

**Habitats Regulations Appraisal Screening Record**

**Proposed Glasgow City Development Plan**

**April 2014**

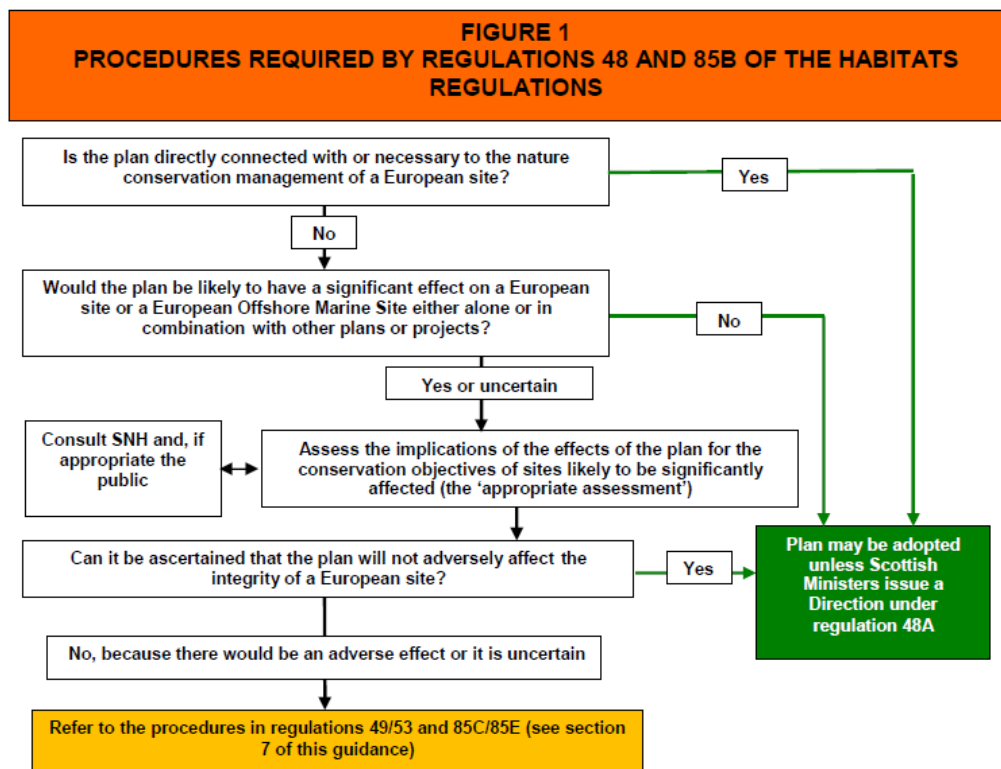
## **1. Introduction**

- 1.1 This Habitats Regulations Appraisal (HRA) has been undertaken to accord with Article 6(3) of the EC Council Directive 92/43/EEC (the Habitats Directive) as transposed into Scottish legislation. The purpose of the HRA is to determine, through an appropriate assessment, whether Glasgow's Local Development Plan, the Proposed City Development Plan (CDP), is likely to have a significant effect on a 'European site'.
- 1.2 In Scotland, European Sites consist of *Special Protection Areas* (SPAs), classified under the Birds Directive (2009), *Special Areas of Conservation* (SACs), designated under the EC Habitats Directive (1992), and '*candidate*' *Special Areas of Conservation* (cSACs). Although there are no European Sites within Glasgow, the CDP has been screened to determine whether it is likely to have a significant effect on a European Site in a surrounding authority and whether an "appropriate assessment" would, therefore, be required.

## **2. Background**

- 2.1 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, 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. These requirements have been transposed into domestic legislation by The Conservation (Natural Habitats, &c.) Regulations 1994, as amended. Under Regulation 85B, Scottish planning authorities are required to determine whether the development plan is likely to have a significant effect on a Natura 2000 site and, where this is the case, to undertake an appropriate assessment.
- 2.2 Following a ruling from the European Court of Justice in 2005 (Commission v UK), the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 inserted a new Part IVA (regulations 85A – E) into the Habitats Regulations. Part IVA serves to transpose the requirements of articles 6(3) and 6(4) of the Habitats Directive 4 specifically to land use plans.

2.3 Part IVA requires that, where a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and is not directly connected with, or necessary to the management of that site, the planning authority should make an 'appropriate assessment' of the implications for the site in view of that site's conservation objectives, before the plan is adopted or submitted to Ministers (see Figure 1). Appropriate assessment is only required where the authority determines, through the HRA process, that the plan is likely to have a significant effect on a European site.



Source: SNH Habitats Regulations Appraisal of Plans Guidance 2012

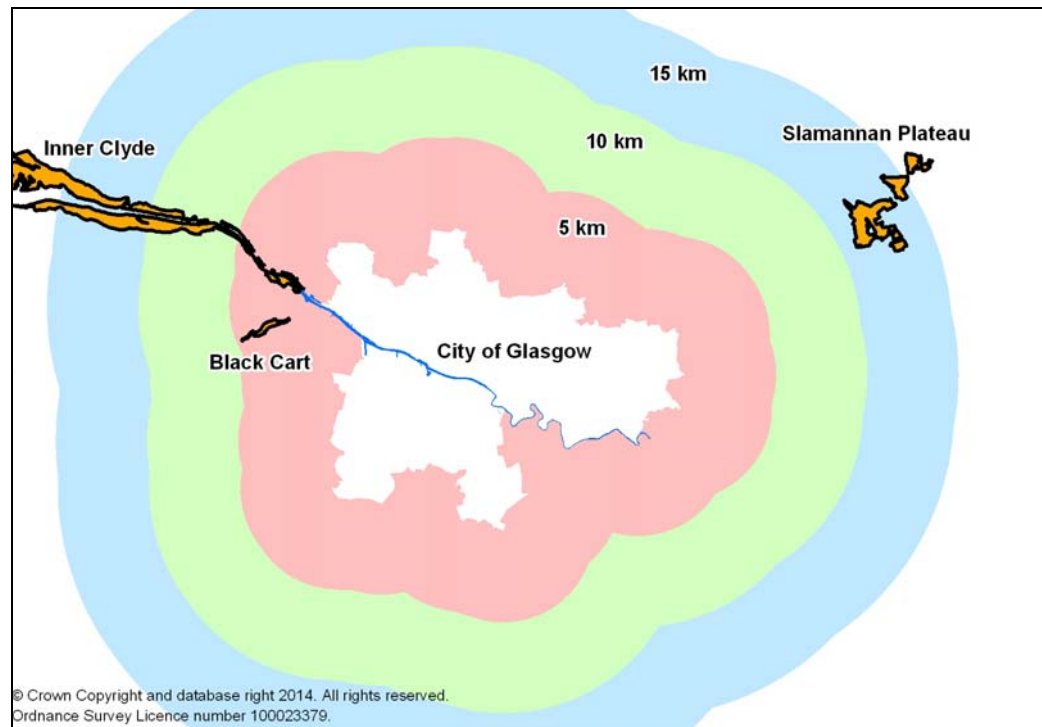
- 2.4 The Council have liaised with Scottish Natural Heritage (SNH) in determining whether the Proposed CDP is likely to have a significant effect on a European site.
- 2.5 This HRA is being submitted to Scottish Ministers alongside the Proposed CDP.
- 2.6 Government policy reflects the legislative requirements for the conservation or enhancement of Scotland's natural heritage and is set out in Scottish Planning Policy (SPP). SPP states that any development plan which could have a significant effect on a Natura site, and is not directly connected with or necessary to the conservation management of that site, must be subject to an appropriate assessment of the implications for the site's conservations objectives.
- 2.7 The SPP further states that development which could have a significant effect on a Natura site can only be permitted where:
- an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
  - there are no alternative solutions, and
  - there are imperative reasons of overriding public interest, including those of a social or economic nature.
- 2.8 SPP also states that Ramsar sites (wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat) are also Natura sites (either SPAs or SACs).
- 2.9 Scottish Government Planning Circular 6/2013: Development Planning 2 provides guidance on the application of the Habitats Regulations. It indicates that, authorities undertaking a Habitats Regulations Appraisal should consult Scottish Natural Heritage (SNH) when determining likely significant effect and before concluding that an Appropriate Assessment is not required. Where an Appropriate Assessment is required, the authority must consult SNH and should have regard to any representations they may make. Where, following that assessment, the authority cannot conclude that the plan would not adversely affect the integrity of any European site(s), the plan may not usually be adopted.
- 2.10 In compiling this HRA, the Council has been guided by direct input from SNH and by SNH's Habitats Regulations Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland. It sets out a 13 stage appraisal process which the Council has followed as far as Stage 5 (screening), which has concluded that the CDP is not likely to have significant effects on a European site. No appropriate assessment has, therefore, been necessary.

### **3. The Proposed City Development Plan**

- 3.1 Glasgow is a city of 595,080 people (2012) which sits at the centre of the wider Glasgow and Clyde Valley area (population of 1,789,550). In preparing the CDP the Council has taken account of Scottish Planning Policy and National Planning Framework 2, together with other relevant legislation and guidance.
- 3.2 The CDP requires to be consistent with the Glasgow and the Clyde Valley Strategic Development Plan (2012) (SDP), which has been prepared for the Glasgow and Clyde Valley Area and which has also been subject to an HRA. None of the likely significant effects identified in the SDP HRA were from proposals within Glasgow City.
- 3.3 The Proposed CDP reflects the SDP's spatial strategy in placing and emphasis on regeneration based upon the recycling of urban brownfield land and the renewal of the urban fabric. As a result, the majority of the City's development proposals fall within the existing urban area.
- 3.4 The Proposed CDP also sets out policy to protect and enhance important landscape and nature conservation resources within the City, including Sites of Special Scientific Interest, Local Nature Reserves and Sites of Importance for Nature Conservation. There are, however, no European sites within the City of Glasgow. Whether an appropriate assessment is required, therefore, depends on whether the Proposed CDP, by itself or in combination with other plans or projects, is likely to have a significant effect on European sites outwith the City.

#### 4. European Sites

- 4.1 There are no Natura sites within Glasgow. In consultation with SNH, it has been determined that screening should examine the potential significant effects of the CDP on 3 sites: the Inner Clyde SPA (interest feature: overwintering redshank); the Black Cart SPA (interest feature: overwintering whooper swans); and the Slamannan Plateau SPA (interest feature: migratory Taiga bean geese). Map 1 shows the locations of these sites vis-à-vis the CDP area.



**Map 1**

### ***Inner Clyde SPA – Designated 27/3/2000***

- 4.2 *Site Description:* The Inner Clyde is a long, narrow, heavily industrialised estuary on the west coast of Scotland. The Inner Clyde SPA extends 20km westward from Newshot Island to Craigendoran Pier on the north shore and to Newark Castle on the south shore. It contains extensive intertidal flats which support large numbers of wintering waterfowl. The boundary of the Inner Clyde SPA is coincident with that of the Inner Clyde SSSI. The RAMSAR boundary is also coincident with the SPA.
- 4.3 *Qualifying Interest:* The Inner Clyde SPA qualifies under Article 4.2 by regularly supporting an internationally important wintering population of redshank *Tringa tetanus* (non-breeding) (1992/93-96/97 winter peak mean of 2,107, 1% of Eastern Atlantic Flyway, 2% of British). This is one of the highest density wintering populations of redshank in Britain. The RAMSAR qualifying interest is also redshank.
- 4.4 *Conservation Objectives:* 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:

- 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

- 4.5 *Site condition:* The condition of the Inner Clyde's redshank populations is described as "favourable maintained".
- 4.6 *Threats:* The EU Management Plan indicates that studies of wintering Redshank in the UK have shown that the species is site-faithful both within and between winters, making the species particularly vulnerable to habitat loss and modification and disturbance. Human disturbance was also considered to be a threat, though the Management Plan suggested that the flight distance, when disturbed by humans, may be lower than for some other wader species, especially if birds are habituated to activities that might cause disturbance. West Dunbartonshire Council's HRA indicated that the maximum distance at which disturbance has been identified in research is 300m. Riverside development and enhanced riverside recreation are considered to be the likely potential effects of the CDP.

### ***Black Cart SPA – Designated 7/12/2000***

- 4.7 Site Description: The Black Cart Special Protection Area (SPA) comprises a 3 km tidal stretch of the Black Cart Water, and its associated floodplain, directly north of Glasgow Airport in Renfrewshire. This stretch of the Black Cart Water supports abundant submerged aquatic vegetation typical of brackish conditions including fennel pondweed *Potamogeton pectinatus*, floating sweet-grass *Glyceria fluitans* and beaked tasselweed *Ruppia maritima*. The floodplain is mostly semi-improved pasture but includes small creeks, small stands of common reed *Phragmites australis* and areas of rush *Juncus* spp. dominated grassland. The boundary of the Black Cart SPA is coincident with that of the Black Cart SSSI.
- 4.8 Qualifying Interest: Black Cart SPA qualifies under Article 4.1 by regularly supporting a wintering (non-breeding) population of European importance of the Annex 1 species whooper swan *Cygnus cygnus* (average winter peak mean of 207 individuals between 1993 and 1997, 4% of GB and 1% of total Icelandic population). The population forages over the entire Black Cart SPA, roosts on the open water and uses the area as a severe winter refuge.
- 4.9 Conservation Objectives: 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:
- 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
- 4.10 Site condition: The condition of the Black Cart's whooper swan population is described as "favourable declining".
- 4.11 Threats: The SNH Commissioned Report 369: Whooper Swan Distribution and Habitat Use in the Black Cart Flood Plain indicates that in terms of roosting and feeding (and associated flight) whooper swan activity tends to focus on areas south and west of the confluence of the White Cart and Clyde. The Report indicates that ensuring a healthy population will involve responding effectively to the development pressures and agricultural changes which could potentially threaten the favourable conservation status of this population, whilst ensuring air safety is not compromised. Renfrewshire Council's HRA reiterates these considerations, indicating that factors currently influencing the site are land use changes affecting roosting and feeding habitat in the wider Black Cart floodplain and grazing management. It indicates that development in the Black Cart floodplain and in particular the Glasgow Airport Zone could have potential for impacts in some cases.



### ***Slammanan Plateau SPA – Designated 09/10/2008***

- 4.12 Site Description: Slamannan Plateau lies just east of Cumbernauld, in the headwaters of the River Avon. It consists of two small lochs and their surrounding peatlands and associated areas of rough and improved grassland. These habitats support roosting and feeding Taiga bean geese during periods in winter.
- 4.13 Qualifying Interest: Slamannan Plateau qualifies under Article 4.2 by regularly supporting nationally important numbers of migratory Taiga bean geese (*Anser fabalis fabalis*). Between winters 2000/2001 and 2004/05 the average peak number of geese at the site was 221, representing over 53% of the total number present in Great Britain.
- 4.14 Conservation Objectives: 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:
- 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
- 4.15 Site condition: The condition of the Slammanan Plateau's Taiga bean geese population is described as "favourable maintained".
- 4.16 Threats: The Natura 2000 Standard Data Form indicates that the SPA is subject to steady development pressure, including from housing, wind turbines and forestry as well as pressure for peat extraction. It also indicates that the level of recreational use is not high, but if activities such as walking, cycling, horse riding and bird watching take place were to increase, then this may result in disturbance to the geese.

## **5. Screening**

- 5.1 Stage 5 of the Habitats Regulations Appraisal screens the CDP for likely significant effects on European sites, the purpose being to identify those aspects of the CDP where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. Appendix 1 records the screening of policies and proposals 'alone'. Policies and proposals within the plan which would not be likely to have a significant effect on a European site, either alone or in combination with other aspects of the same plan or other plans and projects, do not require further assessment. A 'likely effect' is one that cannot be ruled out on the basis of objective information, while a 'significant effect' is one that could undermine a site's conservation objectives.

### ***Inner Clyde SPA***

- 5.2 In consultation with SNH, two possible pathways of potential connectivity between the policies and proposals in Glasgow's CDP and the conservation interests of the qualifying interests of the Inner Clyde SPA were identified. The first relates to disturbance. Paragraph 4.6 refers to a 300m maximum distance at which disturbance of wintering redshank can take place and SNH have indicated in advice that there is no potential connection in terms of acoustic / visual disturbance of redshank. This is because no part of the City - not even Yoker Riverfront - is close enough to areas likely to be used by redshank. As a result, it is concluded that none of the CDP's policies or proposals could conceivably result in a likely significant effect on the Inner Clyde in terms of disturbance.
- 5.3 The second potential pathway is via pollution. There is clearly a potential hydrological connection between development within the City and this SPA. SNH have indicated that physical or chemical pollution could move downstream to intertidal areas used by the redshank, and any physical changes to the River Clyde (e.g. basin infilling) might alter sediment dynamics in those areas. However, they do not consider that such factors could amount to a likely significant effect due to the distances involved, the size of the estuary water body relative to any physical changes within the City boundary, and the resulting tidal and fluvial dilution.
- 5.4 Notwithstanding the above, SNH have indicated that a possible exception might be the residential Proposal H050 at Yoker Ferry Road, on the north riverbank at the extreme western part of the City. A likely significant effect from this development would still be highly unlikely but, in any event, SEPA regulates activities which may impact upon the water environment, including pollution control. Similarly, any development proposal which would come forward through the River Clyde Development Corridor Strategic Development Framework (the preparation of which is promoted through Policy CDP2: Sustainable Spatial Strategy), would be regulated by SEPA. As a result, it is concluded that the policies and proposals of the CDP could not, conceivably, result in a likely significant effect on the conservation objectives of the Inner Clyde SPA.

### ***Black Cart SPA***

- 5.5 In consultation with SNH, and with reference to paragraph 4.11, it is considered that no part of the City is close enough to the Black Cart SPA for the CDP's plans or policies to have a likely significant effect on its conservation objectives. It has been concluded that the policies and proposals of the CDP could not, conceivably, result in a likely significant effect on the conservation objectives of the Black Cart SPA.

### ***Slammanan Plateau SPA***

- 5.6 With reference to the Main Issues Report, SNH had noted that the countryside to the east of Easterhouse, the part of the City closest to the SPA (ca.12km away), was where the MIR identified a potential location for wind turbines. SNH indicated that, if bean geese from the SPA flew to here, there might be a connection in terms of collision risk. However, SNH have indicated that the core range of bean geese is considerably less than more common geese, and generally less than 12km. Moreover, this peri-urban area has relatively high levels of disturbance (human activity, noise), which bean geese are relatively intolerant of. As a result, SNH considered that bean geese were unlikely to fly here either daily or during migration, and that any collision risk could not undermine the Conservation Objectives for the SPA.
- 5.7 The CDP no longer proposes to investigate the potential for wind turbines at this location. No wind turbines are being proposed in the CDP, but the Plan does indicate that there may be scope to develop a limited number of additional turbines at three locations, subject to further investigation to establish whether landscape, transport amenity and environmental considerations can be satisfactorily resolved. Of these locations, the nearest to the SPA is at Queenslie, some 15km distant and a more highly urbanised location than that previously considered at Easterhouse. On this basis, and given that the CDP does not include proposals for wind turbines, only further investigation of their acceptability, then it is concluded that the policies and proposals of the CDP could not, conceivably, result in a likely significant effect on the conservation objectives of the Slammanan Plateau SPA.

## **6. Conclusion**

6. On the basis of the screening undertaken in section 5, it is concluded that no aspect of the CDP (policies or proposals) would be likely to have a significant effect on a European site. As such, no appropriate assessment is required.

## **APPENDIX 1 ASPECTS OF THE PLAN WHICH WOULD NOT BE LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE ALONE**

### **Step 1:** General policy statements

CDP1	The Placemaking Principle
CDP12	Delivering Development

### **Step 2:** Aspects excluded from the appraisal because they are not proposals generated by this plan

n/a

### **Step 3a:** Aspects which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment

CDP6	Green Belt and Green Network
CDP7	Natural Environment
CDP8	Water Environment
CDP9	Historic Environment

### **Step 3b:** Aspects which will not lead to development or other change

n/a

### **Step 3c:** Aspects which 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 a positive effect, or would not otherwise undermine the conservation objectives for the site

#### **Policies:**

CDP2	Sustainable Spatial Strategy
CDP3	Economic Development
CDP4	Network of Centres
CDP5	Resource Management
CDP10	Meeting Housing Needs
CDP11	Sustainable Transport

**Transport Proposals:**

T001	Proposed Rail Station and Park and Ride Facility Robroyston / Millerston
T002	Fastlink
T003	Crookston Spine Road
T004	East End Regeneration Route Phase 3
T005	Easterhouse Regeneration Route
T006	Blackhill Road upgrade
T007	North Clydeside Route
T008	Gartloch Road Upgrade

**Housing Proposals:**

H001	Maryhill Locks, Collina St
H002	Abercrombie St/Green St (S Calton)
H003	W Graham St/ Scott St (West)
H004	Bunhouse Rd/ Kelvin Walkway
H005	Water Row
H006	Parkhead Forge / Westmuir St
H007	Victoria Rd/ Butterbiggins Rd
H008	rear of Thornliebank Ind Est
H009	Ronaldsay St/ Liddesdale Sq
H010	Hawthorn St/ Saracen St
H011	Standburn Rd/ Wallacewell Rd
H012	Old Shettleston Rd
H013	Woodhead Path/ Nitshill Rd
H014	Barlia Terr / Barlia Nursery
H015	Govan Graving Docks, Govan Rd
H016	Dungeonhill Rd / Netherhouse Rd
H017	Ardencraig Rd / Bogany Terr
H018	Gartloch Rd (Commercial Area)

H019	Abbeycraig Rd/ St Collettes PS
H020	Skerryvore Rd/ St Gregory's SS
H021	Machrie Rd 'Braeside'
H022	Dyke Rd/ Speirs Close
H023	Sanda St/Kelbourne St/Clouston St
H024	Arnisdale Rd/ Kildermorie Rd
H025	Shandwick St/ Grudie St Ph3
H026	Aberdalgie Rd (South Blairtummock)
H027	Baldragon Rd
H028	566 Dalmarnock Road
H029	Cowlairs/ East Keppoch
H030	Liddesdale Rd (south)
H031	South of Easterhill St
H032	Greendyke St/ London Rd HFF B
H033	Stepford Road
H034	Fielden St/ Barrowfield St, NE
H035	Ruchill Hospital/ Bilsland Dr
H036	Glenacre Dr, Westcastle ph2
H037	Great Dovehill/ Spoutmouth
H038	London Rd/ Moir St (West)
H039	Molendinar St/Spoutmouth (West)
H040	Bardowie St/ Carbeth St
H041	Stonyhurst St/ Hobart St
H042	Auckland St,St Cuthbert/Saracen PS
H043	Stornoway St (School for the Deaf)
H044	Custom House Quay Gardens
H045	Glamis Rd/ London Rd (Newbank)
H046	Westerhouse Rd/ Brunstane Rd
H047	Appin Rd/ Todd St
H048	Nitshill Rd/Glentyan Dr, Craigbank

H049	Bellrock St/ Lamlash Cres
H050	Yoker Ferry Rd/ Greenlaw Rd
H051	Gartnavel Hospital, Shelley Rd
H052	Gartnavel Hospital, Shelley Rd
H053	99 Baillieston Rd
H054	Forbes St / Abercromby St
H055	Lochgilp St (Maryhill Locks)
H056	Laurieston Rd/ Crown St
H057	Anderston Quay/ Cheapside St
H058	Clyde Pl/ Kingston St (West)
H059	Clyde Pl/ Kingston St (Centre)
H060	Clyde Pl/ Kingston St (Conversion)
H061	Clyde Pl/ Kingston St (East)
H062	Possil Rd/ Garscube Rd
H063	121-157 Lancefield St
H064	23 Cook St
H065	Flemington St
H066	138 Hydepark St
H067	280 Hawthorn St/ Ashfield St
H068	183 Dorchester Ave
H069	228 Clyde St
H070	West Greenhill Pl/ Finnieston St
H071	830-840 Springfield Rd
H072	36a St Vincent Cres
H073	60 Maxwell Rd
H074	131 Craighall Rd/ Dawson Rd
H075	South St/ Ferryden St
H076	47 Old Wynd
H077	Petershill Rd/ Springburn Rd/
H078	Kennisholm Ave

H079	Ellesmere St, Westercommon PS
H080	Bellgrove St/Duke St/Melbourne St
H081	55 Maxwell Rd
H082	Strathclyde St/ Beechgrove St
H083	Petershill Rd/ Southloch St
H084	Drumlochy Rd/ Gartloch Rd
H085	Bellrock Cres, St Modan's PS
H086	Copland Rd/Fairley St/Carmichael S
H087	15 Davidson St
H088	Baillieston,Broomhouse&Carmyle CGA
H089	Dunn St, Gas Works
H090	Ware Rd, Easthall PS
H091	Quarryknowe St/ Caroline St
H092	Dunira St/ Braidfauld St
H093	Altyre St/ Dalness St
H094	Mingulay Place, St Ambrose PS
H095	Craighead Ave, Littlehill PS
H096	Torr St/ Sloy St/ Ashfield St
H097	Nethan St, Hill's Trust PS
H098	Prospecthill, Toryglen TRA Ph2
H099	Lochend Rd/ Baldragon Rd
H100	Millerston St Gallowgate Ph2)
H101	Slatefield St (Gallowgate Ph3)
H102	Comelypark St (Gallowgate Ph4)
H103	adj to 515 Shettleston Rd
H104	Dungeonhill Rd, C'head & Coll PSs
H105	Balado Rd, Wellhouse PS
H106	22 Summer St/ 47 Olympia St
H107	10 & 20 Kingsway Ct, Kingsway MSFs



H108	Lincoln Ave, Lincoln MSF
H109	Station Rd
H110	Burnmouth Rd
H111	Auchinairn Rd, Robroyston - Green Belt Release
H112	Corselet Road, Darnley - Green Belt Release
H113	Summerston - Green Belt Release
H114	Cathkin Road, Carmunnock - Green Belt Release
H115	Community Growth Area masterplan - between Commonhead and M73, and Rogerfield and M8
H116	Community Growth Area masterplan - East of Lochend and South of Lochend Road
H117	Community Growth Area masterplan - North and East of Garthamlock
H118	Maryhill Transformational Regeneration Area
H119	Laurieston Transformational Regeneration Area
H120	Gallowgate Transformational Regeneration Area
H121	Sighthill Transformational Regeneration Area
H122	North Toryglen Transformational Regeneration Area
H123	Shawbridge Transformational Regeneration Area
H124	Red Road/Barmulloch Transformational Regeneration Area
H125	East Govan/Ibrox Transformational Regeneration Area

**Step 3d:** Aspects which make provision 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

n/a

**Step 3e:** Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected

n/a