



Strathard Land Use and Rural Development Framework (Planning Guidance)

Habitats Regulations Appraisal

May 2021

Section 1 - Introduction

This document represents the Habitats Regulations Appraisal (HRA) of the Strathard Land Use and Rural Development Framework. The Framework provides place based strategies for land use and development in the Strathard community council area. The Framework will become planning guidance providing additional guidance to what is already contained in the National Park Partnership Plan and Local Development Plan and other plans and strategies. These plans set the statutory policy context for determining applications in this area. These 'parent' plan policies have been subject to SEA and HRA as part of their preparation.

The Conservation (Natural Habitats, & c.) Regulations 1994 require that certain plans which are likely to have a significant effect on a European site must be subject to an 'Appropriate Assessment' by the plan-making authority. The process for determining whether an appropriate assessment is required, together with the appropriate assessment itself – is known as the Habitats Regulations Appraisal.

European sites are Special Protection Areas (SPAs) designated under the EC Birds Directive to protect wild birds and Special Areas of Conservation (SACs) designated under the EC Habitats Directive to protect particular habitats and non-bird species.

Article 6(3) of the EC Habitats Directive requires that any plan (or project) which is not directly connected with or necessary to the management of a European 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. This procedure is applied in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and is known as the "Habitats Regulations Appraisal" of plans. A recent judgement in the EU Court of Justice (C-323/17) has ruled that it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European Site. As a consequence, mitigation measures have not been taken into account at the screening stage in this HRA.

HRA is mandatory and where an Appropriate Assessment is required, plan-making bodies may not usually adopt the plan, unless the assessment concludes that the plan would not adversely affect the integrity of the site. NatureScot must be consulted as part of any appropriate assessment.

NatureScot guidance 'Habitats Regulations Appraisal of Plans, Guidance for Plan-making Bodies in Scotland' (Version 3, January 2015), provides detailed guidance on the separate stages of carrying out an appraisal, and the considerations that need to be taken into account.

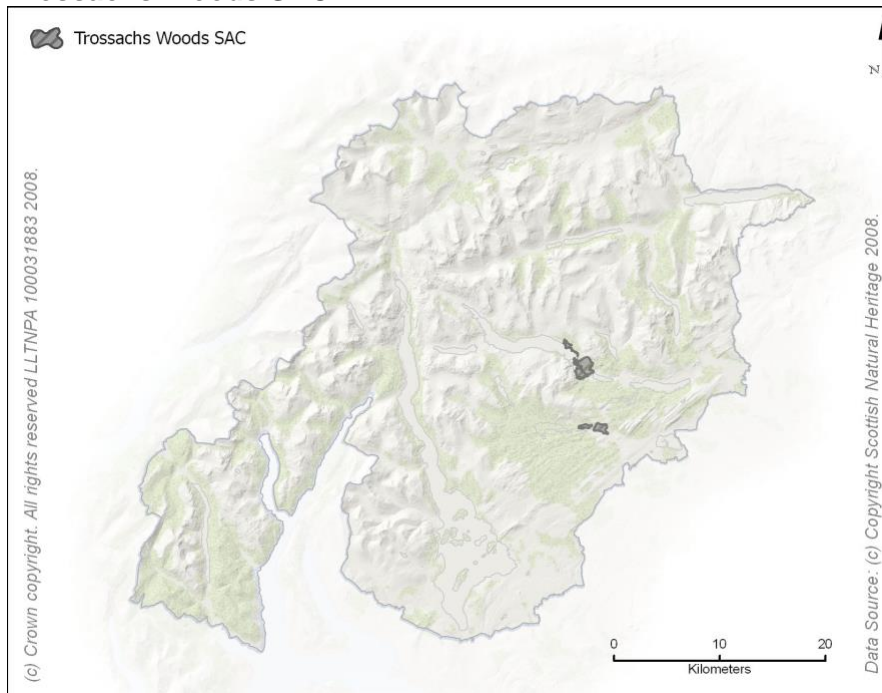
Section 2 – Strathard Framework - Context

Details of the Strathard Framework

Name of Responsible Authority:	Loch Lomond and The Trossachs National Park Authority
Title of Plan:	Loch Lomond & The Trossachs National Park Strathard Land Use and Rural Development Framework – Planning Guidance
Requirement for the Plan:	
Subject of the Plan:	Land use and rural development
Period covered by the Plan:	20 years
Frequency of Updates:	Review every ten years.
Geographic Area covered by the Plan:	Strathard Community Council Area
Purpose and/or objectives of the Plan:	The Framework provides place based strategies for land use and development in the Strathard community council area. The Framework will become planning guidance providing additional guidance to what is already contained in the National Park Partnership Plan and Local Development Plan and other plans and strategies. These plans set the statutory policy context for determining applications in this area. These 'parent' plan policies have been subject to SEA and HRA as part of their preparation.
Contact:	Kirsty Sweeney Planning Officer Loch Lomond & The Trossachs National Park Authority National Park Headquarters Carrochan Road Balloch G83 8EG kirsty.sweeney@lochlomond-trossachs.org 01389 722622

Information on European Sites

Trossachs Woods SAC



Name of European Site: Trossachs Woods

Site Type: Special Area of Conservation

Qualifying Interest(s):

- Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum in the British Isles)

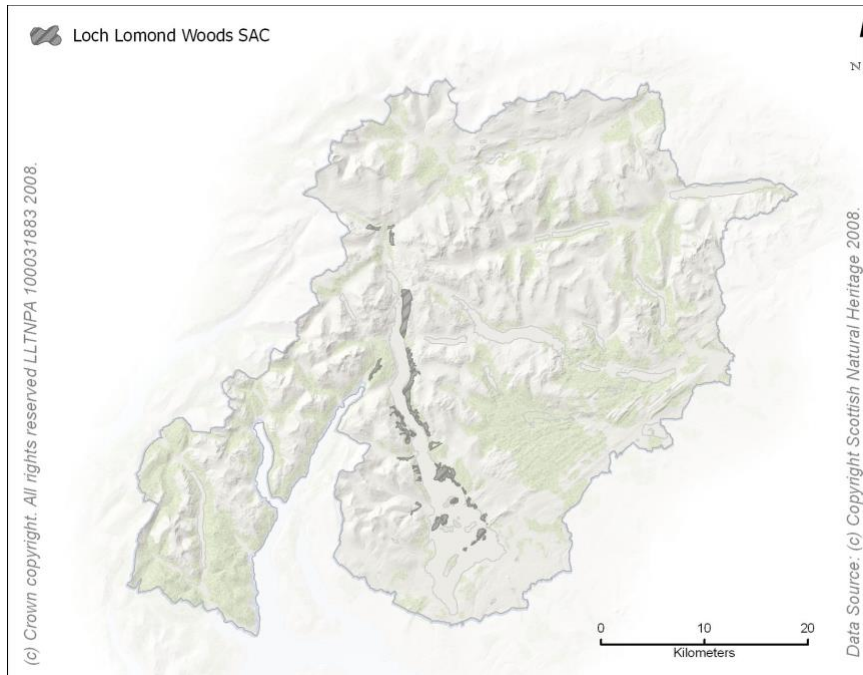
Conservation Objectives:

To avoid deterioration of the qualifying habitat (listed above) 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:

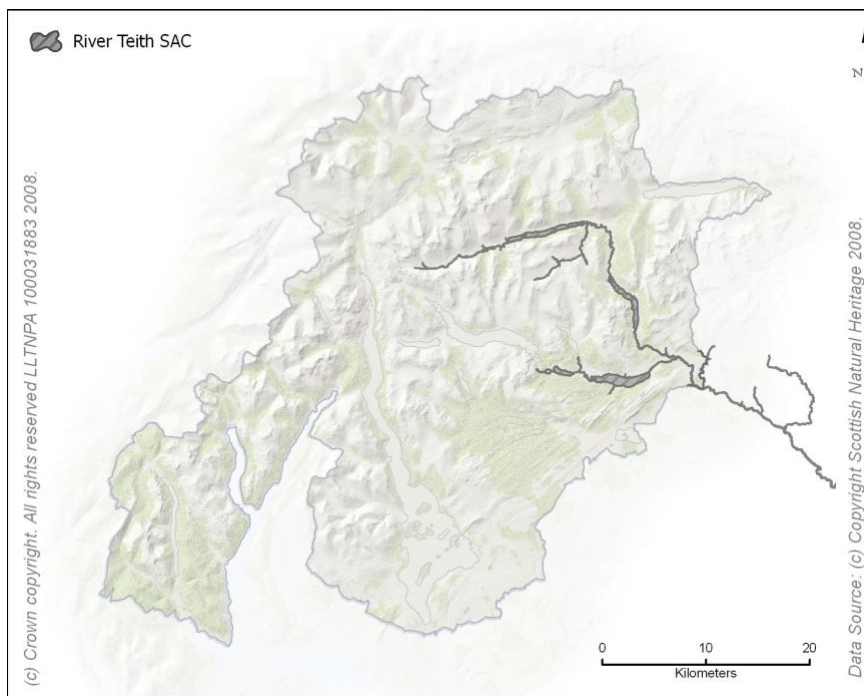
- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

Loch Lomond Woods SAC



Name of European Site: Loch Lomond Woods
Site Type: Special Area of Conservation
Qualifying Interest(s): <ul style="list-style-type: none"> Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum in the British Isles) Otter (<i>Lutra lutra</i>)
Conservation Objectives: <p>To avoid deterioration of the qualifying habitat (listed above) 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 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
<p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and 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 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

River Teith SAC



Name of European Site: River Teith

Site Type: Special Area of Conservation

Qualifying Interest(s):

- River lamprey (*Lampetra fluviatilis*)
- Brook lamprey (*Lampetra planeri*)
- Sea lamprey (*Petromyzon marinus*)
- Atlantic salmon (*Salmo salar*)

Conservation Objectives:

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species, including range of genetic types for salmon, 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

European sites scoped out

European sites outside the Strathard Community Council area were scoped out of the HRA as there will be “No Likely Significant Effect” on these sites as a consequence of the Framework. This conclusion included consideration of the qualifying interests and the distance from the boundary of Strathard. Further details of the sites and the reasons they have been scoped out of the assessment can be found in **Table 2** below.

Table 2: European Sites Scoped Out of the Appraisal

Flanders Moss Special Area of Conversation	Qualifying interests include active and degraded raised bog. The site is 5km The site is outwith Strathard Community Council boundary. There would be no likely significant effect on the extent, distribution, structure and function of the habitat and the processes supporting it given the distance from the community council boundary.
Endrick Water Special Area of Conservation	Qualifying interests include lamprey and salmon. The Endrick Water enters Loch Lomond over 17km south of the Strathard Community Council area and the River Leven flows out of Loch Lomond around 19km south of the community council area. As a result of this separation distance, there will be no impacts on the qualifying interests of the SAC as a consequence of any changes in water quality as a result of actions promoted by the framework.
Loch Lomond Special Protection Area	Qualifying interests include overwintering white fronted Greenland geese. The estuary is too far downstream of the Strathard Community Council area to be affected by any changes in water quality as a result of actions promoted by the framework. In addition, the River Teith SAC lies upstream of this site and any potential impacts on water quality are assessed through consideration of the River Teith SAC in this HRA.
Inner Clyde Special Protection Area	Qualifying interests include overwintering waders such as Redshank. The estuary is too far downstream of the Strathard Community Council area to be affected by any changes in water quality as a result of actions promoted by the framework.
Glen Etive and Glen Fyne Special Protection Area	Qualifying interests include Golden Eagle. The site lies around 3.25km from the Strathard boundary so it the SPA is sufficiently far enough away from the community council area to ensure that any actions promoted by the framework will not impact on the breeding golden eagle qualifying interest through disturbance or loss/deterioration of supporting habitat. As a result, the Glen Etive and Glen Fyne SPA can be scoped out of the appraisal.

Section 4 - Screening the Strathard Land Use and Rural Development Framework

Having gathered information on the European sites potentially affected by the National Park Strathard Framework as set out in Table 1, the screening process, as set out in the NatureScot guidance, has been followed:

Table 3: Screening Steps

Step 1	Screening out general policy statements
Step 2	Screening out projects referred to in, but not proposed by the Plan <ul style="list-style-type: none"> - These could be projects that are to be delivered as part of national infrastructure and promoted by national government and where the plan will play no part in its delivery or are subject to consent directly from Scottish Ministers.
Step 3	Screening out aspects of the Plan that could have no likely significant effect on a site alone <ul style="list-style-type: none"> a) Because they are intended to protect the natural environment b) This will not themselves lead to development or other change because they relate to design or other qualitative criteria c) Which make provision for change but could have no conceivable effect on a European site, e.g. because there is no link or path way or any effects would be positive or would not otherwise undermine the conservation objectives of the site; d) Which make a provision for change but which could have no significant effect (and hence a minor residual effect) on a European site because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site. e) For which the effects on any particular European Site cannot be identified because the proposal is too general, for example, it is not known where or when or how the proposal will be implemented or where effects may occur or where sites if any may be effected.

Step 1-3: The screening process of the draft Framework has therefore included a record of outcomes/actions that are not likely to have a significant effect on a European Site. The detailed matrix of the screening process is included in Appendix A.

Table 4: Summary of key elements of Strategy not likely to have a significant effect (alone) on a European Site as listed in Table 1

Aspects of the Plan which would not be likely to have a significant effect on a European site alone	Relevant parts of the Plan
General Policy Statements (Step1)	Vision
Projects referred to in but not proposed by the plan – i.e. excluded from appraisal because they are not proposals generated by this Plan (Step 2)	Aberfoyle Flood Alleviation Scheme Natural Flood Management on the Duchray Water Herbivore Management as part of East Loch Lomond Management Plan

	Rhododendron removal by NatureScot in Trossachs Woods SAC Woodland creation opportunities – part of NPA Trees and Woodland Strategy
Policies which protect the natural environment , including biodiversity or conserving or enhancing the natural, built/historic or cultural environment. <i>Step 3(a)</i>	Peatland restoration Improvement to water quality
Policies which will not lead to development or other change because they relate to design or other qualitative criteria. <i>Step3(b)</i>	Framework decision making process
Which make provision for change but could have no conceivable effect on a European Site because there is no link or path way or any effects would be positive or would not otherwise undermine the conservation objectives of the site. <i>Step 3(c)</i>	Economic development, housing, tourism, recreation opportunities identified on the maps for all the sub-areas – none are within the Woodland European sites as listed in Table 1 and there is no link or path way to the sites. i.e. aqueduct path, affordable housing opportunities around Aberfoyle, small-scale growth at Stronachlachar, visitor infrastructure. Note: River Teith SAC is considered below.
Which make a provision for change but which could have no significant effect (and hence a <i>minor residual effect</i>) on a European Site because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site (See Table 6 for 'In-combination effects) <i>Step 3(d)</i> .	None.
For which the effects on any particular European Site cannot be identified because the proposal is too general, for example, it is not known where or when or how the proposal will be implemented or where effects may occur or where sites if any may be effected. <i>Step 3(e)</i> .	There are suggestions regarding small-scale economic development, housing, tourism, renewable energy and other infrastructure and development ideas at farms which are general and are not identified on the maps. And suggestions of small-scale economic development, housing, and tourism at Stronachlahcar, which is close to Loch Katrine and Achray Water where there may be a direct pathway to the River Teith SAC. However, the effects cannot be identified as the proposal is too general.

In conclusion there are no elements of the Framework that are likely to have a significant effect. All elements of the Framework have been screening out.

Consideration of likely significant effects in combination

In-combination with other relevant Plans or Projects

The 'in combination effects' of the Framework with other plans and projects has also been assessed. In line with NatureScot guidance, elements of the Framework that have individually been screened out because they will have no effect on a European site or because that element is too general in nature, do not require an in-combination assessment. This is also the case for those elements of the Strategy that have been screened out because they are general policy statements. As a consequence, those elements of the Strategy screened out in **Table 4** did require an in-combination assessment.

Conclusion to screening

There have been no policy or opportunities identified in the Framework as having a likely significant effect on European sites and therefore there is no requirement to undertake an Appropriate Assessment. No likely significant effects are predicted from the remainder of the Framework 'alone' or 'in combination'.