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**Scottish Natural Heritage**  
All of nature for all of Scotland

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**ABERDEENSHIRE COUNCIL**  
**PLANNING AND ENVIRONMENTAL SERVICES**

27 APR 2011

**RECEIVED**

26 April 2011  
Our ref: CNS/DC/SOUTH  
Your ref: ENQ/2011/0525

Dear Mr Scott

**EIA Screening/Scoping Opinion for new settlement incorporating 4045 dwelling houses (mixed house types), business land (classes 4, 5 and 6) and associated infrastructure Land to the West of Newton Hill, Stonehaven, NO891947**

Thank you for your email requesting comments from Scottish Natural Heritage (SNH) on the above Environmental Impact Assessment Screening and Scoping Opinion request.

The proposal could result in significant environmental impacts as the site has the potential to be used by species of conservation concern and species with special protection. The proposal could also have significant landscape and visual impacts. We understand that the applicant has assumed that an environmental impact assessment (EIA) will be required under the Environmental Impact Assessment (Scotland) Regulations 1999. We therefore provide scoping advice in the Annex to this letter.

Please do not hesitate to contact me if you need any further information or advice from SNH in relation to this proposal. I would be grateful if you would let us know of the Council's decision or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

**Alistair Watson**  
Area Officer  
Tayside & Grampian  
alistair.watson@snh.gov.uk

Annex A : Chapelton of Elsick – SNH advice in response to Scoping Report March 2011



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## **Annex: Chapelton of Elsick – SNH advice in response to Scoping Report March 2011**

As with all proposals that are to be the subject of detailed planning applications supported by an Environmental Statement or an Environmental Report, we recommend that the report covers all aspects of the proposal that have the potential to have an impact upon the environment. Such comprehensive coverage will help avoid the need to ask the applicant for additional information and assessments at a later date so reduce the possibility of delays.

### **1. Designated sites including qualifying features of designated sites**

The applicant should consider whether the proposal could have any direct or indirect effects on any designated sites.

Maps and citations of designated sites and lists of operations requiring consent for each SSSI are available from our SNHi website's SiteLink pages at [www.snh.gov.uk/publications-data-and-research/environmental-data](http://www.snh.gov.uk/publications-data-and-research/environmental-data). Downloads of SNH data such as ESRI Shapefiles or the OGC standard formats GML and KML are also available from the Natural Spaces pages of SNHi.

If it is considered that the proposal is likely to have a significant effect on the qualifying interests of one or more European sites then an Appropriate Assessment must be carried out by the competent authority (Aberdeenshire Council) to consider the implications of the proposal for these qualifying interests. If the applicant does not consider that the development will have a likely significant effect upon any qualifying interests (or it is very obvious that the Conservation Objectives for the site's qualifying interests will not be undermined despite a connection) then the report should clearly present this information. Full lists of qualifying features may be found in the Conservation Objectives documents.

#### ***Red Moss of Netherley Special Area of Conservation***

The proposed site is approximately 2 km from Red Moss of Netherley Special Area of Conservation (SAC) which is designated for its bog features. Details of the site including the Conservation Objectives can be found on our website<sup>1</sup>.

Whilst hydrological connectivity between the development and the designated site is not considered to be likely, based on the current level of detail, we recommend that this is thoroughly investigated before discounting the need for an assessment of potential hydrological impacts on designated sites or features.

### **2. Birds**

We advise that the applicant considers the impacts of the proposal on bird populations on the site and the likely sensitivity of those populations. The level of survey effort required should be determined by:

- desk-based study of existing information<sup>2</sup>
- appraisal of habitats and species likely to be present
- reconnaissance survey

We advise that the applicant considers undertaking three lowland/farmland bird survey visits during the breeding season and three visits during the winter season at minimum.

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<sup>1</sup> SNHi SiteLink – Red Moss of Netherley Special Area of Conservation  
[http://hts11:7778/portal/page?\\_pageid=173.786401.173.890412&\\_dad=portal&\\_schema=PORTAL&PA\\_CODE=8601](http://hts11:7778/portal/page?_pageid=173.786401.173.890412&_dad=portal&_schema=PORTAL&PA_CODE=8601)

<sup>2</sup> Sources of information may include the NBN Gateway ([www.nbn.org.uk](http://www.nbn.org.uk)), North-East Scotland Biological Records Centre ([www.nesbrec.org.uk](http://www.nesbrec.org.uk)), RSPB ([www.rspb.org.uk](http://www.rspb.org.uk)), Wetland Bird Survey ([www.bto.org/webs](http://www.bto.org/webs)), and the local Raptor Study Group ([www.scottishraptorgroups.org/areas/north-east.php](http://www.scottishraptorgroups.org/areas/north-east.php)).

The applicant should also take into account potential impacts of the proposal on raptors and owls and carry out dedicated survey for Annex 1 and Schedule 1 species which may be nesting within the site. It is our understanding that goshawk and barn owls have already been identified for further specific attention.

#### *Barn owls*

The Barn Owl Trust has published advice on their website about barn owl habitat requirements and how to accommodate barn owls within building projects<sup>3</sup>.

### 3. Protected Species

We recommend that the applicant uses the NBN Gateway ([www.nbn.org.uk](http://www.nbn.org.uk)) and contacts the North East Scotland Biological Records Centre ([www.nesbrec.org.uk](http://www.nesbrec.org.uk)) for any records of plant or animal species in the area. If any notable species are identified we advise that appropriate survey work is carried out. Protected species which may occur in the area and we advise should be considered include:

- Bats, which are listed on Schedule 2 of The Conservation (Natural Habitats, &c.) Regulations 1994 as European Protected Species (EPS)<sup>4</sup>;
- Otters which are listed on Schedule 2 of The Conservation (Natural Habitats, &c.) Regulations 1994 as European Protected Species (EPS)<sup>5</sup>;
- Red squirrels which are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended)<sup>6</sup>;
- Water voles which are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) in respect of Section 9(4)<sup>7</sup>; and
- Badgers, which with their setts, are protected by the Protection of Badgers Act 1992 (as amended)<sup>8</sup>

#### *Bats*

There is the possibility for bat roosts, bat foraging habitat and bat flyways to be affected by this proposal. We advise that a survey should be carried out to identify bat interests, the likely impacts of the development on bats and proposed mitigation measures. English Nature's 'Bat mitigation guidelines' are available for download through the Natural England website<sup>9</sup>.

#### *Otters*

We understand from initial discussions between Turnberry Consultants and Applied Ecology that otter spraints have been found. We advise that an otter survey should be carried out along any water courses in or adjacent to the development site which may provide suitable habitat for otters and could be affected. The report should include details of proposed mitigation measures.

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<sup>3</sup> The Barn Owl Trust website  
[www.barnowltrust.org.uk](http://www.barnowltrust.org.uk)

<sup>4</sup> SNH website: Protected mammals - Bats  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection)

<sup>5</sup> SNH website: Protected mammals - Otters  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/otter-protection](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/otter-protection)

<sup>6</sup> SNH website: Protected mammals – Red Squirrels  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/squirrel-protection](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/squirrel-protection)

<sup>7</sup> SNH website: Protected mammals – Shrew and Water voles  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/shrew-and-vole-protection](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/shrew-and-vole-protection)

<sup>8</sup> SNH website: Protected mammals – Badgers  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/badger-protection](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/badger-protection)

<sup>9</sup> Natural England website: Bat mitigation guidelines (English Nature, 2004):  
<http://naturalengland.etraderstores.com/NaturalEnglandShop/IN136>

### *Red squirrels*

Red squirrels are identified as a priority species in the UK Biodiversity Action Plan. If red squirrels are detected we recommend that the final proposal should incorporate positive management for red squirrels where felling and replanting are proposed, and through careful planning of recreational routes to minimise disturbance to red squirrels. The choice of tree species and planting density should be considered if there is potential to benefit local red squirrel populations.

There is no licensing provision to permit actions that would otherwise constitute an offence in relation to red squirrels for the purpose of development. Where there is no satisfactory alternative, the forthcoming Wildlife & Natural Environment (Scotland) Act 2011 (WANE Act) will allow for licences to be issued for projects that give rise to significant social, economic or environmental benefits. This new licensing purpose is likely to be enabled in early summer, and SNH will be the licensing authority. It is conceivable that certain development projects could meet these criteria and SNH will produce guidance on these licences in due course.

### *Water voles*

Water voles can be found in water courses of all sizes, including ditches and drains, and so may be present within the development area or the area surrounding it. We recommend that a water vole survey is carried out if any works are proposed within 5 meters of a suitable watercourse.

Water voles are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9(4) only. There is no licensing provision to permit actions that would otherwise constitute an offence in relation to water voles for the purpose of development. Where there is no satisfactory alternative, the forthcoming WANE Act will allow for licences to be issued for projects that give rise to significant social, economic or environmental benefits. This new licensing purpose is likely to be enabled in early summer and SNH will be the licensing authority.

### *Badgers*

We understand from discussions and correspondence that bait marking is currently being used for territory habitat mapping of active badger setts within the site boundary. Full details of mitigation should be included in the report.

The report should consider connectivity with surrounding habitat and whether there will be sufficient foraging left within the open spaces of the development. Any conclusions about this need to be supported by evidence in the form of foraging resource estimates i.e. the area of foraging habitat that will be retained, set against what will be lost, and broken down according to key habitat types such as broadleaf woodland, amenity grassland, improved pasture, arable, coniferous plantation, etc. It would be irresponsible to expect badgers to replace lost foraging by feeding in gardens or other amenity areas. Consideration should also be given to the proximity of recreational routes to badger setts to minimise disturbance.

Activities that could disturb badger setts can be permitted under licence from SNH, but we would normally only grant such a licence where an effective badger protection plan has been agreed with the planning authority prior to the granting of planning permission. If planning permission is granted without such measures, there is a risk that the developer would be unable to make practical use of the planning permission if a licence is not issued.

## 4. Habitats

We recommend that the report includes a Phase 1 habitat survey of all habitats in the site or adjacent to the site which could be affected by the proposal. This survey should be supported by a species list of any notable species or species of conservation concern and a National Vegetation Classification (NVC) survey of any important semi-natural habitats encountered.

## 5. Landscape and visual impact assessment

This proposal could raise landscape and visual impacts of local significance. We support the methodology proposed which is in accordance with 'Guidelines for Landscape and Visual Impact Assessment' and through the Charrette process. The South and Central Aberdeenshire Landscape Character Assessment<sup>10</sup> assesses the landscape character at a regional scale. We would therefore recommend that for a proposal of this scale and nature that further more detailed assessment is undertaken to identify local landscape character, particularly with respect to the estate and designed landscape surrounding Elsie House.

We would welcome further involvement on landscape and visual issues if thought appropriate or useful by the applicant

## 6. Green networks

Well designed green networks can contribute to biodiversity, access and recreation and landscape<sup>11</sup>. Consideration should be given as to how the proposal could contribute to green networks. The report should describe how the proposal will incorporate greenspace provision and how this will fit into larger green networks. This should take into account any planned expansion of the settlement.

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<sup>10</sup> South and Central Aberdeenshire Landscape Character Assessment  
[www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=301](http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=301)

<sup>11</sup> SNH website: Green networks  
[www.snh.gov.uk/land-and-sea/managing-the-land/spatial-ecology/types-of-network/green-networks](http://www.snh.gov.uk/land-and-sea/managing-the-land/spatial-ecology/types-of-network/green-networks)