



**Dumfries and Galloway
Proposed Local Development Plan**

Habitat Regulation Appraisal

November 2013

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Finalised Habitat Regulation Appraisal Dumfries & Galloway Local Development Proposed Plan

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1. Introduction

This report identifies the legislative and policy requirements for a Habitats Regulations Appraisal of the Dumfries and Galloway Local Development Proposed Plan and the following supporting Supplementary Guidance:

- Developer Contributions
- Housing Development in Villages
- Conservation Areas
- Wind Energy Development
- Flooding & Development
- Assessing the Adequacy of Marketing for Change of Use Applications.
- Palnackie Village Design Statement
- Travel Plans
- Access Routes

A network of sites across the European Community, known as Natura comprise of areas designated as either Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). SACs are strictly protected sites designated under the EC Habitats Directive (1992) and form a European network of important, high quality conservation sites which contribute to conserving 189 habitat types and 788 identified species. SPAs are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive for their rare and vulnerable birds (identified in Annex II of the Directive) and also for regularly occurring migratory species. Ramsar sites are designated wetlands of international importance. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are covered by the Habitats Directive.

It is a requirement of Article 6(3) of the Habitats Directive 1992 that any plans which are likely to have a significant effect on a European site (SAC or SPA) shall be subject to an 'appropriate assessment' of its implications in relation to the site's qualifying interests and conservation objectives. A plan should not be approved until it has been ascertained that the policies and proposals it contains will not adversely affect the integrity of the sites. Proposed SACs and SPAs should also be given the same consideration.

The requirement to consider the effect on Natura sites within land use plans in Scotland is transposed into domestic law by the Conservation (Natural Habitats, &c.) Regulations 1994 as amended. These regulations are referred to in this document as the Habitats Regulations.

The Habitats Directive applies a precautionary approach to developments potentially affecting SACs and SPAs. The interest features of the Natura sites must be maintained so as to avoid deterioration of habitats and significant disturbance of species. An appropriate assessment is required where there is a probability or a risk that the plan or project will have significant effects on a site. This is in line with the ruling of the European Court of Justice in Case C-127/02 (the Waddenzee Judgement) which stated that "*any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either*

individually or in combination with other plans or projects". However it is recognised that an assessment of a spatial plan is likely by its nature to be less specific and detailed than the assessment of an individual project.

2. Plan Context

Once adopted the LDP and supporting Supplementary Guidance will replace the existing Structure Plan and four Local Plans. The LDP will constitute the Council's land use planning framework for Dumfries and Galloway and will be kept under review and be replaced every five years.

In fulfilling the requirements for a development plan to cover the Dumfries and Galloway area as required by the Planning etc. (Scotland) Act 2006 and the associated 2008 Development Planning Regulations the LDP will set out:

- An overall development vision and spatial strategy for the area
- Planning policies to support the vision and strategy
- Planning land allocations and policy application for the development or regeneration or conservation of local area and to assist with the orderly and timeous bringing forward of land for development or regeneration, all in support of the spatial strategy: and
- A framework of planning policies, supporting the strategy for the management of development applications: and
- In doing all of these the LDP should contribute to sustainable development

Preferred and alternative options for Main Issues were considered through the Main Issues Report and the associated Environmental Report; and the Further Consultation on Sites and Policies and associated Environmental Report. In this respect the policies and proposals have undergone modification to ensure the impact on the environment is minimised. The aims and objectives of the Proposed Local Development Plan are to be met by the policies and proposals within the proposed plan. In this respect the detailed screening and assessment focuses on the policies and proposal contained within the proposed plan but with consideration of other plans and projects which may have an 'in combination effect'.

Policies are presented within the plan. These are currently supported by supplementary guidance in some cases. This HRA considered the effects of this supplementary guidance as an integral part of the plan, with the exception of The Dumfries and Galloway Forestry and Woodland Strategy Supplementary Guidance, which is subject to its own HRA. Any future supplementary guidance deriving from the Local Development Plan will be screened for HRA requirement.

3. Methodology

The following methodology has been used to carry out this HRA:-

- A list of European sites that should be considered in this appraisal was identified through GIS maps and SNH data. A full list of European sites selected and the reasons for their selection are set out in Table 1.
- Background information was gathered from the SNH website on each of the European sites identified above, including the relevant qualifying interests and conservation objectives.
- All aspects of the Dumfries and Galloway Local Development Proposed Plan were screened, using 3 key steps, to identify any policies or proposals likely to have any significant effect on any European site (see Table 2 in section 5)
- All policies and proposals that could not be ruled out from having a likely significant effect are listed in Table 3.
- Further screening was carried out on sites policies and proposals listed in Table 3 to assess whether these could be ruled out, using other relevant criteria, from further appraisal.
- In combination likely significant effects were assessed in section 6.
- Where possible, simple mitigation measures were applied in section 7 to any aspect of the Dumfries and Galloway Proposed Plan that could not be screened out above.
- There were no aspects of the Dumfries & Galloway Proposed Plan that could not be screened out following application of mitigation measures.

4. European sites potentially affected

There are 17 Special areas of Conservation and 7 Special Protection Areas wholly or partly within the area covered by the Dumfries and Galloway Proposed Plan. One site is designated both SAC and SPA. There are also 5 Ramsar Sites, but all of these are contained within the boundaries of Natura Sites. One Natura Site that lies entirely outside the boundaries of the Proposed Plan has been included in this appraisal, as it is possible that it may be affected by activities within the Proposed Plan area.

The location of these areas is indicated on Map 1 and Table 1 provides further details of each site and its qualifying interests.

Table 1. European Sites potentially affected by Dumfries and Galloway Local Development Proposed Plan

Site Name	Designation	Area ha (total site)	Qualifying Interests (Common Names)	Conservation Objectives	Site Condition
Burrow Head	SAC	244.22	Annex II Species (primary reason for selection): Great crested newt	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and	Favourable Maintained

				<p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	
Carsegowan Moss	SAC	49.49	<p>Annex I Habitats (primary reason for selection): Active raised bog</p> <p>Annex I Habitats (not primary reason for selection): Degraded raised bogs</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	Unfavourable No Change
Flow of Dergoals	SAC	170.18	<p>Annex I Habitats (primary reason for selection): Blanket bogs</p> <p>Annex I Habitats (not primary reason</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying habitats that the</p>	Favourable Maintained

			for selection): Depressions on peat substrates	following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	
Galloway Oakwoods	SAC	355.1	Annex I Habitats (primary reason for selection): Western acidic oak woodland	To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	Unknown
Kilhern Moss	SAC	123.83	Annex I Habitats (primary reason for selection): Blanket bogs Annex I Habitats (not primary reason	To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the	Favourable Maintained

			for selection): Depressions on peat substrates	following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	
Kirkcowan Flow	SAC	777.57	Annex I Habitats (primary reason for selection): Blanket bogs Annex I Habitats (not primary reason for selection): Depressions on peat substrates	To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	Unfavourable No Change: Blanket Bog Favourable Declining: Depressions on Peat substrates
Luce Bay and Sands	SAC	48759.28	Annex I Habitats (primary reason for selection): Coastal dune heathland Shifting dunes	To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the	Favourable Maintained: Shifting dunes Shifting dunes with marram Great crested

			<p>Dune grassland Shallow inlets and bays Shifting dunes with marram</p> <p>Annex I Habitats (not primary reason for selection): Intertidal mudflats and sandflats Reefs Subtidal sandbanks</p> <p>Annex II Species (not primary reason for selection): Great crested newts</p>	<p>following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>newts</p> <p>Unfavourable Declining: Coastal dune heathland Dune grassland</p> <p>Unknown: Shallow inlets and bays Intertidal mudflats and sandflats Reefs Subtidal sandbanks</p>
Merrick Kells	SAC	8698.3	<p>Annex I Habitats (primary reason for selection): Wet heathland with cross-leaved heath Montane acid grasslands Blanket bog</p> <p>Annex I Habitats (not primary reason for selection): Depressions on peat substrates Dry heaths Acid peat-stained lakes and ponds</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>Favourably Maintained: Acid peat-stained lakes and ponds Acidic scree Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels Plants in crevices on acid rocks</p>

			<p>Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels Plants in crevices on acid rocks Acidic scree Annex II Species (not primary reason for selection): Otters</p>		<p>Otter</p> <p>Unfavourable Recovering: Blanket bog Depressions on peat substrates Dry heaths Wet heathland with cross-leaved heath</p> <p>Unfavourable Declining: Montane acid grasslands</p>
Mochrum Lochs	SAC	178.99	<p>Annex I Habitats (primary reason for selection): Blanket bogs Annex I Habitats (not primary reason for selection): Depressions on peat substrates</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>Unfavourable No Change</p>

Moffat Hills	SAC	2891.92	<p>Annex I Habitats (primary reason for selection): Alpine and subalpine heaths Montane acid grasslands</p> <p>Annex I Habitats (not primary reason for selection): Blanket bogs Plants in crevices on base-rich rocks Dry heaths Tall herb communities Plants in crevices on acid rocks Acidic scree</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>Favourable Maintained: Acidic scree Dry heaths Montane acid grasslands Plants in crevices on acid rocks Tall herb communities</p> <p>Unfavourable Declining: Alpine and subalpine heaths Blanket bogs</p> <p>Unfavourable No Change: Plants in crevices on base-rich rocks</p>
Mull of Galloway	SAC	136.39	<p>Annex I Habitats (primary reason for selection): Vegetated sea cliffs</p>	<p>To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site 	<p>Favourable Maintained</p>

				<ul style="list-style-type: none"> • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	
Raeburn Flow	SAC	63.96	<p>Annex I Habitats (primary reason for selection): Active raised bogs</p> <p>Annex I Habitats (not primary reason for selection): Degraded raised bog</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>Favourable Maintained: Active raised bog</p> <p>Unfavourable Recovering: Degraded raised bog</p>
River Bladnoch	SAC	300.02	<p>Annex II Species (primary reason for selection): Atlantic Salmon</p>	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the</p>	<p>Unfavourable Recovering</p>

				<p>following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species, including range of genetic types, as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	
Solway Firth	SAC	43636.72	<p>Annex I Habitats (primary reason for selection): Atlantic salt meadows Estuaries Intertidal Mudflats and sandflats</p> <p>Glasswort and other annuals colonising mud and sand Subtidal sandbanks</p> <p>Annex I Habitats (not primary reason for selection): Dune grassland Coastal shingle vegetation outside the reach of waves Reefs</p> <p>Annex II Species (primary reason for</p>	<p>To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	<p>Favourable Maintained: Coastal shingle vegetation outside the reach of waves Glasswort and other annuals colonising mud and sand Subtidal sandbanks</p> <p>Unfavourable No Change: Atlantic salt meadows</p> <p>Unfavourable Declining: Dune grassland</p>

			selection): Sea lamprey River lamprey		Unknown: Estuaries Intertidal Mudflats and sandflats Reefs Sea lamprey River lamprey
Solway Mosses North	SAC	652.6	Annex I Habitats (primary reason for selection): Active raised bog Degraded raised bog	To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	Favourable Maintained: Active raised bog Unfavourable Recovering: Degraded raised bog
Tynron Juniper Wood	SAC	6.67	Annex I Habitats (primary reason for selection): Juniper on heaths or calcareous grasslands	To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term: <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site 	Unfavourable Recovering

				<ul style="list-style-type: none"> • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	
Upper Nithsdale Woods	SAC	98.38	<p>Annex I Habitats (primary reason for selection): Mixed woodland on base-rich soils associated with rocky slopes</p>	<p>To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitat on site • Distribution of the habitat within site • Structure and function of the habitat • Processes supporting the habitat • Distribution of typical species of the habitat • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat 	Unknown
River Eden	SAC		<p>Annex I Habitats (primary reason for selection): Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels .</p>	<p>Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features. Subject to natural change, to maintain or restore:</p>	

			<p>Rivers with floating vegetation often dominated by water-crowfoot.</p> <p>Alder woodland on floodplains.</p> <p>Annex II species (primary reason for selection): White-clawed (or Atlantic stream) crayfish Sea lamprey Brook lamprey River lamprey Atlantic salmon Bullhead Otter</p>	<ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species; • The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species; • The supporting processes on which qualifying natural habitats and habitats of qualifying species rely; • The populations of qualifying species; • The distribution of qualifying species within the site. 	
Castle Loch, Lochmaben	SPA	109.04	<p>Annex I Species (primary reason for selection): Pink footed goose (non-breeding)</p>	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species 	Unfavourable No Change

				<ul style="list-style-type: none"> No significant disturbance of the species 	
Glen App and Galloway Moors	SPA	8942.38	Annex I Species (primary reason for selection): Hen harrier (breeding)	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	Favourable Maintained
Langholm – Newcastleton Hills	SPA	7544.87	Annex I Species (primary reason for selection): Hen harrier (breeding)	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	Unfavourable Recovering
Loch Ken and River Dee	SPA	769.11	Annex I Species (primary reason for	To avoid deterioration of the habitats of the qualifying species (listed below) or significant	Favourable Maintained

Marshes			selection): Greenland white-fronted goose (non-breeding) Greylag goose (non-breeding)	disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	
Loch of Inch and Torrs Warren	SPA	2111.04	Annex I Species (primary reason for selection): Greenland white-fronted goose (non-breeding) Hen harrier (non-breeding)	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species 	Favourable Maintained
Muirkirk and North Lowther Uplands	SPA	26330.31	Annex I Species (primary reason for selection): Golden plover (breeding) Hen harrier	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:	Favourable Maintained: Golden plover Short-eared owl

			(breeding) Merlin (breeding) Peregrine (breeding) Short-eared owl (breeding)	<ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	Unfavourable Declining: Hen harrier Unfavourable No Change: Merlin Peregrine
Upper Solway Flats and Marshes	SPA	43636.73	Annex I Species (primary reason for selection): Barnacle goose Bar-tailed godwit Cormorant Curlew Dunlin Goldeneye Grey plover Great crested grebe Golden plover Knot Lapwing Mallard Oystercatcher Pink-footed goose Pintail Redshank Ringed plover Scaup Shelduck Whooper swan (all non-breeding)	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	Favourable Maintained: Barnacle goose Cormorant Curlew Dunlin Goldeneye Grey plover Great crested grebe Golden plover Knot Lapwing Mallard Oystercatcher Pink-footed goose Pintail Redshank Ringed plover Scaup Shelduck Unfavourable Declining:

					Bar-tailed godwit Whooper swan
Castle Loch, Lochmaben	Ramsar	107.6	Ramsar Qualifying Feature: Pink-footed goose, (non-breeding)	N/A	Unfavourable No change
Loch Ken and River Dee Marshes	Ramsar	769.11	Ramsar Qualifying Features: Greenland white-fronted goose, (non-breeding) Greylag goose, (non-breeding)	N/A	Favourable Maintained
Loch of Inch and Torrs Warren	Ramsar	2111.39	Ramsar Qualifying Features: Greenland white-fronted goose, (non-breeding) Sand dune	N/A	Unfavourable Declining: Greenland white-fronted goose: Favourable Maintained: Sand dune:
Silver Flowe	Ramsar		Ramsar Qualifying Feature: Blanket Bog	N/A	Favourable Maintained
Upper Solway Flats and Marshes	Ramsar		Ramsar Qualifying Features: Knot, (non-breeding) Pink-footed goose, (non-breeding) Pintail, (non-breeding) Curlew, (non-	N/A	Unfavourable Declining: Bar-tailed Godwit Favourable Maintained: Knot Pink-footed

			breeding) Oystercatcher , (non-breeding) Scaup, (non-breeding) Svalbard Barnacle goose, (non-breeding) Bar-tailed godwit, (non-breeding)		Goose Pintail Oystercatcher Scaup Svalbard Barnacle Goose
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5. Screening Process

The Scottish Government requires the responsible authority to determine which, if any, elements of the plan would have a likely significant effect on any interest/feature of any European site and therefore require an appropriate assessment (AA). This applies to all Natura Sites, both SAC and SPA.

All aspects of the LDP have been screened for potential likely significant effects on Natura Sites. An effect that could undermine the conservation objectives is considered a significant effect. The likelihood of such effects occurring was assessed on a case by case basis, taking into account the precautionary principle and the specific characteristics and environmental conditions of the site concerned.

The screening process followed three key steps:

- General policy statements, including general criteria based policies, were screened out of the appraisal as they are unlikely to have a significant effect on a European Site. General policy statements set out the strategic aspiration of the Council for a certain issue and do not relate to specific locations. A general 'criteria based' policy expresses the tests or expectations of the Council when it comes to consider particular proposals.
- Projects referred to, but not proposed by the LDP, were screened out of the appraisal, as a Habitat Regulations Appraisal should have already been carried out by those who originally proposed such projects.
- Projects that were not likely to have a significant effect on a European site were screened out of the appraisal. The reasons for such a decision vary, but include aspects of the LDP that are intended to protect the environment; aspects which will not themselves lead to

development or other change; or aspects which make provision for change but could have no conceivable effect, or only a minor residual effect, on a European site.

Aspects of the Dumfries and Galloway LDP screened out as a result of the above process have been recorded in Table 2.

Table 2. Aspects of the Dumfries and Galloway Local Development Proposed Plan which would not be likely to have a significant effect on a European site alone.

	Relevant aspects of the Proposed Plan	Reason for no likely significant effect
General Policy Statements	Local Development Plan Vision Policy OP1 Development Considerations Policy OP2 Design Quality of New Development Policy OP3: Developer Contributions Policy ED1B Business and Industry Policy ED2 Development in the Rural area Policy ED6 Development Outside a Town Centre Policy ED9: Neighbourhood Centres, Small and Rural Shops Policy ED10 Tourism Policy ED13 Fish Farming Policy ED14 Minerals Policy ED16 Advertisements Policy H1B Housing Land Policy H2 Housing Development in Villages Policy H3 Housing Development in the Countryside Policy H4 Development Immediately Outside Settlement Boundaries Policy H5 Affordable Housing Policy H6 Particular Needs Housing Policy H7 Temporary Residential development Policy H8 Alterations and Extensions to Houses Policy H9 Residential Annexes Policy HE1 Listed Buildings Policy HE3 Archaeology Policy NE6 Forestry and Woodland	These are general policy statements that set out the Council's strategic aspirations for certain issues. Some are general criteria-based policies (ie development will be allowed where it meets specific criteria), but none relate to specific sites.

	<p>Policy NE7 Trees and Development Policy NE8 Tree Preservation Orders Policy NE9 Undeveloped Coast Policy NE11 Supporting the Water Environment Policy NE12 Protection of Water Margins Policy NE13 Soil Policy CF1 Community Facilities Policy CF2 Green Networks Policy CF3 Open Space Policy CF4 Access Routes Policy IN1 Renewable Energy Policy IN7 Energy Recovery from Waste Policy IN8 Waste Management Requirements for New Development Policy IN9 Flooding and Development Policy IN10 Surface Water Drainage and SuDS Policy IN11 Waste Water Drainage Policy IN12 Contaminated Land Policy IN13 Telecommunications Policy T2 Location of Development / Accessibility Policy T4 Freight Transport Policy T5 Former transport Routes Supplementary Guidance: Developer Contributions Supplementary Guidance: Housing in Villages Supplementary Guidance: Conservation Areas Supplementary Guidance: Flooding & Development Supplementary Guidance: Assessing the Adequacy of Marketing for Change of Use Applications. Supplementary Guidance: Travel Plans Supplementary Guidance: Access Routes</p>	
<p>Aspects excluded from the appraisal because they are not proposals generated by the Proposed Plan.</p>	<p>None found</p>	

<p>Aspects that protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment.</p>	<p>Policy ED11 Galloway and Southern Ayrshire Biosphere Policy ED12 Dark Sky Park Policy ED15 Protection and Restoration of Peat Deposits as Carbon Sinks Policy HE2 Conservation Areas Policy HE4 Archaeologically Sensitive Areas Policy HE5 Hadrian's Wall Policy NE1 National Scenic Areas Policy NE2 Regional Scenic Areas Policy NE3 Sites of International Importance for Biodiversity Policy NE4 Species of International Importance Policy NE5 Sites of National Importance for Biodiversity and Geodiversity Supplementary Guidance: Palnackie Village Design Statement</p>	<p>These policies are intended to conserve or enhance the natural, built or historic environment and enhancement measures will not be likely to have any negative effect on a European site.</p>
<p>Aspects that will not lead to development or other change.</p>	<p>Policy IN6 Protection of Existing Waste Management Infrastructure</p>	<p>This is a protective policy for existing infrastructure and will not lead to any new development or other kinds of change.</p>
<p>Aspects that make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be positive, or would not otherwise undermine the conservation objectives for the site.</p>	<p>Policy ED5 Development in Town Centres Policy ED7 Prime Retail Frontages in Dumfries and Stranraer Policy ED8 Town Centre Accessibility</p>	<p>Specific locations in Dumfries, Annan, Castle Douglas, Dalbeattie, Gretna, Kirkconnel/Kellohom, Kirkcudbright, Langholm, Lochmaben, Lockerbie, Moffat, Newton Stewart, Sanquhar, Stranraer, Thornhill, Whithorn and Wigtown are identified in relation to these policies, but none are designated European sites. The proposed developments are of types (predominantly retail) that are very unlikely to have any link or pathway between them and the qualifying interests. Therefore, there is no conceivable effect on a European site.</p>
<p>Aspects that make provision</p>	<p>Policy ED3 The Crichton Quarter</p>	<p>These two sites are not designated as European sites</p>

<p>for change but which could have no significant effect on a European site (minor residual effects), because any potential effects would be so restricted that they would not undermine the conservation objectives for the site.</p>	<p>Policy ED4 Chapelcross</p>	<p>but do lie in reasonably close proximity to watercourses that flow into European sites or support fish species which are a qualifying interest of a European site (Sea and River Lamprey for Solway Firth SAC). However, both sites have already been developed without any negative impact and all future development will be subject to additional policies (such as OP1) and statutory regulations that will ensure high water quality. Any effect would therefore be minor residual, and would not undermine the conservation objectives for the European site.</p>
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Other aspects of the Proposed Plan identify provision for change in specific locations, and therefore it has not been possible during the initial three key steps of the screening process, on the basis of objective information, to eliminate a likely significant effect on a European Site. These aspects have therefore been subject to further appraisal; the results of which are presented in Table 3 below.

Table 3. Further Appraisal of those aspects of the Dumfries and Galloway Proposed Plan which could not be ruled out of Habitat Regulation Appraisal after initial screening.

<p>Aspects of the Dumfries and Galloway Proposed Plan which could not be ruled out of Habitat Regulation Appraisal after initial screening.</p>	<p>Reason for no likely significant effect following further appraisal.</p>
<p>Spatial Strategy</p>	<p>The Spatial Strategy was subject to an earlier screening process as part of the preparation of the LDP. All sites proposed for inclusion in the spatial strategy were subject to assessment for likely significant effect and consultation with SNH and other key agencies took place prior to the Main Issues Report. The further public consultation on Sites and Policies set out the recommended package of sites and allowed further comments to be made before the consideration by the Council of the Proposed Plan in Nov 2012. No sites that could have a likely significant effect on any Natura site have been carried forward into the Proposed Plan Spatial Strategy.</p>

Policy ED1A Business and Industry	Policy ED1A supports provision for change only on sites specifically identified through the Spatial Strategy. Therefore, for the reasons above, it cannot have a likely significant effect on any Natura site.
Policy H1A Housing Land	Policy ED1A supports provision for change only on sites specifically identified through the Spatial Strategy. Therefore, for the reasons above, it cannot have a likely significant effect on any Natura site.
Policy NE10 Erosion and Coastal Protection	Policy NE10 could not be screened out of the first draft HRA as it makes provision for works to protect the coast from erosion, some of which lies within or close to Luce Bay & Sands SAC, Mull of Galloway SAC, Solway Firth SAC, Upper Solway Flats & Marshes SPA/Ramsar and Loch of Inch & Torrs Warren SPA/Ramsar. It is possible that coastal erosion works and potential changes to coastal processes that may result from such works, will have a likely significant effect on a European Site. This policy now has the following caveat wording: “the Council will only support applications for works to protect land against coastal erosion where it can demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.” The Policy now cannot have a likely significant effect on any Natura site.
Policy IN2 Wind Energy & Supplementary Guidance: Wind Energy Development	Policy IN2 and associated Supplementary Guidance have been developed, from the Council’s Interim Planning Policy on Wind Energy (February 2012). This was subject to a separate Habitat Regulation Appraisal at that time. The main differences between the Interim Planning Policy and LDP Policy and supplementary guidance relate to an expansion of land covered by the Areas of Significant Protection within the spatial framework mapping and a change in the policy framework from three policies to one. These amendments provide a more clearly defined and robust framework to assess proposals and afford greater protection to environmental interests. All European Sites remain within the Areas of Significant Protection. As with the Interim Planning Policy, in certain circumstances, development outwith the actual designation boundaries

	<p>can impact on the conservation objectives of European sites. Therefore Policy IN2, retains the following caveat for all wind energy proposals: “the Council will only support wind energy proposals where it can demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.” Given that the overall effect of Policy IN2 and associated supplementary guidance provides for greater environmental protection than the previous Interim Planning Policy, there can be no likely significant effect on any Natura site.</p>
Policy IN5 New Waste Management Infrastructure	<p>Policy ED1A supports provision for change only on sites specifically identified through the Spatial Strategy. Therefore, for the reasons above (Spatial Strategy), it cannot have a likely significant effect on any Natura site.</p>
Policy T1 Transport Infrastructure	<p>Policy T1 could not be screened out of the first draft HRA as it makes provision for new transport infrastructure and/or services at specific locations, some of which are in close proximity to European Sites. Therefore this policy now has the following caveat wording: “the Council will only support applications for new transport infrastructure and/or services where it can demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.” The Policy now cannot have a likely significant effect on any Natura site.</p>
Policy T3 Established Harbours, Marinas and Slipways	<p>Policy T3 could not be screened out of the first draft HRA as it makes provision for change by “encouraging development proposals which support the use of such facilities, particularly those with a potential commercial or tourist function,” a number of which lie in close proximity to Luce Bay & Sands SAC, Mull of Galloway SAC, Solway Firth SAC, Upper Solway Flats & Marshes SPA/Ramsar and Loch of Inch & Torrs Warren SPA/Ramsar. It is possible that increased, or different, use of the harbours, marinas and slipways may have a likely significant effect of these sites. Indeed, one harbour at Drummore lies within the boundaries of Luce Bay & Sands SAC. This policy now has the following caveat</p>

	wording: “the Council will only support development proposals where it can demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.” The Policy now cannot have a likely significant effect on any Natura site.
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6. In-combination effects

The requirement of the Directive is to undertake an appropriate assessment of a plan if it would be likely to have a significant effect on a European Site “either individually or in combination with other plans and projects.” Individual aspects of the Proposed Plan that have been screened out above, because they will have no likely significant effect at all or because they are too general in nature, do not require an in-combination assessment since they clearly will also have no cumulative effect, or any cumulative effects (as for effects individually) cannot be identified.

This leaves only two aspects of the Proposed Plan, Policy ED3 The Crichton Quarter and Policy ED4 Chapelcross, that individually may have only minor residual effects on a European site, but in combination with other plans and projects may have a likely significant effect. In both cases, the European Site concerned is the Solway Firth SAC and the potential effect arises from run-off from development on these sites, either during or post-construction of development, contaminating watercourses that flow into the SAC and adversely affecting populations of river and/or sea lamprey. Though the boundary of the SAC is over 1km away from the potential development site at The Crichton and over 4km at Chapelcross, both fish species are likely to use watercourses outwith the boundary of the SAC, closer to the development sites. The individual effects are considered minimal in both cases because there is existing legislation in place to limit contamination of watercourses, the area of the SAC is very small in relation to the entire designated site, and no important lamprey watercourses are known at either location. All of these mitigating factors would still apply in the event of development taking place at both sites simultaneously. Therefore the in-combination effects of these two aspects of the Proposed Plan remain only minor residual effects.

There are no known other plans and projects that, in combination with Proposed Plan Policies ED3 and ED4, may have a likely significant effect on any Natura site.

7. Mitigation

All aspects of the Proposed Dumfries and Galloway Local Development Plan, alone or in combination, have been screened out of further appraisal. No additional mitigation is required.

8. Appropriate Assessment

All aspects of the Proposed Dumfries and Galloway Local Development Plan, alone or in combination, have been screened out of further appraisal. Appropriate assessment of the Proposed Plan is therefore not required.

9. Conclusion

Dumfries and Galloway Council, as the plan-making body concludes that it can be ascertained by means of this Habitat Regulations Appraisal that adoption of the Dumfries and Galloway Local Development Plan (and the Supplementary Guidance issued at the same time as the proposed Local Development Plan) would have no adverse effect on the integrity of any Natura sites.