

**RENFREWSHIRE LOCAL DEVELOPMENT PLAN**

**HABITATS REGULATIONS APPRAISAL:**

**Housing Land Supply Supplementary Guidance 2017 (Update)**

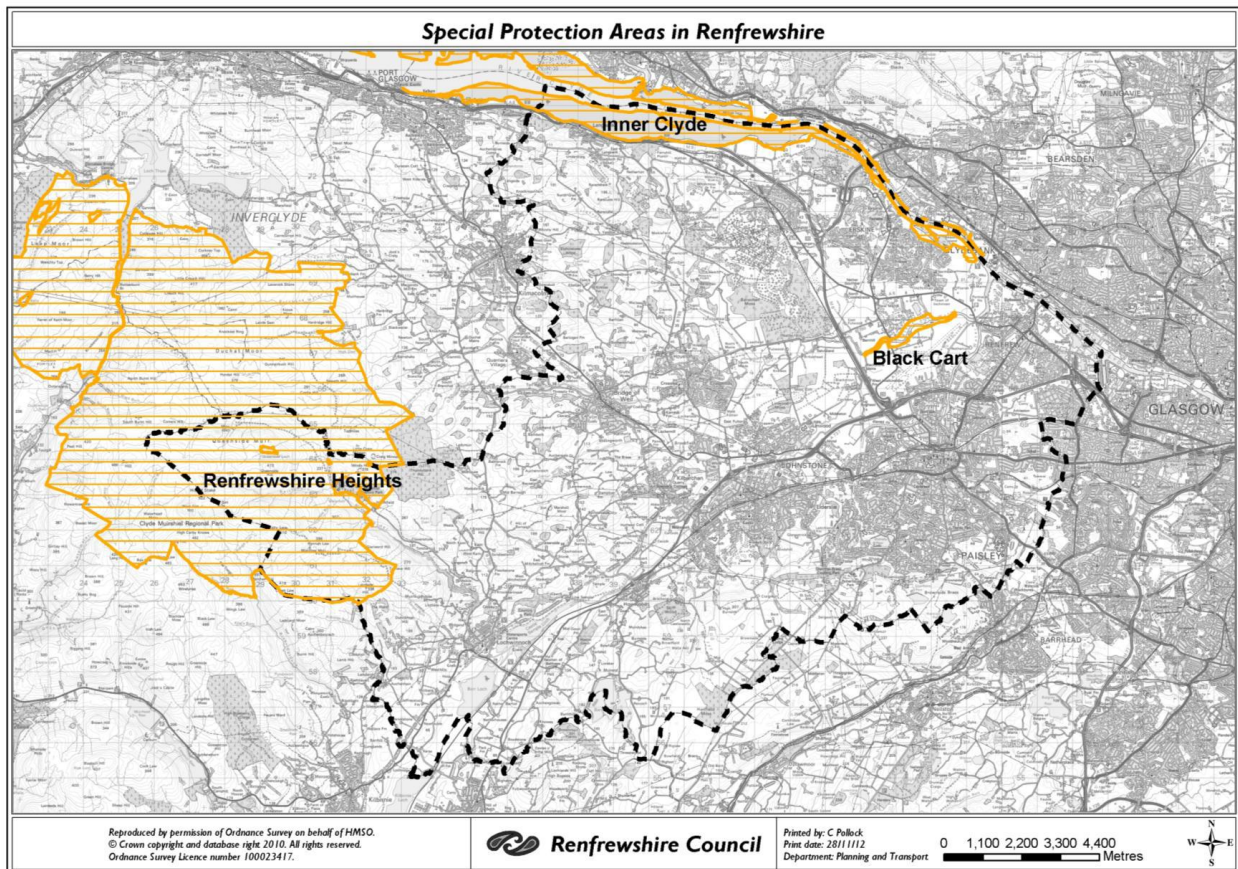
## NATURA 2000 SITES AND HABITATS REGULATIONS APPRAISAL

Natura sites represent the very best of Scotland's nature. Natura is the term given to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These internationally important sites are designated under European legislation relating to nature conservation, the Habitats and Birds Directives respectively.

### NATURA SITES IN RENFREWSHIRE

There are no SACs in Renfrewshire, however, there are three SPAs namely the Renfrewshire Heights, Black Cart Water and the Inner Clyde Estuary that have been identified as being of particular importance for several species of bird that are to be found on the sites. Figure 1 shows the location of Renfrewshire's Special Protection Areas.

**Figure 1: Special Protection Areas**



## PURPOSE OF HABITATS REGULATIONS APPRAISAL

Regulation 85B of the Habitats Regulations and Article 6(3) of the Habitats Directive requires that any plan or project, which is not directly connected with, or necessary to, the management of a European site, i.e. a Natura 2000 site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an ‘*appropriate assessment*’ of its implications for the European site in view of the site’s conservation objectives.

The purpose of this report is to consider whether the Updated Housing Land Supply Supplementary Guidance (2017) to the Adopted Renfrewshire Local Development Plan, is likely to have a significant effect on a Natura 2000 site, either alone or in combination.

For Renfrewshire Council to adopt the Updated Housing Land Supply Supplementary Guidance (2017), it is necessary to be certain that there is no adverse affect on the integrity of the Natura 2000 sites. Only in exceptional circumstances where there are no alternative solutions and reasons of overriding public interest could the Council adopt the Supplementary Guidance where it policies were known to adversely effect the integrity of a Natura 2000 site.

Article 6(4) of the Habitats Directive provides that if, in spite of a negative assessment of the implications for the site, and in the absence of alternative solutions, the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

The term ‘Habitats Regulations Appraisal’ (HRA) is used to describe the multi-stage process which includes:

- The decision on whether the Updated Housing Land Supply Supplementary Guidance (2017) should be subject to appraisal;
- The ‘screening’ process for determining whether an ‘appropriate assessment’ is required; and
- Any ‘appropriate assessment’ that may be required.

Through the Habitats Regulation Appraisal and any subsequent Appropriate Assessment, full consideration is given to the qualifying interests and the conservation objectives of the Natura 2000 sites. Where there is a possibility of adverse effects on site integrity, it may be possible to avoid these through mitigation.

## **REQUIREMENT FOR HABITATS REGULATIONS APPRAISAL**

The Council as the responsible authority is required to determine whether the Updated Housing Land Supply Supplementary Guidance (2017) qualifies in terms of need for assessment. Given that the Updated Housing Land Supply Supplementary Guidance is not directly connected with, or necessary to the management of any Natura 2000 sites. The Council is required, therefore to carry out a 'screening' exercise which will facilitate a determination about whether the Updated Housing Land Supply Supplementary Guidance would result in any significant effects on Natura 2000 sites, either individually, or in combination with other plans or projects.

The Updated Housing Land Supply Supplementary Guidance (2017) will be used to assess future development. It would be used to assess planning applications that may result in significant effects on Natura 2000 sites. The Updated Housing Land Supply Supplementary Guidance does not promote any development on Natura 2000 sites; however, it will be used to assess development proposals that could affect these sites. In light of this it is considered that the Updated Housing Land Supply Supplementary Guidance (2017) qualifies for the appraisal process.

## **UPDATED HOUSING LAND SUPPLY SUPPLEMENTARY GUIDANCE**

The Adopted Renfrewshire Local Development Plan is in two parts; the Local Development Plan document and the New Development Supplementary Guidance. Together these documents set out the overall spatial strategy for Renfrewshire, with key policies, proposals and guidance.

The Adopted Renfrewshire Local Development Plan sets out the strategy, priorities and principles for development in Renfrewshire and the detailed development framework and criteria is contained within supplementary guidance.

Scottish Planning Policy requires Councils to identify a generous supply of land to meet the housing requirements set by the Strategic Development Plan and Renfrewshire Local Housing Strategy. In examining the Adopted Renfrewshire Local Development Plan, the Scottish Government appointed Reporter concluded that there was a shortfall in housing land and that the Local Development Plan did not identify sufficient land to meet housing need and demand. Having identified the shortfall, the Reporter recommended that the Council prepare Supplementary Guidance to set out a framework for the release of additional housing land to enable further sites within the green belt to be released.

The Reporter considered that an agreed framework set out in the Renfrewshire Housing Land Supply Supplementary Guidance would allow the Council to grant planning permission for housing proposals that complied with that Supplementary Guidance framework as well as all other policies in the Renfrewshire Local Development Plan. In November 2015, the Supplementary Guidance was approved following submission to the Scottish Ministers. It was then adopted by the Council in December 2015.

The Council is required to monitor and review the Supplementary Guidance and does so through the annual Renfrewshire Housing Land Audit. The Housing Land Audit 2016 identifies that the shortfall in housing land has been reduced from the previous Housing Land Audit. This change requires to be reflected in the Updated Renfrewshire Housing Land Supply Supplementary Guidance. The Renfrewshire Housing Land Supply Supplementary Guidance has been updated by changing one figure in the document to reflect the current housing land shortfall. There is no change to the detailed framework, criteria and considerations in the Supplementary Guidance.

The role of the Updated Housing Land Supply Supplementary Guidance is to provide further information or detail in respect of policies or proposals that are already set out in the Local Development Plan. The supplementary Guidance itself does not identify any sites for development. In line with the Scottish Government Reporter's recommendation, the Renfrewshire Housing Land Supply Supplementary Guidance, therefore, sets out a framework, mechanisms and planning requirements that Renfrewshire Council will use to enable delivery of sites with the established housing land supply. It also sets out how the Council will assess potential residential developments and planning applications for housing on sites not allocated for residential development in the adopted Renfrewshire Local Development Plan, only where the 5 year effective land supply is not being maintained. This 5 year effective land supply will continue to be monitored and reviewed on an annual basis along with the Housing Land Supply Supplementary Guidance.

The new appropriate residential sites that are considered to comply with the adopted Renfrewshire Local Development Plan, New Development Supplementary Guidance, planning advice notes and the framework in this Updated Housing Land Supply Supplementary Guidance will be changed from green belt to residential land in the next LDP; should the site be sufficiently complete.

## EUROPEAN SITES TO BE INCLUDED IN THE APPRAISAL

This section outlines each of the Natura 2000 sites that are included within the appraisal and provides details of their qualifying interests, conservation objectives and site conditions to ensure that the appraisal focuses on the most relevant aspects of each site.

The qualifying interests potentially affected will vary between the different European sites, but effects should relate to these interests for the sites classification (SPAs). It is necessary to consider how the Updated Housing Land Supply Supplementary Guidance (2017) may affect the achievement of the conservation objectives. Figure 2 provides details of each site included within the appraisal.

**Figure 2: Summary of European Sites to be included in the Appraisal**

	Site 1	Site 2	Site 3
<b>Site Name</b>	Black Cart	Inner Clyde	Renfrewshire Heights
<b>Designation Status</b>	SPA	SPA	SPA
<b>Site Area (Ha)</b>	56	1,826	8,943
<b>Date of Designation</b>	07/12/2000	27/03/2000	17/12/2007
<b>Qualifying Interests</b>	Whooper swan (Cygnus cygnus), non-breeding	Redshank (Tringa totanus), non-breeding	Hen harrier (Circus cyaneus), breeding
<b>Conservation Objectives</b>	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	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 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;

	Site 1	Site 2	Site 3
	<p>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"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species;</li> <li>• No significant disturbance of the species</li> </ul>	<p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species;</li> <li>• No significant disturbance of the species</li> </ul>	<p>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"> <li>• Population of the species as a viable component of the site;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species;</li> <li>• Structure, function and supporting processes of habitats supporting the species;</li> <li>• No significant disturbance of the species</li> </ul>
<b>Site Condition</b>	Whooper swan (Cygnus cygnus), non-breeding: Favourable	Redshank (Tringa totanus), non-breeding: Favourable Maintained	Hen harrier (Circus cyaneus), breeding: Unfavourable

	Site 1	Site 2	Site 3
	Declining		Declining
<b>Factors Currently Influencing the Site</b>	Land use changes affecting roosting and feeding habitat in the wider Black Cart floodplain  Grazing management	Riverfront development  Improvements to water quality  Recreational access (particularly dogs off the leash)	Moorland management practices  Predation of nests
<b>Vulnerabilities to Change/potential effects of the Plan</b>	Development in the Black Cart floodplain and in particular the Glasgow Airport Zone could have potential for impacts in some cases.	Riverfront development and in particular the Erskine Town Centre could have potential for impacts in some cases.	Not currently considered vulnerable to development in Renfrewshire

## SCREENING FOR POTENTIAL EFFECTS

The Updated Housing Land Supply Supplementary Guidance (2017) was considered for potential likely significant effects on the Natura 2000 sites and screened out for the following reasons:

- The Updated Housing Land Supply Supplementary Guidance (2017) simply sets out a framework demonstrating how the Council will assess planning applications on sites not already allocated for housing in the Adopted Renfrewshire Local Development Plan;
- The Updated Housing Land Supply Supplementary Guidance (2017) is not location specific. It is a policy framework that is to be applied across Renfrewshire similar to many of the other policies in the adopted Renfrewshire Local Development Plan;



- The Updated Housing Land Supply Supplementary Guidance (2017) does not identify any additional sites for housing development so there is no identified spatial connection to any of the Natura 2000 sites referred to above;
- Any planning application submitted for new residential development will be assessed against existing criteria. The main considerations being compliance with the Glasgow and the Clyde Valley Strategic Development Plan, the Adopted Renfrewshire Local Development Plan, associated New Development Supplementary Guidance and Renfrewshire's Places Residential Design Guide. A range of further considerations follow on after the main considerations;
- The Adopted Renfrewshire Local Development Plan has already been the subject of Habitats Regulations Appraisal and an Appropriate Assessment was undertaken. The Renfrewshire Local Development Plan's Spatial Strategy supports new development where it does not have an adverse effect on the integrity of any sites protected as a Natura 2000 site. Policy Env 2 – Natural Heritage, seeks to protect Natura 2000 sites and ensure that development does not have an adverse effect on the integrity of these sites. Policy E3 – Transition Areas also includes protection for Natura 2000 sites and provision is also made for the protection of Natura 2000 sites through the Renfrewshire Local Development Plan's New Development Supplementary Guidance;
- The mitigation measures incorporated in the Adopted Renfrewshire Local Development Plan to which the Updated Housing Land Supply Supplementary Guidance (2017) refers, will ensure that there is no adverse affect on the integrity of the three SPAs. The conclusion does not rely on any lower tier plans, but will rely on appropriate assessment being undertaken in support of any planning applications that are likely to have a significant effect on the integrity of the Natura 2000 sites;
- In addition, it is considered that because Updated Housing Land Supply Supplementary Guidance (2017) does not identify any sites and provides only a framework for considering planning applications it is impossible to predict, when and how any effects may occur. Aspects of the Updated Housing Land Supply Supplementary Guidance (2017) are considered too general, therefore, to know where, when or how it may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected;

A further assessment of the implications of the Updated Housing Land Supply Supplementary Guidance (2017) in combination with other plans and projects was not considered to be necessary. The Updated Housing Land Supply Supplementary Guidance (2017) is unlikely to have potential significant effects on any Natura 2000 site on its own due to the general nature of the guidance, therefore, it is not necessary to consider the 'in-combination' effects.

## **CONCLUSION**

The initial screening stage of the Updated Housing Land Supply Supplementary Guidance (2017) in the Habitat Regulations Appraisal record identified that it would not be likely to have a significant adverse effect upon the integrity of any Natura 2000 site alone or in-combination. The Updated Housing Land Supply Supplementary Guidance (2017) has been screened out, therefore, and no further assessment is required.