development Plans should 'conserve, restore and enhance' biodiversity and promote nature recovery and nature restoration across the plan area. Biodiversity policy principles are set out under the objective of Sustainable Places. The Policy seeks to ensure that any potential adverse impacts on biodiversity, will be minimised through careful planning and design. The policy does not preclude development
- 7.21 NPF4 requires that development plans (and by implication, the policies they promote) support proposals that seek to restore degraded habitats and create new habitats where measures to increase biodiversity are implemented. The proposed golf course provides the expertise and funding to deliver on these specific policies by increasing biodiversity across a total area of some 317 hectares. It will restore degraded habitats, particularly by eradicating the invasive species that NatureScot recognises as damaging to the area. It has been confirmed that removal of the gorse and birch woodland are priorities for NatureScot as is the removal of bracken and meadowsweet.
- 7.22 The area of land within the application site boundary that is represented by the combined habitats comprising invasive species and birch woodland is considerable. This proposal will deliver on the Biodiversity Policy Principle of restoring and enhancing the existing habitats for the benefit of increased biodiversity and the health and well being of visitors to the site.

Policy 3 – Biodiversity

- 7.23 The Policy Intent for Policy 3 requires proposals to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks. The Policy Outcome will be secured through enhancing and strengthening nature networks. Development should promote nature recovery and nature restoration by restoring degraded habitats or creating new habitats and incorporating measures to increase biodiversity, including populations of priority species. The relevant chapters within the EIAR identify the existing degraded habitats but also the improvements that can be delivered to both off set and halt the process of degradation.
- 7.24 The proposal will manage degraded habitats to reduce or negate the on-going and legacy impacts of:
- Non-native species
 - Nitrogen deposition

Climate change
Forestry-related activity
Livestock grazing.

Reduction of or negation of these impacts will return the dune system to a less modified state that benefits the current, designated biodiversity features and the whole system to create an attractive natural space for economic activity, education, research and recreation. While piecemeal management of the site may be implemented, the size and scale of area involved at over 300 hectares means that only a fully funded and comprehensive programme of restoration will deliver on creating enhanced biodiversity.

- 7.25 Policy 3 requires that EIA candidate proposals should demonstrate that they have met 5 specific criteria. These relate to the following matters:
- i) the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development including the presence of any irreplaceable habitats;
 - ii) nature based solutions have been integrated and made best use of ;
 - iii) an assessment of potential negative effects fully mitigated inline with the mitigation hierarchy prior to identifying any enhancements;
 - iv) significant biodiversity enhancements are provided in addition to any proposed mitigation. This should include strengthening habitat connectivity within and beyond the development, their timeous delivery and management arrangements for their long term retention and monitoring; and
 - v) local community benefits of the biodiversity networks have been considered.

Criteria (i)

- 7.26 A review of the revised proposals as now presented, demonstrates that these five criteria are secured. The proposal has at its heart the objective of addressing those concerns that underlaid the reason for refusal of the original proposal. There is a clear understanding of the existing characteristics of the site, of its special designations and the habitats for which it is noted. The objective has been to avoid these special habitats with only 1.5 hectares within the SSSI designation directly affected by the proposal. The current biodiversity of Coul Links and related impacts have been identified through a comprehensive suite of geomorphological, hydrological, habitat, ornithological and entomological surveys and assessments. These have elucidated the baseline, and have identified impacts and solutions.

Criteria (ii)

- 7.27 The terms of Criteria (ii) are endorsed in the scope of development. Nature-based solutions are intrinsic to the proposals for Coul Links. The development itself is to be undertaken in a low-impact manner that mimics grazing of the future fairways, for example. In addition there are the plans to manage invasive species, and to restore and enhance habitats. In so doing, a sustainable, reversible approach to creation of the golf course will facilitate maintenance and

enhancement of the dunes directly and, through funding of additional operations, to create a natural space of value to the local and wider Scottish economy, education, research and recreation. The course layout has been designed with breaks between fairways to remove barriers to habitats and species and specifically addresses the concerns expressed on consideration of the previous proposal. GWDTE areas are avoided and the reduced requirement for irrigation due to the consequent reduction in areas of grass seeding, further reduces the impact on the water table. The design and layout of the course demonstrates a clear understanding of the special qualities of the site and has guided the nature based solutions proposed.

Criteria (iii)

- 7.28 Criteria (iii) requires an assessment of the potential negative effects and the proposed mitigation. The Schedule of Mitigation confirms that this has been fully considered in the context of the proposal and sets out the mitigation proposed to ensure that where negative effects are identified, these are appropriately offset.

Criteria (iv)

- 7.29 Criteria (iv) seeks to secure biodiversity enhancements. It is recognised that the SSSI is under pressure in terms of invasive species and lack of overall management. Winter shooting of wildfowl, accidental fires and other human intervention have each had a negative effect on the quality and character of the area. This proposal firstly limits the extent of habitat loss to 1.5 hectares within the designated SSSI. Significant biodiversity enhancements are proposed by the development. These include:

Reversing the spread of invasive species to restore natural habitat species assemblages and structure. Enhancement of internal connectivity through the displacement of invasives that create a barrier to the movement of other species through creation of an atypical, tall, rank, shady sward.

Increased disparity between habitats within and beyond the links by reducing the impact of a small number of invasive, indistinctive species that are common to numerous, disturbed, urban and rural habitats.

Enhancement of external connectivity through the expansion of dune heath westward to create a larger extent of semi-natural habitat and 'landing area' for immigrants or migrants, as well as a buffer to core areas of dune habitat.

Where intervention is proposed, in creating the tees and greens, it follows established best practice. The proposal will deliver a long term Management Plan for the full 317.7 hectares, securing its well being for the future. Access within the site has declined in recent years as invasive plants provide barriers to access, particularly the expanding areas of bracken which is effectively impenetrable in summer months, the spread of burnet rose and the spread of meadow sweet that provides barriers to east/west access across the site. The proposal will provide a long term a management plan to control the spread of invasive species, to restore the dune slacks and to cease wildfowl shooting in winter months. In addition, the area to the south and close to Embo will be restored with removal of the former dump, which is understood to contain contaminated waste. This area will be restored and the habitat

managed as if it were part of the SSSI. This will lead to an expansion of the special designation and create opportunities for improved access from Embo. Nature networks will be enhanced and new areas to the south of the site created to expand opportunities for public access while maintaining the integrity of the habitats.

Criteria (v)

- 7.30 Criteria (v) provides scope for community benefits, both in terms of improved access across the site, and the identification of an area in which to develop a Par 3 course. This will be predominantly for community use, to enable young persons to learn and develop skills in golf. The fees accrued from use of this course will be managed by the Embo community and will provide opportunities to create additional community facilities and for example, aid in the funding of the existing community café facilities. Further additional community benefits are also associated with the development. These include:

Economic, skills development and training opportunities associated with creation and maintenance of the course and ecological management of the dunes.

Enhanced opportunities for education, research and recreation in a distinctive mix of habitats free from monotonous and increasingly impenetrable extents of invasive species.

Increased pride-of-place and economic activity by taking the lead on restoring and enhancing an internationally important site that is currently languishing in the absence of intervention and funding at the necessary scale.

- 7.31 Policy 3 (c) advises that ‘proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. This proposal provides the following measures to address this objective and includes:

A minimalist approach to course creation.

Control of invasive species.

Restoration of degraded habitat.

Creation of new habitat (dune heath and slacks especially).

In addition, Policy 3 (d) seeks to ensure that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration. In addition to the points already addressed, it should be noted that the proposed mowing approach to course creation is infinitely more reversible than ‘traditional’ creation of a playable turf through re-seeding and fertiliser application. As a result, only the greens and tees will persist post-management, but even these will likely leach (especially as most are on raised surfaces) and be lost as semi-natural vegetation returns. Ecosystem services are likely to focus on the economic, education, research and recreational aspects has already described.

The proposal therefore meets the criteria of the Biodiversity Policy Outcomes.

Policy 4 – Natural Places

7.32 The NPF4 Policy Principles contained within the Natural Places section are relevant in the context of the proposal. The Policy Intent of Policy 4 is particularly relevant and seeks ‘to protect, restore and enhance natural assets by making best use of nature based solutions’. This in turn secures the Policy Outcome of ensuring natural places are protected and restored and natural assets are managed in a sustainable way. The EIAR sets out exactly how the biodiversity of the proposed site including the wider area outwith the footprint of the golf course, will be enhanced and restored. This will be achieved through delivery of an active, long term management plan that implements the necessary and appropriate restoration of the site using NatureScot advocated methodologies, that have been tried and tested on other similar SSSI’s (for example at nearby Skibo).

7.33 The Spatial Strategy should safeguard local, regional, national and internationally important sites. Nature networks should be enhanced and grow networks that protect and restore biodiversity within the Local Development Plan area. Policy 4 identifies 6 criteria against which proposals will be assessed.

7.34 a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. 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.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

7.35 An assessment of the proposal confirms that only a minor area of 1.5 ha of current dune habitat will be modified by the course development. An additional area extending to some 11 hectares will be restored/re-created. Furthermore, the declining extent of dune habitat, as a result of the spread of invasive birch, bracken, gorse, grasses and meadowsweet, will be reversed through control of these species, and others.

The distribution of the habitats will be enhanced through the restoration of habitats and reversal of the spread of invasive species noted above.

The Structure and function of the habitat currently present will be enhanced through reversal of the spread of invasive species so that typically species-rich and complex habitats can persist with a full complement of species, structures and functions. In addition, a stability of instability will be re-introduced to the dunes through mechanical disturbance of now-stabilised slopes, together with the reversal of the spread of invasive species that are contributing to fixation of the dunes (woody species especially).

Processes supporting the habitat will be maintained as there is very limited hydrological impact as a result of the proposal on the wider landscape. There will be no extension of ecological effects away from the dunes. Furthermore, the landward restoration of dune habitat will enhance current buffering and increase the core dune area.

The distribution of typical species of the habitat will be enhanced through control of overwhelming, generalist, invasives that displace typical natives. Furthermore, the restoration of habitat landward will create new opportunities for typical species and the destabilisation of slopes will also assist this process, for diminutive lichens, etc, especially.

The viability of typical dune species is currently threatened by the spread of invasive species that reduces habitat extent and quality and poses impenetrable barriers to movement (by individuals or propagules). Stabilisation of the dunes also threatens more diminutive species,

such as lichens, and this will be addressed through the destabilisation of slopes and removal of the gorse and birch that reduce instability.

Disturbance of the dunes as a result of the proposal is confined to minor areas of habitat that avoid the most species-rich and distinctive species assemblages (the lichen-rich heath & species-rich slacks). Management of the ongoing, highly significant and accelerating rate of spread by invasive species will also reduce the current distance of typical dune species. Conversely, some disturbance will be reintroduced to maintain the stability of instability on which many species depend.

For clarity, Criteria (g) refers to Wild Land and is not relevant to this proposal.

Policy 4 - Social and Economic Considerations

- 7.36 Chapter 10 of the EIAR sets out the very significant social and economic benefits this proposal will deliver. Scottish Government, in their 6 Fold Urban Rural Classification 2020 document, highlight that the area is defined as Very Remote Rural. Developments that augment employment opportunities, develop locally based solutions to encourage young people to stay and not leave the area and to increase the advantages that a vibrant tourist and visitor based economy can deliver, are key priorities in Rural Revitalisation. Professor David Bell sets out in detail the many advantages this proposal will bring to the area, the benefits of creating a golf cluster for the North, aligning with the historical advantages that, for example, Fife benefits from as a world-class golf destination. These are national priorities for the Scottish Government, confirmed within NPF4 where socio economic beneficial projects should be supported.

The delivery of a world class course as proposed will increase visitor spend and provide scope for service based facilities to develop and expand. It will be a catalyst for future growth and has the potential to secure and deliver on the national priorities identified for this defined Remote Rural area.

There is no conflict with the social and economic benefits this proposal delivers in terms of national policy supporting the objectives underpinning Rural Revitalisation.

Policy 4 - Environmental Considerations

- 7.37 As has been identified, the integrity of the site's habitat is being adversely affected by the steady deterioration of large areas. Significant swathes of gorse have expanded within the north of the site, bringing changes and limiting scope for ground loving species to establish. Dunes are becoming increasingly stable with slopes becoming fixed and losing their dynamism. Meadowsweet is altering the character of the dune slacks with increasing areas of previously wet areas becoming dry as the leaf litter and debris results in build up of humus. The wet areas become less attractive to birds while the expansive areas of bracken to the

south and the expanding birch woodland to the north, each bring significant changes to the SSSI, altering its qualities.

- 7.38 This revised proposal acknowledges the special environmental qualities of the site and SSSI designation in particular. It avoids areas identified of the more sensitive and protected species including dune juniper and where lichens are of particular value. The position of holes has been amended, particularly hole 4 and 16. The course avoids the north coast being set a considerable distance back from it at, on average some 300 metres. This serves to protect the important waders and breeding birds that favour the Loch Fleet foreshore. No development extends to the east coastal area and the proposal will deliver new areas of dune heath, of some 11 hectares. The Construction Methodology is designed to minimise intervention: limited soil stripping is required, totalling only 1.2 hectares within the SSSI. Fertiliser use is limited to the tees and greens as is irrigation. Fairways will be simply mown to introduce a graded height of the mown area and avoid creating an unnatural edge effect and barrier to movement of species. An angled blade to mowers will avoid creating unnatural and hard, defined edges. Barriers are removed. Fairways will be broken up, again to avoid unnatural barriers and to create corridors through and across the site enabling species to flourish and move across without impediment. Significantly too, with the aid of the ECoW, the opportunity to microsite will underpin the development of the course ensuring that if a previously unidentified protected species is identified, the course can be adjusted to avoid the area and so protect the species. Opportunities to create habitats that will encourage and promote colonisation of the designation species will be endorsed throughout the construction of the proposed development.

Policy 4 Assessment

- 7.39 Delivery of this proposal will secure these National Spatial Strategies together with the relevant Regional Spatial Priorities. There are no infrastructure constraints and the local community has voted overwhelmingly in support of the development, recognising the benefits it will bring for their continued well-being, prosperity and opportunities for young people.
- 7.40 Against this support, is the requirement to demonstrate that the impact of development on the environment, biodiversity and specific habitat designations is acceptable. The balance is weighted in favour of protection, but this does not preclude development only that it can be demonstrated as an appropriate scale of development taking all relevant matters into consideration and that it will not result in significant adverse effects. The purpose of the EIAR is to competently assess the impact of the proposal on key criteria. Chapter 6, Ecology, confirms the Magnitude of Change results in 'no likely significant effect' for each of the ecological receptors.
- 7.41 NPF4 directs that where proposals involve land defined by national and international designations, great care has to be exercised if it is to be permitted. There are very many examples of golf courses that are located within SSSI's, both in Scotland and UK wide. The

methodologies practiced protecting their status are well documented, the majority with support from NatureScot, (or equivalent), RSPB and other similar specialist groups.

- 7.42 Development of this site will enable the long term management of the entire site, fully funded and designed entirely to NatureScot specifications. This will not be achieved without this development. The landowner Management Plan currently in place reserves [REDACTED] annum for a maximum of five years. The extent of works this finances is restricted and has not been particularly successful. This proposal brings the opportunity to fund a long term management plan, fully staffed, all at no expense to the public purse or local community, with the sole objective of restoring the SSSI and associated designations. Policy 3 and Policy 4 each list restoration and protection as a primary objective. There is no conflict with the Policy Intent.
- 7.43 The EIAR has been completed following detailed research undertaken by qualified experts. Their findings and recommendations are material considerations in the assessment. Dr McMullen (Chapter 6) has provided a detailed appraisal of the state of the dune system, both within the development footprint and surrounding area. Without action to restore the biodiversity, the purpose of the designation and habitats and species it supports, will diminish year on year. The evidence is clear to witness: the change in the character of the area is demonstrated by the spread of invasive species, the diminished instability of the high dunes and the encroachment of gorse within the dune heath. Birch woodland is expanding and bracken suffocating the grasslands to the south.
- 7.44 This proposal will deliver the mechanism by which to restore the area ensuring its longevity as a biodiversity rich resource and providing the benefits it brings for public access. It accords with the NPF4 Priorities for the North in which the site is located, by delivering a sustainable place where investment in natural and engineered solutions to climate change and nature restoration are delivered. These in turn, provide an active local economy creating opportunities for local employment and training.
- 7.45 The weight afforded to enable delivery of a world class golf facility that brings socio economic benefits while responding to the evident challenges to biodiversity, underpins the success of the proposal. As revised, the direct impact on habitat has been reduced by 90%. Combined with the commitment to implement the Habitat Management Plan included with the submission, will ensure this proposal delivers on the objectives set out in NPF4.

8 Conclusion

- 8.1 This is an important development for the area, addressing the acknowledged need to augment tourism and employment opportunities which in turn have the potential to slow the decline in young people leaving the area. An ageing population brings particular challenges. Young people leaving impacts on schools and other services. Encouragement for new development that will enhance existing opportunities, encourage inward investment and support local communities, is essential if the area is to thrive and compete against older and established golf destinations.

- 8.2 The socio economic benefits, while explained in detail in Chapter 10, are not in question: indeed Scottish Ministers, in their previous assessment, also recognised the positive benefits to the local, regional and Scottish economy a new golf development would deliver. The success of this application will therefore be achieved because of the significant changes made to the scope of development, with particular reference to the amended design, construction methodology and the successful implementation of an agreed Habitat Management Plan for the long term management of the entire 317 hectares.
- 8.3 It is recognised that delivery of a new golf course is not defined within NPF4 as a specific national development, but it does fully contribute to Rural Revitalisation policies in particular which in turn represent National Scottish Government Priorities, Outcomes and Intent. The proposal therefore aligns with National Planning Policies. It will support the creation of a prosperous rural economy and aid in halting depopulation. The positive outcome that is secured between the identified deliverable socio economic benefits set out in Chapter 10 and the delivery of a proposal that secures significant long term biodiversity net gain, is a material consideration. The basis of the success with which development can be implemented on site without significant environmental adverse effect is evidenced very clearly within the EIAR.
- 8.4 This application has the benefit of the earlier decision from which a thorough understanding of the primary concerns has been drawn. It has enabled a revised approach toward development and construction of the course and its long term management. In doing so, it now delivers on a course design that avoids the negative impacts associated with the previous proposal. The reduction in direct impact on the habitat to only to 2.7 hectares of which only 1.5 ha is within the SSSI, and spread over the 18 hole course (compared to the previous 14.7 ha) is significant. Overall, this proposal represents a 90% reduction of direct impact when compared to the previous application. This is significant and demonstrates the extent to which the application has adjusted to address the previous key concerns. The changes to the layout, designed to avoid the areas specifically identified as sensitive (holes 4 and 16 in particular) again confirms that this proposal differs significantly from the previous.
- 8.5 The adjusted course layout and resultant reduced intervention now required, demonstrate a sensitive approach that serves to protect the SSSI. NatureScot acknowledges that a management plan is required if the area is to avoid the adverse impact of, in particular, the increasing spread of invasive species and the resultant detrimental impact this has on the survival of the habitats for which the SSSI is designated. This proposal can deliver a Habitat Management Plan that will achieve the outcome NatureScot seek while creating an asset for the wider benefit of the area and beyond. The creation of new areas of duneheath as described in the Draft Golf Course Management Plan (Appendix ES.17) further addresses the impact of the small percentage of direct impact on habitat.
- 8.6 Development involving land within environmental designations will always raise particular issues. Its protection will be a priority but the degradation, as set out in the relevant chapters of the EIAR, confirms that management of the site is required. This can be delivered in partnership with NatureScot ensuring the protection of the site. The golf course will act as the catalyst for the long term management of the area, restoring degraded areas and maintaining

control of invasive species. A biodiversity net gain approach that restores, enhances and conserves the habitats for which the special designations are cited is supported by NPF4. This proposal delivers a world class links course because it respects the biodiverse rich environment and provides the mechanism for its continued conservation and enhancement. Without the finance this development will bring, the total 317 hectares will continue to decline.

- 8.7 The RSPB has recently applauded the benefits a golf course can bring by enhancing habitats for birds and butterflies. This is in stark contrast to their previous concerns. As the relevant chapter (6) in the EIAR explains, the proposed course will provide an opportunity to enhance the current situation. Potential for new water features (borrow pits) will be formed, existing ponds restored, the existing dune slacks cleared of invasive species, and the winter wildfowl shooting will cease. In addition, the proposal provides the opportunity to discourage access across the dune slacks during winter months when the course is closed by removal of the temporary board walks. The layout of the course avoids the coastal areas and Loch Fleet estuary. New areas of dune heath will be formed, expanding the total area while areas of degraded forestry plantations restored.
- 8.8 National planning policy read together with the Development Plan does not preclude development within areas of special designations, only that it is demonstrated to be appropriate for the site and its specific qualities. Coul Links habitats are degrading as evidenced on the ground and confirmed in the relevant sections of the EIAR. Without direct and long term action, it will reach a stage characterised by birch scrub, grassland and extensive areas of invasive species including gorse, meadowsweet, bracken etc. This situation results in an adverse effect on biodiversity. The changes evident on site are suffocating the land and destroying areas that would otherwise support ground loving and pioneer species to successfully colonise. The mowing of dune heath and existing grassed areas will restore a balance that encourages plants that cannot survive in the taller vegetation to colonise successfully. Removal of gorse in particular will restore bare sand and the chance for lichens, orchids and similar species to colonise. None of this will be achieved to the extent set out in the Outline Habitat Management Plan if the proposal fails. This proposal can deliver an economically beneficial development while delivering appropriate mitigation over an extended period, to secure the longevity of the environmental designations for which the site is recognised. This proposal is biodiversity rich providing scope for net gain and the associated significant long term benefits.
- 8.9 There is no doubt that the proposal will raise concerns for some residents who may view any intervention as harmful. The evidence now provided, following detailed site assessment, updated surveys and embracing tried and tested expertise in the management of similarly sensitive habitats, many also within SSSI's, confirms that the development of the site, with its 90% reduction in habitat removal, will deliver positive benefits for the environment. The 'do nothing' approach does not protect the special environmental designations nor represent a sustainable option. It is the balance now achieved between a sensitive, considered and well executed development proposal that has at its heart the protection of the environment and its continued function supporting species and habitats, that justifies delivery of the

development. Without intervention, the SSSI will continue to degrade. This is an opportunity to secure biodiversity net gain, deliver meaningful socio economic benefits and meet the Scottish Governments National objective for Rural Revitalisation.

APPENDICES

Course comparison between the previous (refused) and the proposed development identifies the proposed changes now to be implemented.

Table 1– Course Comparison

Topic	Proposed Course Layout	Original Course Layout	Percentage change
Site boundary	317.7 hectares	328 hectares	3.2% reduction in area
Course developed total site area	22.7 hectares (including roughs)	22.7 hectares (excluding roughs)	n/a
Area developed within SSSI involving stripped vegetation (direct impact)	Direct impact in SSSI is 1.5 ha	14.7 hectares of direct impact in SSSI	90% reduction in the area developed or altered (direct impact) within the SSSI
Areas of new grass seeding in SSSI	1.5 hectares	14.7 hectares	90% reduction in intervention and new seeding
Ground stripping in SSSI	1.5 hectares	14.7 hectares	90% reduction
Overall direct impact in SSSI	1.5 hectares	14.7 hectares	90% reduction
Outside SSSI direct impact	1.7 hectares	8.0 hectares	79% reduction
Fertiliser use	Applied to tees and greens only	Previous use involved fairways, tees , greens and paths	85% reduction
Irrigation requirement	Required for tees and greens only 10,000m ³ annually during grow-in	Required for tees, greens and all new seeded areas. 30,000m ³ during grow-in 15,000m ³ during operation	80% reduction in irrigation of golf course

	5,000m ³ annually during operation		
Width of paths	1.5m -1.8 metres	5 metres with excavation of ground and seeding required	70% reduction in width, 100% reduction in intervention and adjusted ground levels
Wildlife corridors for connectivity	Fairways designed with connectivity and broken up into sections to avoid fragmentation	Extended fairways continuous acting as potential barriers	
Construction traffic	Reduced requirement for HGV traffic, generally limited to construction of the new access road, drainage and conversion of existing buildings	Construction traffic required for the golf course, ground stripping and imported material and removal of stripped vegetation	28% reduction due to the establishment methodology
Edge effect on fairways and paths	Edge effect avoided and connectivity corridors created across mown areas including fairways and paths with reduced lengths of fairways and breaches between to preserve access across the site. Width reduction on paths to 1.8 metres limits fragmentation. Angled mowing provides a graded edge avoiding the barrier of a sharp boundary between mown and unmown vegetation.	All paths created and seeded with grass and mown. Paths up to 5 metres wide in places. Fairways soil stripped and sown with grass seed and mown in part creating unnatural edges. Roughs had unnatural stepped edges. Fairways were extensive and acted as barriers across the site and created unnatural barriers to the movement of species. Detrimental to habitats and viability of the SSSI designations	100% reduction in edge effect throughout the course profile.

Table 2 - Scottish Ministers Findings

In their Decision Letter, Scottish Ministers determined that the proposal as previously presented was not capable of support. The Decision noted that the overriding factors leading to that conclusion were based on the following matters. The revised proposal introduces the Mitigation Proposed as set out in Column 3.

Topic	Minister's Conclusion/concern	Mitigation Proposed
Coastal Processes and Climate Change	No adverse impact was anticipated	Coastal Chapter 11 confirms that there is no adverse effect as a result of the development, as previously confirmed with the earlier proposal
Impacts on the Water Environment	No adverse impact anticipated	GWTDE – reduced impact due to reduced irrigation and excavation required as a result of the revised methodology and construction processes. Drainage solutions accord with CAR Licence (issued)
Impacts on habitats and vegetation	Benefits to dune heath would accrue	Reduced site development area to only 1.5ha from 14.7ha will reduce impact on dune heath. Re design of holes avoids the most sensitive high dune. Only tees and greens to be seeded and result in changes to the existing topography. Site area of development footprint within the SSSI reduced to 1.5 hectares from 14.7ha.
	Likely overall effect on lichens would be significantly adverse	Avoidance of the most sensitive dune heath with mowing rather than stripping fairways in the new proposal will create a diverse landscape mosaic for lichens grasses and mosses to thrive. Removal of gorse and birch woodland to the north and location of lichens previously identified will create opportunities for lichens to establish on bare sand. Mowing will enable favourable habitat for pioneer species to colonise
	The impact on dune slacks would be significantly adverse	Irrigation requirement reduced from 30,000 m ³ to 5000m ³ . Only tees and greens to be irrigated. Removal of invasive species, particularly meadowsweet, will reverse the evident nitrification and raised humus debris to enable dune slacks to

		become exposed and favourable for use by birds.
	Impact on dune juniper likely to be significantly adverse	Course design has altered to avoid all areas of dune juniper. Dune juniper will be protected and none to be removed as a result of the proposed development.
Impacts on wintering and breeding bird assemblage likely to be significant adverse	Significant adverse effect on wintering and breeding birds due to disturbance and habitat loss	Course to be closed over the winter months and critical over wintering of birds period between November -April. Boardwalks removed to deter access and encourage alternative, less sensitive routes. Mowing grass will open up the grass sward, particularly to the south and east, encouraging ground nesting birds. Existing disturbance to birds through continued shooting to be reviewed and shooting rights terminated and in turn encourage over wintering within a safe habitat. Potential for borrow pits to be developed as new water bodies. New habitats created, connectivity through the site created. Invasive plant species managed and removed to reveal favourable habitats for nesting and over wintering birds. Waders unaffected by the proposal with all holes avoiding the key areas at Loch Fleet and east coastal areas.
Impacts on invertebrates	Significant adverse effect on important invertebrate assemblage	The reduction in impacted dune heath is partly done by breaking up the fairways, allowing 'corridors' for connectivity, significantly reducing the risk of fragmentation. There will be no soil stripping on fairways and paths and graded mowing angles will remove the 'edge effect' previously a concern.
Impacts on designated nature conversation sites	Impede the conservation and enhancement of the natural features of the SSSI	Proactive remediation in line with Nature Scot advice and with reference to the agreed protocol currently in place. Golf course will provide the mechanism for the long term management of the entire 317 hectare, the majority within the boundary of the SSSI. Golf staff will work in consultation with NatureScot to deliver a robust management plan, wholly funded by the golf course and providing winter employment for staff in turn bringing economic benefits to the area and locally based jobs. Staff will be trained and deliver

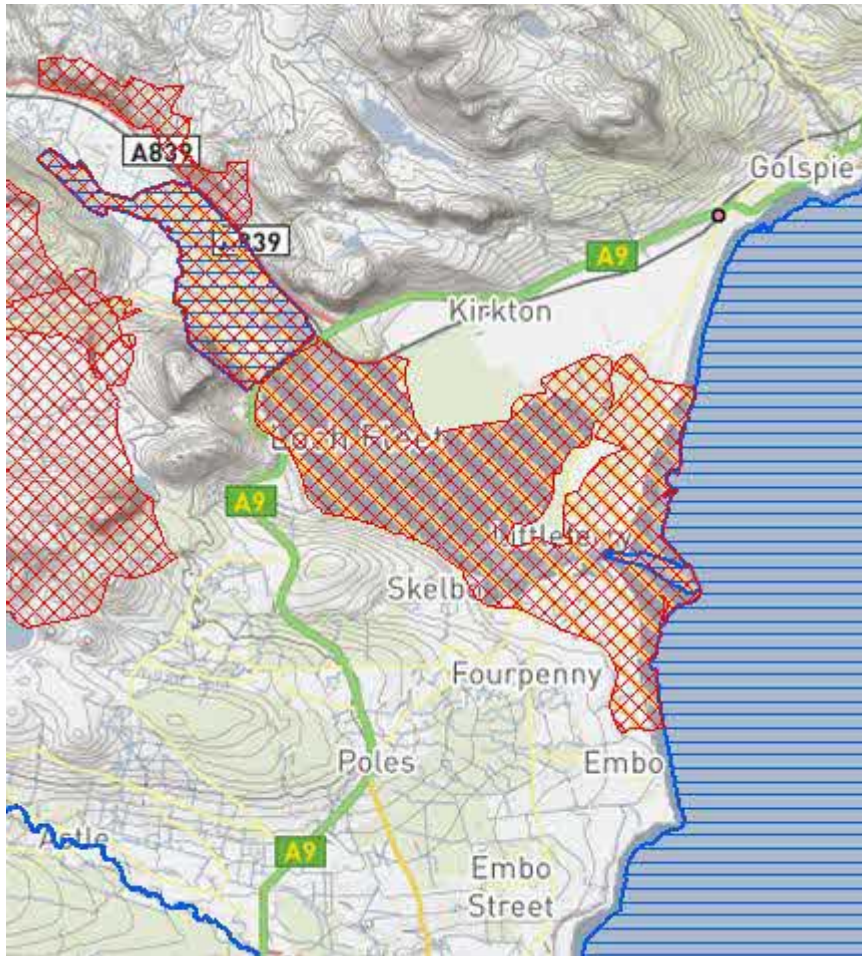
		a high standard in delivery of the agreed plan. The work to date is evidenced as of a poor standard and fails to achieve the end objective of a quality long term programme of mitigation
	Contrary to the conservation objectives for SPA qualifying interests	Proactive approach towards enabling appropriate mitigation and removal of invasive species, improve dune slack environment, diverse habitats to encourage biodiversity Work with the dune heath environment as a mechanism to deliver a course based on protecting the integrity of the dune system. Manage change as a co-ordinated approach with NatureScot reflecting their agreed protocols as evidenced at nearby Skibo, also SSSI.
	Adverse impact on overwintering birds protected under the Ramsar designation	Further survey work to identify species and improve dune slack environment to encourage overwintering birds. No play during the winter season. Removal of meadowsweet and other invasives to promote healthy dune slacks and improve bird habitats. Manage as proactive conservation not negative impact.
Impacts on public access and the enjoyment of the links	Moray Firth conservation objectives not compromised	Public access is maintained.
Other environmental impacts	Reduced negative impacts despite the potential to constrain unrestricted public access	n/a
Cultural heritage	Significant landscape and visual impacts would occur during construction	These are short term and can be mitigated against through an appropriate phasing programme No long term adverse effects identified
Traffic and transport	Unlikely significant effects	Reduced requirement for construction traffic due to reduced excavation requirements. Reduced requirement for maintenance vehicles in the longer term.

Table 3 - SEPA – SCOPING RESPONSE – KEY ISSUES




















	ACTION – SEPA ADVICE	ACTION REQUIRED	RESOLVED
GWDTE	<p>Non qualifying habitats that SEPA will comment on are SD16. M15. MG9, MG10, MG11 M23. M25. M27,W1, CG10. U4/SD7</p> <p>SD16 M15 M25 CG19 are Annexe 1 habitats and likely to be groundwater dependent.</p> <p>Plans required to show how these habitats are not affected and if not possible, how it will be mitigated.</p> <p>Assess impact of any proposed irrigation</p>	Chapter 7 hydrology of the EIA deals with each of these matters, including detailed drawings. These are listed in Annexe C1	RESOLVED
Layout	Plans to show location of compounds and construction works	Drawing MRH 22-11 - CL -100	RESOLVED
Water abstraction	<p>Plans to show location of the bore holes required, plan of reservoir required and infrastructure associated reservoir to show added habitat and biodiversity gain.</p> <p>Need details of borehole water quality analysis</p> <p>need assessment of the impact of irrigation of tees and greens on nearby wetlands in context of nitrate threshold values</p>	<p>EIA Chapter 7 Hydrology Provides full details.</p> <p>Drawings in Annex c</p>	RESOLVED
Foul Drainage	Details of foul drainage for change of use of buildings required and show that existing CAR meets the requirements – need full details	<p>Drawings Annex C, Appendix C3 and C4</p> <p>Chapter 7 Hydrology – EIA</p> <p>Also MRH 22-11-CL-108</p>	RESOLVED
Surface water drainage	Plan of proposed SuDS	Included on change of use drawings	RESOLVED
Engineering activities	Must avoid impact on water environment, 6 m buffer preserved to all water courses and bodies of water	Drawing reference MRH-CL 106	RESOLVED

Groundwater abstractions	Map demonstrating all existing groundwater abstractions are outwith a 100 m radius buffer of all excavations shallower than 1m and 250m for all excavations deeper than 1m. Needs to take account of micro siting options	Drawing reference	RESOLVED
Earthworks and Excavations	Plans to show all earthworks Details of borrow pits, location and justification for site location, map of location size and shape, temporary storage areas ground investigation report for water table. Confirmation on wet working or dewatering if the latter then assessment of impact. Restoration plan	Plan of storage areas and borrow pits provided. MRH 22-11-CL 108 No wetworking or dewatering proposed. Refer to Chapter 7 Hydrology. Restoration Plan provided	RESOLVED
Forest felling	Plan to show where felling is proposed and where felled material is to be disposed of	Plan of birchwood area to be felled is included on drawings. All material to be moved off site and disposed of	RESOLVED
Pollution Prevention	Schedule of mitigation must be submitted to include reference to best practice pollution prevention and construction techniques. Must set out the daily responsibilities of ECoW how site inspection will be recorded and acted upon	Schedule of Mitigation provided as part of the planning submission	RESOLVED
Flood Risk	No development to be in the floodrisk area. Watercourse crossings to be designed to convey the 1:200 year design flow plus an allowance for climate change	No buildings are within an identified flood risk area. Bridge crossings designed to comply with recommendations	RESOLVED

PLAN 1 - PLAN OF EXISTING SITE DESIGNATIONS (NATURESCOT SITELINK EXTRACT)



Layers

-  Sites of Special Scientific Interest
-  Geological Conservation Review
-  Special Areas of Conservation
-  Candidate SAC - submitted to EC
-  SCI (adopted cSAC)
-  SAC (Designated)
-  Special Protection Areas
-  Ramsar
-  National Scenic Areas
-  Local Nature Reserves
-  National Nature Reserves
-  National Parks
-  Regional Parks
-  Country Parks
-  Marine Protected Areas
-  Joint Nature Conservation Committee, MPA
-  MS, Current
-  Scottish Natural Heritage, MPA
-  Scottish Natural Heritage, Approved by SG