

**Habitats Regulations Appraisal of the South  
Ayrshire Draft Historic Environment Supplementary  
Guidance**



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## 1. Introduction and Context

### Background

- 1.1 Article 6(3) of EC Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive), and regulations 48 and 85 of the Habitats Regulations (The Conservation (Natural Habitats & c.) Regulations 1994 (as amended)) requires that any plan or project, which is not directly connected with or necessary to the management of a European site, but would 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.
- 1.2 Regulation 85 of the Habitats Regulations also sets out that in light of the conclusions of that assessment, and subject to the provisions of Article 6(4) of the Habitats Directive, the competent authority (i.e. in this instance South Ayrshire Council) shall agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, having obtained the opinion of the general public. If this cannot be ascertained then the plan or project can only be consented if there are no alternative solutions and there are imperative reasons of overriding public interest. Article 6(4) 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 (in this case Scottish Ministers) shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.
- 1.3 The requirements of the Directive have been transposed into domestic legislation in Scotland through a combination of the Habitats Regulation 2010 (in relation to reserved matters) and the 1994 Regulations.

## 2. Habitats Regulations Appraisal

- 2.1 The term 'Habitats Regulations Appraisal' encompasses the decision on whether the South Ayrshire Draft Historic Environment SG (HESG) should be subject to appraisal, the 'screening' process for determining whether an 'appropriate assessment' is required, as well as any 'appropriate assessment' that may be required. An appropriate assessment is only required where it is determined that a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and the plan or project is not directly connected with or necessary to the management of the site.
- 2.2 The purpose of this document is therefore to consider whether the HESG, including in-combination effects, are likely to have significant effects on Natura 2000 sites; and if there are any likely significant effects, to ascertain whether the SAPLDP would adversely affect the integrity of these sites or otherwise. Certainty that the SAPLDP would not adversely affect the integrity is required if the South HESG is to be adopted in all but exceptional circumstances, where there are no alternative solutions and imperative reasons of overriding public interest<sup>1</sup>. In doing this, cognisance must be given to the qualifying interests and their conservation objectives of the Natura 2000 sites. Where there is a possibility of such adverse effects on site integrity, it may be possible for these to be avoided through mitigation.
- 2.3 The subjective nature of determining the significance of potential effects is often challenging; however, guidance is offered from the Waddenzee case in which the European Court of Justice ruled that a plan or project should be subject to appropriate assessment "*if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans and projects*"<sup>2</sup>.

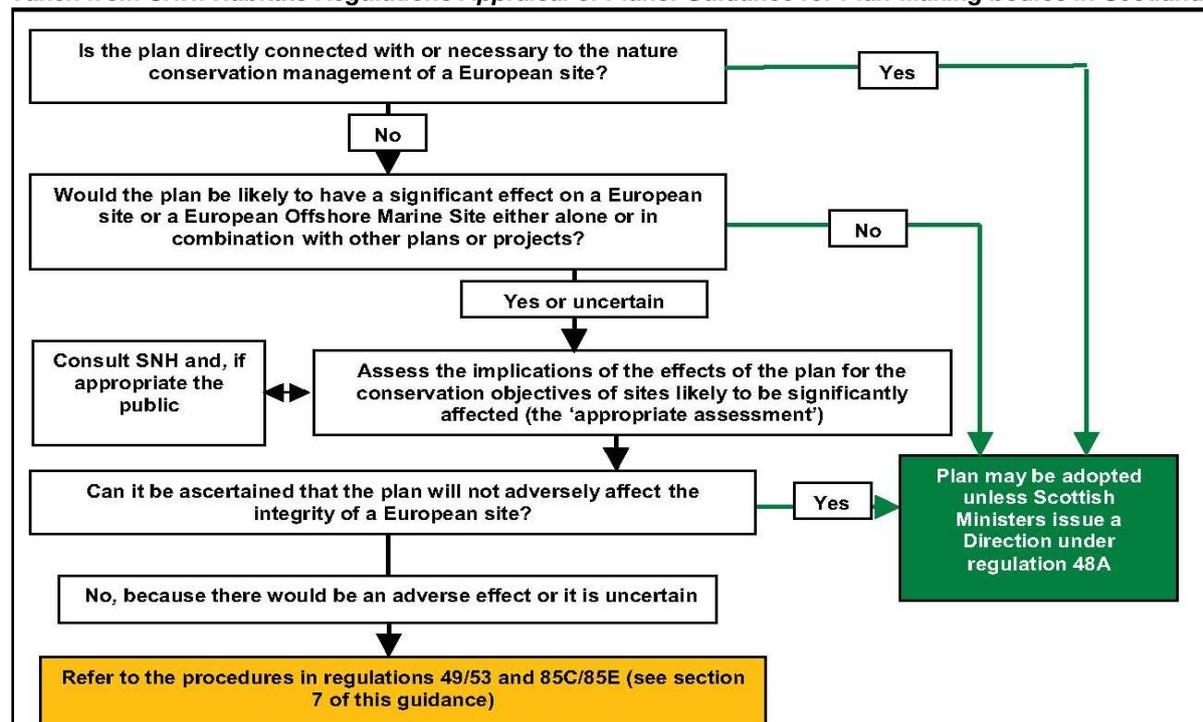
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<sup>1</sup> Regulation 85C of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

<sup>2</sup> See paragraph 45 of European Court of Justice case C-127/02 dated 7<sup>th</sup> September 2004, 'the Waddenzee ruling'

Figure 2-1: Procedural Requirements for HRA

Taken from SNH: Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland



### Establishing the need for Habitats Regulations Appraisal

- 2.4 The first stage in the process is to establish whether the HESG qualifies in terms of its need for assessment. Regulation 85B of the Habitats Regulations and Article 6(3) of the Habitats Directive provides guidance in this respect. Article 6(3) states:
- 2.5 *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”*
- 2.6 It can be concluded that the HESG is not directly connected with or necessary to the management of any Natura 2000 sites. A determination must therefore be made as to whether the SAPLDP would result in likely significant effects upon any such sites, either individually or in combination with other plans or projects. This is the ‘screening’ stage of the process.
- 2.7 The HESG will be used to supplement the South Ayrshire Local Development Plan, once adopted. The SALDP contains a policy relating to the historic environment which will be supplemented by information contained within the HESG. Essentially the HESG will provide a greater level of detail relating to the historic environment than that set out within the SALDP, ensuring that prospective applicants are more aware of what the Council would consider to be acceptable. This, in turn, will provide for greater certainty in the planning application process.

### 3. Draft Historic Environment Supplementary Guidance

- 3.1 The HESG is designed to provide additional guidance to LDP Policy: Historic Environment contained within the SALDP. It will therefore deal with issues relating to design quality, listed buildings, conservation areas, scheduled monuments and historic gardens and designed landscapes. The SG is essentially concerned with the preservation, maintenance and enhancement of these features of the historic environment and provides guidance in terms of the ways in which these overarching objectives can be achieved. The SG will be used to

assess the merits of planning applications relating to certain features of the historic environment.

3.2 The aims and objectives of HESG are:

- to provide guidance on the historic environment which should be considered in formulating development and assessing development proposals.
- to promote better understanding and appreciation of the historic environment.
- to protect and enhance the historic environment.
- to ensure that all development proposals take proper account of local distinctiveness.
- to explain how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development.

3.3 The HESG essentially forms part of the SALDP. The SALDP contains a number of policies which are designed to ensure that there is an appropriate context for managing development proposals within South Ayrshire. Part of the SALDP contains policies relating to the natural environment. Of particular relevance to this appraisal is the Natural Heritage Policy which highlights the need to protect Natura 2000 sites. It is therefore apparent that the Plan provides a context for ensuring that impacts upon Natura 2000 sites are taken into account in the consideration of all development proposals. Nonetheless, it is recognised that under the terms of the legislation that the impacts of the HESG must be considered on their own.

3.4 Scottish Planning Policy provides guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. The guidance 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.

3.5 It should be noted that the SAPLDP (of which the HESG forms a part) is consistent with SPP. The SAPLDP contains a policy which is reflective of SPP guidance (Natural Heritage policy detailed in Figure 3-1) and helps protect Natura 2000 sites from adverse effects upon their integrity.

**Figure 3-1: SAPLDP Natural Heritage Policy**

## **LDP Policy**

### **International Designations**

Development, either individually or in combination with other plans or projects, which is likely to have a significant effect on a designated or proposed Natura 2000 site (SPA, SAC) will be subject to an appropriate assessment of the implications for the site in view of the site's conservation objectives. Development proposals will only be supported where the assessment concludes that:

- it will not adversely affect the integrity of the site; or,
- there are no alternative solutions, and there exist imperative reason of overriding public interest, including those of a social or economic nature.

Where such a site hosts a priority habitat and/ or priority species as defined by the Habitats Directive (92/43/EC), the imperative reasons of overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission (via Scottish Ministers).

### **National Designations**

Development, either individually or in conjunction with other proposals, which would affect a designated or proposed National Nature Reserve or a Site of Special Scientific Interest will only be permitted where ecological appraisals have demonstrated to the satisfaction of the Council as planning authority that:

- the overall objectives of designation and the overall integrity of the designated area would not be compromised; or,
- any adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

### **Local Designations**

Development, either individually or in conjunction with other proposals, which would affect the following local heritage designations, will be supported when demonstrated that the integrity of the locale are not compromised.

- Local Nature reserves;
- Sites containing species protected by the Habitats Directive, Wildlife and Countryside Act 1981 or the Badgers Act 1992;
- Wildlife sites;
- Tree Preservation Orders;
- Forrest Parks
- Wildlife corridors
- Ornithological sites.

In all instances, the Council will require development proposals to have regard to safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors.

3.6 An appendix to Planning Circular 1 2009 was published in August 2010 which provides guidance on the application of the Habitats Regulations. It states that when submitting a piece of supplementary guidance to the Scottish Ministers, a SDPA or planning authority should include a Habitats Regulation Appraisal Record setting out:

- how the authority has determined that there is not likely to be a significant effect on a European site (if that is the case);

- where a likely significant effect has been determined and an Appropriate Assessment has been undertaken, the conclusions reached and what action is proposed or has been undertaken to comply with the Habitats Regulations; and
- a copy of any relevant correspondence from SNH.

3.7 The Circular states that further advice on the methodology of carrying out Habitats Regulations Appraisal can be found in Scottish Natural Heritage's Guidance for Plan-Making Bodies in Scotland. The document prepared by David Tyldesley and Associates provides detailed guidance on the separate stages of carrying out an appraisal, and the considerations that will need to be taken into account. Figure 4.1, taken from the guidance shows the key stages of a Habitats Regulations Appraisal.

3.8 In line with the SNH guidance, the HESG needs to be Natura-complaint by ensuring that the SG will not adversely affect the integrity of a Natura 2000 site. As stated above, the HESG will essentially deal with 5 different policy areas. The guidance offered within each of these policy areas must be Natura-compliant. Although all of the information contained within the SG will sit alongside the policies of the LDP, it is not enough to rely upon an overarching policy to provide the necessary level of protection (i.e. the Natural Heritage Policy set out within Figure 3-1).

3.9 The main reason for this, in line with comments offered by SNH, is that although the Natural Heritage Policy offers a high level of protection to Natura 2000 sites, there may be other policies within the Plan which conflict with this policy, creating a tension within the Plan. A balanced decision then has to be made in determining the acceptability of a development proposal. The concern is that, in making a balanced decision, the protection afforded to Natura 2000 sites within the Natural Heritage policy is overlooked. It is therefore the view of SNH that all policies, in isolation, should contain the required mitigation measures, ensuring that the appropriate level of protection is afforded to Natura 2000 sites in all instances.

#### **4. Methodology**

4.1 The Habitats Regulations do not prescribe a particular methodology for carrying out the appraisal; however, SNH produced a guidance document in August 2010 which has been used to form the basic methodology for this appraisal. This guidance is entitled *Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland*. The guidance outlines a number of key stages to the process which are outlined in Figure 4-1. These key stages are broadly used to inform the process of the appraisal.

#### **5. Identifying the European sites to be included in the appraisal**

5.1 There are four Natura 2000 sites located within South Ayrshire (see Appendix 1). These are:

- Glen App and Galloway Moors SPA
- Ailsa Craig SPA
- Lendalfoot Hills Complex SAC
- Merrick Kells SAC

5.2 All of the aforementioned Natura 2000 sites are included within the appraisal. However, it is important to stress that all European sites which could potentially be significantly affected by the HESG are included within the assessment, including sites outwith the plan area.

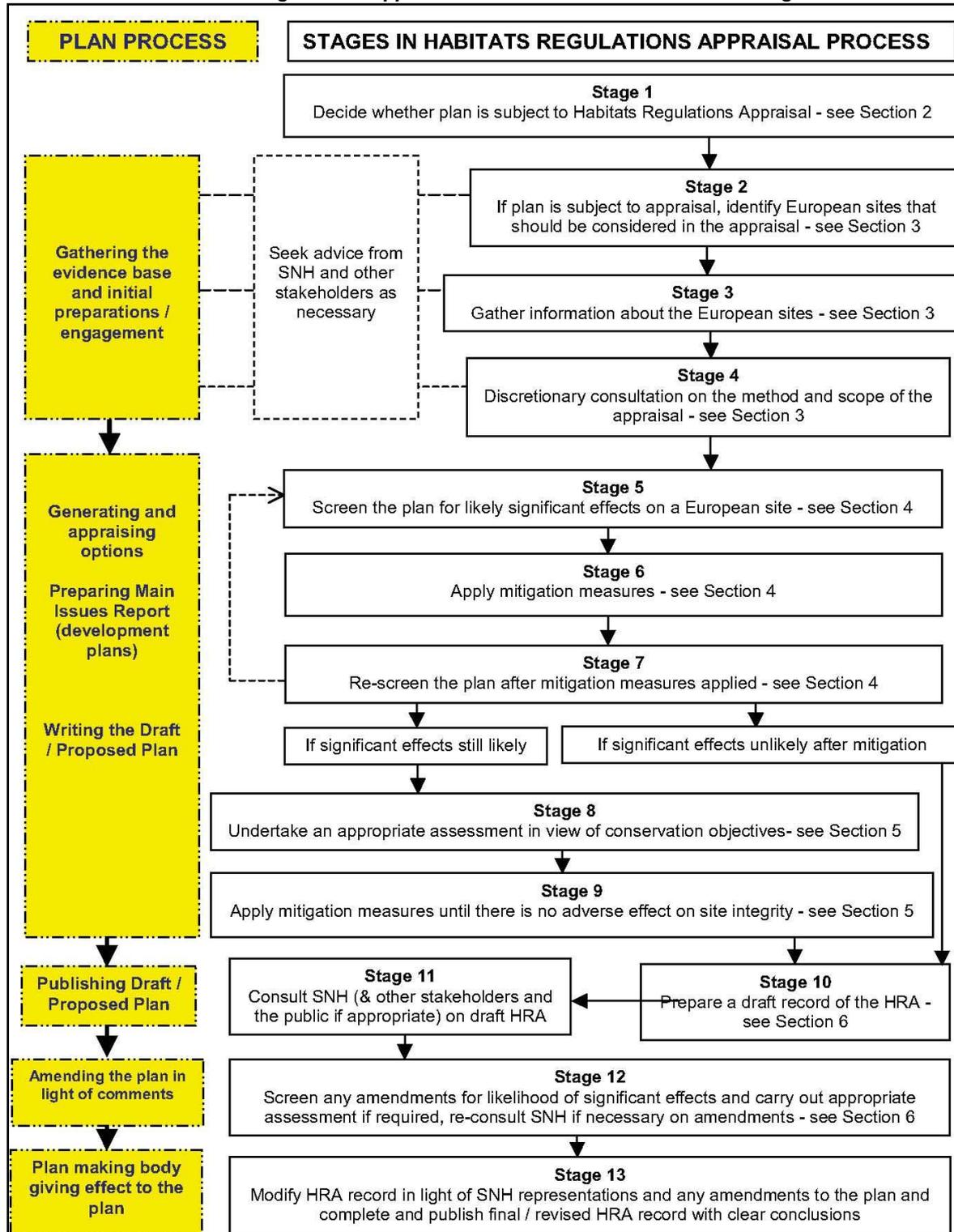
5.3 Utilising the criteria set out within SNH's guidance on the 'Habitats Regulations Appraisal of Plans', it is evident that there are two sites outwith the plan area which require to be included within the appraisal. Both sites are located within Dumfries and Galloway: River Bladnoch SAC and Kirkcowan Flow SAC. This River Bladnoch flows from Loch Maberry which is partly located within the boundary of South Ayrshire and therefore could be affected by the contents of the Plan. Kircowan Flow is directly connected to the River Bladnoch.

## 6. Gathering information about the European sites

6.1 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.

**Figure 4-1: Key stages of the Habitats Regulations Appraisal Process**

Taken from SNH: Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland



6.2 The qualifying interests potentially affected will vary between the different European sites, but effects should relate to these interests for the site's classification (SPAs) or designation (SACs). It is necessary to consider how the SAPLDP policies and proposals may affect the achievement of the conservation objectives.

6.3 Table 6-1 provides details of each site included within the appraisal.

## **7. Screening the Historic Environment Supplementary Guidance for its potential effects**

7.1 As stated above, there are 5 key policy areas which will be addressed within HESG; design quality, listed buildings, conservation areas, scheduled monuments and historic gardens and designed landscapes. The policies relating to each of these topics are often several paragraphs long, making them more difficult to readily assess. Each of the policies relating to these specific issues is set out within Appendix 2. A summary of how the SG will deal with each of the policy areas is set out below:

### **Design Quality**

- Set out general criteria which will be applicable to all new development to ensure that applicants are aware of what will be expected from development proposals. This should cover issues such as: scale, height, massing materials, amenity of existing properties etc.

### **Listed Buildings**

- Protect listed buildings and their settings. Encourage the sensitive maintenance, restoration and reuse of listed buildings.

### **Conservation Areas**

- The guidance should seek to preserve the character and appearance of conservation areas. Given the highly sensitive nature of conservation areas and the fact that some of them are covered by Article 4 Directions, the SG should contain general design principles for conservation areas in order to provide prospective applicants with greater guidance and certainty in the planning application process.

### **Scheduled Monuments**

- Protection of scheduled monument sites and their setting.

### **Historic Gardens and Designed Landscapes**

- Protect and preserve these resources whilst providing a context for the continued use of such estates.

7.2 The SG is more concerned with protecting features of the historic environment rather than promoting any sort of development. It is therefore difficult to conceive how the scope of the SG could lead to any impacts at all upon any of the identified Natura 2000 sites. Nonetheless, it is necessary to conduct a full screening exercise in order to determine the likelihood of any effects.

7.3 Table 7-1 contains details of the screening exercise that has been undertaken, detailing the policies which have been screened out and the reasons why. The screening process has considered each of the policies in their entirety (as set out within Appendix 2), ensuring that the process has considered all of the potential implications of the policies.

7.4 For the purposes of this screening process and to ensure that full consideration is given to the potential effects of the various strands of the Design Quality Policy, the policy has been split up into eight different sections; representing the eight criterion set out within the policy. For clarification they criteria are listed 1-8, reflecting the content of the Design Quality Policy.

Table 6-1: Summary of European sites to be included within the appraisal

Summary of the European sites included within the appraisal						
Information	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
<b>Site name</b>	Glen App and Galloway Moors	Ailsa Craig	Lendalfoot hills Complex	Merrick Kells	River Bladnoch	Kirkcowan Flow
<b>Designation Status</b>	SPA	SPA	SAC	SAC	SAC	SAC
<b>Date of designation</b>	03/2003	04/1990	17/03/05	17/03/05	17/03/05	17/03/2005
<b>Qualifying interests</b>	<ul style="list-style-type: none"> <li>Hen Harrier</li> </ul>	<ul style="list-style-type: none"> <li>Gannet</li> <li>Guillemot *</li> <li>Herring Gull *</li> <li>Kittiwake *</li> <li>Lesser black-backed gull</li> </ul>	<ul style="list-style-type: none"> <li>Base-rich fens</li> <li>Grasslands on soils rich in heavy metals</li> <li>Dry heaths</li> <li>Wet heathland with cross-leaved heath</li> <li>Very wet mires often identified by an unstable 'quaking' surface</li> </ul> <p>Priority habitat:</p> <ul style="list-style-type: none"> <li>Species-rich grassland with mat-grass in upland areas</li> </ul>	<ul style="list-style-type: none"> <li>Acidic scree</li> <li>Plants in crevices on acid rocks</li> <li>Montane acid grasslands</li> <li>Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels</li> <li>Wet heathland with cross-leaved heath</li> <li>Acid peat-stained lakes and ponds</li> <li>Otter</li> <li>Dry heaths</li> <li>Depressions on peat substrates</li> </ul> <p>Priority habitat:</p> <ul style="list-style-type: none"> <li>Blanket bog</li> </ul>	<ul style="list-style-type: none"> <li>Atlantic salmon</li> </ul>	<ul style="list-style-type: none"> <li>Depressions on peat substrates</li> </ul> <p>Priority habitat:</p> <ul style="list-style-type: none"> <li>Blanket bog</li> </ul>
<b>Conservation objectives</b>	<ul style="list-style-type: none"> <li>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</li> <li>To ensure for the qualifying species that the following are maintained in the long term: <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 the 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> </li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>To ensure for the qualifying species that the following are maintained in the long term: <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 the 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> </li> </ul>	<ul style="list-style-type: none"> <li>To avoid deterioration of the qualifying habitats 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</li> <li>To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> <li>Extent of the habitat on site</li> <li>Distribution of the habitat within site</li> <li>Structure and function of the habitat</li> <li>Processes supporting the habitat</li> <li>Distribution of typical species of the habitat</li> <li>Viability of typical species as components of the habitat</li> <li>No significant disturbance of typical species of the habitat</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>To avoid deterioration of the qualifying habitats 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</li> <li>To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> <li>Extent of the habitat on site</li> <li>Distribution of the habitat within site</li> <li>Structure and function of the habitat</li> <li>Processes supporting the habitat</li> <li>Distribution of typical species of the habitat</li> <li>Viability of typical species as components of the habitat</li> <li>No significant disturbance of typical species of the habitat</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> <li>Population of the species, including range of generic types, as a viable component of the site</li> <li>Distribution of the species within the 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> </li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> <li>Extent of the habitat on site</li> <li>Distribution of the habitat within site</li> <li>Structure and function of the habitat</li> <li>Processes supporting the habitat</li> <li>Distribution of typical species of the habitat</li> <li>Viability of typical species as components of the habitat</li> <li>No significant disturbance of typical species of the habitat</li> </ul> </li> </ul>
<b>Site condition</b>	<ul style="list-style-type: none"> <li>Hen Harrier, breeding favourable</li> </ul>	<ul style="list-style-type: none"> <li>Gannet, breeding favourable</li> <li>Guillemot, breeding favourable</li> <li>Herring gull, breeding unfavourable</li> <li>Kittiwake, breeding unfavourable</li> <li>Lesser black backed gull, breeding unfavourable</li> <li>Seabird assemblage, breeding favourable</li> </ul>	<ul style="list-style-type: none"> <li>Fen, marsh and swamp (upland) unfavourable</li> <li>Dwarf shrub heath (upland) unfavourable</li> <li>Inland rock unfavourable</li> <li>Calcareous grassland (upland) unfavourable</li> <li>Fen, marsh and swamp (upland) unfavourable</li> <li>Dwarf shrub heath (upland) unfavourable</li> </ul>	<ul style="list-style-type: none"> <li>Acid peat-stained lakes and ponds favourable</li> <li>Acidic scree favourable</li> <li>Blanket bog unfavourable</li> <li>Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels favourable</li> <li>Depressions on peat substrates unfavourable</li> <li>Dry heaths unfavourable</li> <li>Montane acidic grasslands unfavourable</li> <li>Otter favourable</li> <li>Plants on crevices in acidic rocks favourable</li> <li>Wet heathland and cross leaved heath unfavourable</li> </ul>	<ul style="list-style-type: none"> <li>Atlantic salmon unfavourable</li> </ul>	<ul style="list-style-type: none"> <li>Blanket bog, unfavourable, no change</li> <li>Depressions on peat substrates, favourable, maintained</li> </ul>
<b>Factors currently influencing the site</b>	<ul style="list-style-type: none"> <li>Agricultural practices</li> <li>Renewable activities</li> </ul>	<ul style="list-style-type: none"> <li>Fishery</li> <li>Recreation disturbance</li> <li>Control of rat population</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural practices</li> <li>Renewable or other development leading to alteration of drainage</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural and forestry activities</li> </ul>	<ul style="list-style-type: none"> <li>Fishing</li> <li>Forestry</li> <li>Water quality</li> <li>Risk from North American signal crayfish</li> <li>Artificial barriers</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural practices</li> <li>Water management</li> <li>Renewable activities – Kilgallioch (Section 36 application) is located within close proximity of the SAC designation.</li> </ul>
<b>Vulnerabilities to change / potential effects of the Plan</b>	<p>It is composed of moorland with acid grassland and blanket bog mosaics. Much of the heather habitat has become fragmented, with acidic grassland becoming a more common feature due to overgrazing. This area has been identified for its wind resources, making it a desirable location for wind farm developments. Such developments could have significant issues for the SAC in terms of disturbance.</p>	<p>There is not significant threat to the interest at present. The site is subject to a Management Agreement to reduce and control the brown rat population which currently discourage ground-nesting birds.</p> <p>SNH have been in discussion with the landowners regarding Management Undertakings to protect biological, geological and landscape features of the site.</p>	<p>The complex mosaic of interest features fall within agricultural holdings and their maintenance is dependent on different grazing and management regimes. Approximately 50% of the site is covered by management agreements which permit SNH to monitor the condition of the habitat and recommend adjustments if necessary to the level and intensity of grazing and the application of artificial fertilisers. Consideration is being given to similar management agreements for the remainder of the site.</p>	<p>Grazing levels on this large upland site are generally low, though there are some localised overgrazed areas, and existing grazing tenancies are under review. A small part of the site is a National Nature Reserve (NNR), but SNH's NNR review has recommended expansion of this to cover a larger part of the SAC under Forest Enterprise Ownership.</p>	<p>Salmon numbers have declined in recent years, raising concerns about water quality in the headwaters of the river. Sources of pollution will continue to be monitored so that action can be taken where necessary.</p>	<p>This large peatland site is covered by a Management Agreement to conserve the active blanket bog. The Agreement controls grazing, drainage and muirburn. Controlled muirburn is acceptable to maintenance of the site interests. The establishment or permanent fire-breaks on the site or the use of mechanical swiping rather than burning will be considered.</p>

**Table 7-1: Aspects of the SAPLDP not likely to have a significant effect (LSE) alone**

Aspect of the HESG not likely to have a significant effect (LSE) alone	Relevant part of the SG	Reasons for screening out
Policies which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment (step 3a).	<ul style="list-style-type: none"> <li>• Scheduled Monuments</li> <li>• Designed Landscapes and Historic Gardens</li> </ul>	The policies set out within this section are aimed at the protection of natural, built and cultural heritage. None of these policies actively encourage development; they are designed to protect particular features of the environment and therefore can have no effect on any European sites.
Policies which will not lead to development or other change (step 3b).	<ul style="list-style-type: none"> <li>• Design Quality 3</li> <li>• Design Quality 4</li> <li>• Design Quality 5</li> <li>• Design Quality 6</li> <li>• Design Quality 7</li> <li>• Design Quality 8</li> </ul>	These policies will not lead to development and therefore can have no impacts upon any European sites.
Aspects of the Plan 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 of the site (Step 3c)	<ul style="list-style-type: none"> <li>• Conservation Areas</li> </ul>	
Aspects of the Plan which make provision for change but which could have no significant effect on a European site, because any potential effects would be trivial, or 'de minimis' or so restricted that they would not undermine the conservation objectives for the site (Step 3d)	<ul style="list-style-type: none"> <li>• Listed Buildings of Architectural and Historic Interest</li> </ul>	There are only two listed buildings located within Natura 2000 sites in South Ayrshire. The extent to which development affecting these features is restricted by the content of this policy and therefore any impacts would be extremely minor and unable to undermine the conservation objectives of the Ailsa Craig SPA.
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 (Step 3e).	<ul style="list-style-type: none"> <li>• Design Quality 1</li> <li>• Design Quality 2</li> </ul>	

## 8. Screening Outcomes

8.1 Table 7-1 shows that none of the policies contained within the HESG will have LSE upon any Natura 2000 sites and have therefore all policies have been screened out. The main reason for screening out the policies is due to the SG being fundamentally about the protection of features of the historic environment and therefore not advocating any development which could interact with Natura 2000 sites in any way. The Design Quality policy was screened out on the basis that this section of the SG is more about managing the implementation of development proposals and not about determining the acceptability or otherwise of a proposal in land-use terms.

## 9. In-combination effects of screened-in policies

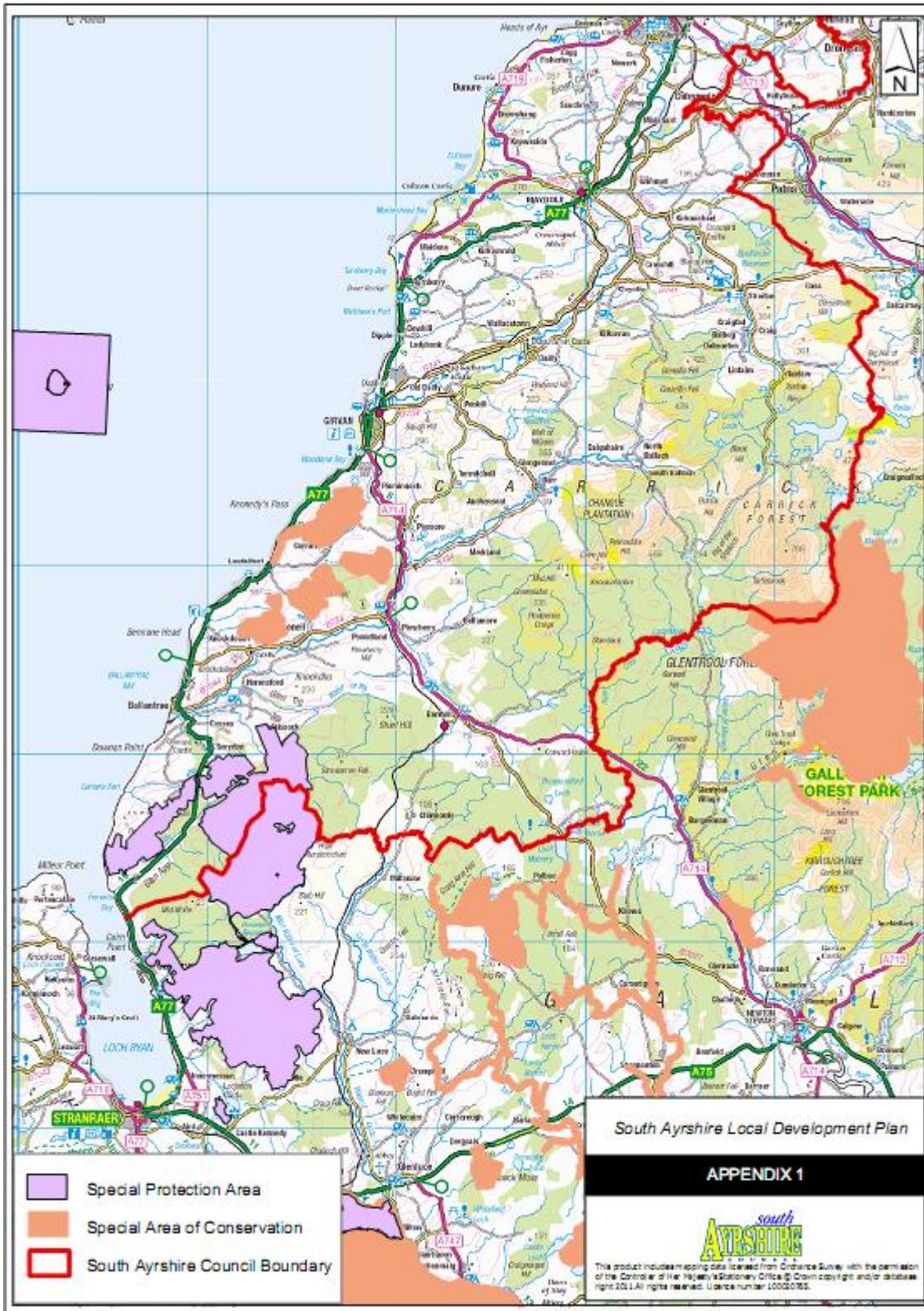
9.1 Only one policy has been screened out under step 3d and therefore there will be no in-combination effects with other policies within the SG. Consideration must, however, be given to the potential in-combination effects of the SG with other plans and projects.

## 10. Conclusions

10.1 The screening process has concluded that there will be no likely significant effects upon any Natura 2000 sites as a result of the policies contained within the HESG. It is therefore concluded that, pending the comments of SNH, the adoption of the Historic Environment

Supplementary Guidance will result in no adverse impacts upon the integrity of any Natura 2000 sites.

# Appendix 1



## Appendix 2

### Supplementary Guidance Policy 1: Design Quality

Development and building design in the past relied heavily on local tradition, building form and materials. However, more recently the adoption of modern standardised building materials and building design has, in some cases, begun to erode the unique character of South Ayrshire's environment. Good design is therefore clearly relevant when considering proposals which may affect older buildings; especially those which are listed due to their architectural or historic interest. Careful consideration should however also be given to the design of all new development, particularly that which might affect the setting of historic buildings/monuments.

Whilst it is considered that style is a matter of personal taste, or preference, good design is easier to define and forms a strong element of Government planning policy and guidance in terms of buildings, their settings and the spaces around them. Design is therefore viewed as an important element in the protection of townscape character, as a means of enhancing environmental quality and as a way of ensuring a positive contribution is made by new development to the environment as a whole.

To ensure a consistent high standard of development within the plan area, all development proposals relating to aspects of the built heritage environment, as set out in LDP Policy: Historic Environment, will be considered in terms of compliance with the following "General Criteria for New Development", which applies to both new development and extensions to existing development/buildings.

#### General Criteria for New Development

1.	The Council is committed to the promotion of developments which comprise well designed buildings, which are sensitive to their locality and respect the local vernacular building and townscape character built with high quality materials, and incorporating attractive open spaces - both for public or private use which are sympathetic and make a positive contribution to the essential townscape character of the main towns, settlements and/or countryside.
2.	The Council will encourage contemporary architecture where in compliance with point one above.
3.	All development, regardless of scale, will be expected to be carefully designed so as to be appropriate in terms of the character of the area in which it is to be located.
4.	The design of a proposed development should respect and reflect the character of its setting and locality in terms of: <ul style="list-style-type: none"><li>- the density of the proposed development;</li><li>- the ratio, location and treatment of open space provision to built form;</li><li>- building height, scale and massing;</li><li>- dominant traditional architectural characteristics of the locality; and</li><li>- wall/roof proportions, windows and door proportion and siting within façade.</li></ul>
5.	Materials used in the construction of proposed development should reflect the character of buildings in the locality in terms of: <ul style="list-style-type: none"><li>- material type, colour, texture, roof materials, window frames and doors; and</li><li>- the size, or appearance of size, of individual building blocks or units (e.g. brick, stone blocks etc.)</li></ul>
6.	New development and extensions to existing premises must demonstrate consideration for the amenity of adjoining property - especially in terms of the maintenance of privacy and ambient daylight in dwellings and their garden spaces.
7.	Developments should have regard to the principles of barrier free design in order that they are easy to use by any member of the population, especially those with special needs or mobility requirements. This is especially relevant in respect of facilities and premises open to the public.
8.	Development proposals should take into account whether elements of the building's design, or site layout could create potential problems in terms of personal or property security and aim to eliminate such possibilities. Different uses of the proposed development, or different times of usage, may require consideration in this regard.

### Supplementary Guidance Policy 2: Listed Buildings of Architectural and Historic Interest

The Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. Consequently, the Council will advise and encourage owners to undertake appropriate maintenance and repair to such properties.

The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties.

Proposals affecting a listed building shall be expected to be of a quality commensurate with that of the original building and any proposal for the demolition of a listed building will normally only be considered when in association with the assessment of detailed redevelopment proposals and where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find a practical way of keeping the building.

### Supplementary Guidance Policy 3: Conservation Areas

South Ayrshire has a number of areas that, due to their architectural or historic merit, are considered worthy of preservation and enhancement for future generations continued enjoyment. These areas are afforded protection through designation as conservation areas by the Council. A total of 21 such areas are currently designated, 5 of which are deemed to be of outstanding status by the Scottish Government – these are listed, below. Additional influence on development is afforded in these areas through the use of Article 4 directions that enable the Council to guide development in respect of works that would not normally require planning permission.

#### Conservation Areas Designated (as at October 2012):

Alloway	Colmonell	Maybole*
Ayr I (Central)*	Crosshill	Monkton
Ayr II	Dundonald	Southwood
Ballantrae I	Dunure*	St. Quivox
Ballantrae II	Girvan	Straiton*
Barr	Kirkmichael	Symington
Burns Monument*	Kirkoswald	Troon

\*Denotes Outstanding Status

Development proposals within or affecting conservation areas will require to comply with the following:-

- All new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance.
- The Council will actively encourage and, where resources permit, implement upgrading and enhancement programmes for conservation areas.
- To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with “General Criteria for New Development” (as contained in Supplementary Guidance Policy 1) and the following “Design Principles for Development within a Conservation Area”.

Additional, detailed guidance is available in the Council's guidelines for shopfronts, signage, sunshades and canopies in conservation areas.

#### Design Principles for Development within a Conservation Area

<b>General</b>	Applications for development within conservation areas will be expected to include detailed plans, sections and elevations of the existing building(s) and any proposed alterations. Details of materials proposed for use, external finishing materials, landscaping, (where appropriate) and the relationship of the proposed development to the overall townscape will also be expected.
<b>Redevelopment</b>	Where it has been demonstrated to the satisfaction of the Council that a listed building or building within a conservation area cannot be retained, preference will be given to proposals which retain building frontages which are important to the townscape over demolition and redevelopment proposals.  The demolition of listed buildings, or buildings considered to be important within conservation areas will normally only be approved where acceptable re-development proposals are submitted and approved concurrently. Short term landscaping or appropriate screening of such sites may also be required.
<b>Townscape Features</b>	In addition to the general guidance of design for new development in Panel One, proposals for new development in conservation areas should also, where practical,

	incorporate local townscape characteristics and be in keeping with the surrounding street pattern, form and incorporate design features, such as pedestrian or vehicle paths. Appropriate materials should be used, and streetscapes may be surfaced by whin setts stone or blockwork.
<b>Building Materials</b>	Within conservation areas, building materials used will be expected to comprise natural stone, wet dash harling or lime washed smooth render. Windows and doors will be required to be proportioned sympathetically to adjacent properties, and roofs will be required to be finished in natural slate or acceptable slate substitute.
<b>Views and Vistas</b>	Development proposals should have due regard to their wider impact in terms of their visibility from distant points and the preservation of important landmarks, views and vistas from and through the development site.
<b>Alterations and Extensions</b>	Proposed alterations or extensions to buildings should utilise similar materials as used in the original structure, and be sympathetic to the design features, character and proportions of the original property. The original building will normally be expected to remain the dominant feature when viewed from its main frontage(s). Important features (e.g. string courses) should not be removed or obscured - especially where the property forms an element of a terrace or coherent group of buildings.
<b>Repairs</b>	Repairs to property within conservation areas should utilise the same materials as those which require repair wherever they remain available. Proposals to replace previous work which used non-traditional methods or materials, and restore original features will be favourably viewed.
<b>Dormer Windows</b>	The design of dormer extensions should complement the existing property and neither change its character nor alter the original profile. They should be kept as small as possible, set away from gables, hips, and below the roof ridge. They should have a traditional appearance, normally with hipped or gabled roof. Windows should reflect the style and proportion of existing windows and be positioned so as to form a definite relationship with the main facade of the building. It is the preference of the Council that dormers should generally be restricted to rear or secondary frontages. Additional detailed guidance is given in the Council's dormer window SPG.
<b>Stone Cleaning</b>	Stone cleaning of listed buildings and all buildings within conservation areas requires the approval of the Council. The stone cleaning of listed buildings will be encouraged only where the proposed method is proven not to be detrimental to stone finish or detailing. The stone cleaning of individual properties within a terrace or listed group of premises will only be encouraged where the group is to be cleaned in one phase, and by the same method (approved by the Council).
<b>Painting Buildings</b>	Generally, unpainted stone frontages should remain unpainted, unless it is proven that the property was painted originally and forms an element of a terrace or group of painted buildings.  The repainting of frontages should utilise traditional, muted colour schemes with strong colours used sparingly. Window and door mouldings or other features may be emphasised with different colour tones where appropriate. Window and door frames, mullions and transoms should normally be painted white.
<b>Retail/ Commercial Buildings</b>	Original retail and commercial frontages and features are now rare. Those remaining will be protected from insensitive alteration. Proposals which seek to restore or replicate such features will be supported.  The design of the frontages of shops, offices, restaurants etc., should be based on a carefully considered composition of traditional elements at ground floor level, i.e. fascia, shop window, door stallrisers, pilasters and advertising signs. The proportions of any shop front and fascia should complement the balance of the complete frontage and it is insufficient to consider the design of the individual shop front in isolation from the frontage as a whole.

#### **Supplementary Guidance Policy 4: Scheduled Monuments**

South Ayrshire has a rich variety of archaeological resources from castles to buried flint scatterings and crop marks. Many new sites of interest may yet be discovered. All these sites form an important part of our heritage and can be valuable tourism and educational resources as well as contributing to general amenity. The Council recognises their importance and will seek to ensure that they are protected, interpreted and promoted or recorded as appropriate.

The Council will seek to protect scheduled monuments, (including their setting) and archaeological sites and encourage sympathetic proposals for their promotion for educational or recreational purposes.

Any application for development affecting a scheduled monument will be required to provide sufficient information to enable the evaluation of the importance of the site and enable full assessment of the impact of the proposals on that site.

The use of management agreements to mitigate the effects of potentially conflicting land uses upon standing structures, earthworks or buried deposits may be required as part of the development management process, where a proposal affects a scheduled monument.

The Council may seek guidance from an appropriate archaeological information service in considering applications for development within its area, including those within the Historic Medieval Burgh areas of Ayr, Ballantrae, Dundonald, Dunure, Girvan, Maybole, Newton-on-Ayr, Prestwick, Straiton, Symington and Tarbolton.

### **Supplementary Guidance Information Note: Designed Landscapes and Historic Gardens**

There has been a long tradition in South Ayrshire of the development of country estates, usually comprising extensive agricultural land and large mansion houses with associated buildings. However, this tradition has been in decline since the First World War and a number of important country houses are falling into disrepair. Given the importance of these estates and their buildings, the Council wishes to ensure their survival and maintenance, and to ensure that the integrated elements of house, garden and landscape should be protected as a whole, particularly where they are listed in Historic Scotland's "Inventory of Gardens and Designed Landscapes in Scotland". Consequently, whilst the preferred use of the property will remain as a single dwelling unit, sympathetic proposals for alternative uses of the properties which preserve the integrity of the estate may be viewed favourably by the Council.

Guidance on development proposals affecting designed landscapes and historic gardens is set out in the LDP.