

FALKIRK

Local Development Plan



HABITATS REGULATIONS APPRAISAL RECORD

ADDENDUM - Firth of Forth & St. Andrews Bay Complex pSPA

May 2015



Falkirk Council
Development Services

Qualifying Interest Features

Annex 1 species: **populations of European importance during winter and passage**

Common name	Scientific name	(5 year peak mean ? - ?)
Red-throated diver	<i>Gavia stellata</i>	2% of the GB population(90 birds) (wintering)
Slavonian grebe	<i>Podiceps auritus</i>	21% of the GB population(84 birds) (wintering)
Little Gull	<i>Larus minutus</i>	
Common tern	<i>Sterna hirundo</i>	800 pairs representing at least 6.5% of the breeding population in Great Britain (Seabird Census Register);
Arctic tern	<i>Sterna paradisaea</i>	540 pairs representing at least 1.2% of the breeding population in Great Britain (Mean 1992 to 1996);

Migratory Species

Common name	Scientific name	
Wintering Waterfowl		
Common eider	<i>Somateria mollissima</i>	13% of GB population (9,400 birds) (wintering)
Long-tailed duck	<i>Clangula hyemalis</i>	4% of GB population (1,045 birds) (wintering)
Common Scoter	<i>Melanitta nigra</i>	8% of GB populations (2,880 birds) (wintering)
Velvet scoter	<i>M. fusca</i>	21% of GB population (635 birds) (wintering)
Goldeneye	<i>Bucephala clangula</i>	18% of GB population (3,004 birds) (wintering)
Red-breasted merganser	<i>Mergus serrator</i>	7% of GB population (670 birds) (wintering)
Seabirds		
Northern gannet	<i>Morus bassanus</i>	34,400 pairs representing at least 13.1% of the breeding North Atlantic population (Count, as at 1994)
Manx shearwater	<i>Puffinus puffinus</i>	
Common guillemot	<i>Uria aalge</i>	
Razorbill	<i>Alca torda</i>	
Atlantic puffin	<i>Fratercula arctica</i>	21,000 pairs representing at least 2.3% of the breeding population (Count, as at 1992)
European shag	<i>Phalacrocorax aristotelis</i>	2,887 pairs representing at least 2.3% of the breeding Northern Europe population (Count as at 1987)
Black-legged kittiwake	<i>Rissa tridactyla</i>	
Black-headed gull	<i>Chroicocephalus ridibundus</i>	
Common gull	<i>Larus canus canus</i>	
Herring gull	<i>Larus argentatus</i>	

Table 1 below is derived from analysis of WeBS data sectors covering the Falkirk Council area and shows pSPA species which have been recorded using the area; and identifies whether these species are also qualifying interest features of other SPA related to the Firth of Forth:

Table 1: pSPA species present in the Falkirk Council area.

pSPA Qualifying Interest Feature	Firth of Forth SPA	Forth Islands SPA
Eider		
Long-tailed Duck		
Goldeneye		
Common Scoter		
Red-breasted Merganser		
Red-throated Diver		
Black-headed Gull		
Common Gull		
Herring Gull		
Common Tern		

Where species recorded in WeBS sectors covering the Falkirk Council area are qualifying interest features of more than 1 SPA, it is challenging to identify which SPA they are related to.

Applying the precautionary principle therefore where an element of the LDP has been identified as having a likely significant effect on qualifying interest features of either the Firth of Forth SPA or the Forth Islands SPA, it will also be considered to have a likely significant effect on the qualifying interest features of the Firth of Forth and St Andrews Bay Complex pSPA. However, the separation between the pSPA to the locations where impacts on qualifying birds might occur means that the impacts to the pSPA are of an even lesser significance.

Firth of Forth SPA

Appropriate assessment has already been carried out on the proposals of the LDP which will have a likely significant effect on the Firth of Forth SPA. Mitigation has already been identified which has allowed us to conclude that these proposals will not have an adverse effect on the integrity of the SPA. In all cases, mitigation has involved adding the following wording to appendices 1 or 2 of the LDP:

“For permission to be granted, proposals must be accompanied by project-specific information to inform an appropriate assessment. This will allow the competent authority to complete an appropriate assessment demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA either alone or in combination with other plans or projects.”

In order to safeguard against adverse effects on the integrity of the Firth of Forth and St Andrews Bay Complex pSPA the following wording will be inserted to the relevant proposals:

“...an appropriate assessment demonstrating that there will be no adverse effects on the integrity of the Firth of Forth SPA or the Firth of Forth and St Andrews Bay Complex pSPA either alone or in combination with other plans or projects.”

Table 2 below shows the proposals where this wording will be added.

Table 2: Proposals where mitigation wording will be added.

Reference	Name
M01	Bo'ness Foreshore
INF19	Bo'ness Waste Water Treatment Works
INF15	Airth Waste Water Treatment Works
INF22	Grangemouth Flood Defences
INF34	Avondale Waste Management Site
ED15	Grangemouth Docks
ED16	Ineos Redevelopment Opportunity
ED17	Wholeflats Business Park
GN01	John Muir Trail
GN02	Kinneil Kerse
GN03	Bothkennar/ Skinflats
GN04	Kincardine – South Alloa

Forth Islands SPA

Screening of LDP proposals for likely significant effect on the qualifying interest features of the Forth Islands SPA has already taken place (see paragraphs 3.3.31 – 3.3.73 of the Finalised HRA record). No likely significant effects on the herring gull or common terns associated with the Forth Islands SPA were identified. It is therefore concluded that LDP proposals cannot have a likely significant effect on the herring gulls or common terns associated with the Firth of Forth and St Andrews Bay complex SPA.

Screening of LDP proposals for likely significant effect on Black-headed Gulls and Common Gulls

The only qualifying interest features of the Firth of Forth and St Andrews Bay Complex pSPA which have been identified as present in the WeBS sectors covering the Falkirk Council area and have not previously been subject to some form of habitats regulations appraisal are black-headed gulls and common gulls.

Common gulls, while mainly breeding inland, use both inland and coastal habitats, including farmland and urban habitats. Large night-time roosts form along the coast. Black headed gulls are most common in winter in coastal habitats though generally avoiding rocky coastlines, and occurring inland (where they also generally breed) in many different natural and urban habitats.

Common gulls and black-headed gulls are noted as being present in the same WeBS sectors as herring gulls. See table 3 below. It is not known if these birds are part of the pSPA population or not. However, in keeping with the precautionary nature of the LSE test it is being assumed that the proposals of the LDP which were identified as having a minor residual effect on herring gulls in the Forth Islands SPA will also have a minor residual effect (MRE) on the common gulls and black-headed gulls of the Firth of Forth and St Andrews Bay Complex pSPA. It is noted that due to the separation between the pSPA and the area of potential impacts of the LDP's policies and allocations, the scale of any impacts to qualifying birds are likely to be more minor than those occurring on the Firth of Forth SPA or Forth Islands SPA. Table 3 below shows these policies and proposals.

Table 3: Policies and Proposals with MRE on Common Gulls and Black-Headed Gulls

Policy	Description
BUS01 Business and Tourism Locations (Certain Allocations Only)	ED15 Grangemouth Docks This proposal could cause noise, vibration and other effects during construction which could lead to the disturbance of qualifying interest features during offshore feeding or onshore feeding and

Policy	Description
	loafing, it could also cause effects as a result of increased shipping and associated dredging activities.
D14 Canals	This policy could cause disturbance of qualifying species of qualifying interest features during offshore feeding or onshore feeding and loafing arising from increased opportunities for access to and recreation along the coastline. It could also cause disturbance from increased shipping movements.
GN01 Falkirk Green Network (Certain opportunities only)	<p>GN01 John Muir Trail GN02 Kinneil Kerse GN03 Bothkennar/Skinflats GN04 Kincardine-South Alloa GN08 River Carron Corridor Improvements</p> <p>These opportunities, which all increase recreational opportunity along the coast and could lead to the disturbance of qualifying interest features during offshore feeding or onshore feeding and loafing.</p> <p>GN01 John Muir Trail GN02 Kinneil Kerse GN03 Bothkennar/Skinflats GN04 Kincardine-South Alloa</p> <p>These proposals could cause noise, vibration and other effects during construction which could lead to the disturbance of qualifying interest features during offshore feeding or onshore feeding and loafing.</p>
HSG01 Housing Growth (Certain proposals Only)	<p>H01 Drum Farm North H02 Kinglass Farm 1 H03 Kinglass Farm 2 H04 South Street/ Main Street H05 Cadzow Avenue H06 Union Street, H26 Etna Road 2 H32 Grangemouth Road H33 Tinto Drive H34 Wood Street H35 Oxgang Road H52 Castle View H53 Graham Terrace H54 Airth Castle South H55 The Glebe M01 Bo'ness Foreshore M02 Drum Farm South</p> <p>These proposals (which are within 2 miles of the coast) could lead to increased recreational use of the coast and could lead to the disturbance of qualifying interest features during offshore feeding or onshore feeding and loafing.</p> <p>M01 Bo'ness Foreshore</p> <p>This proposal could cause noise, vibration and other effects during construction which could lead to the disturbance of qualifying interest features</p>

Policy	Description
	during offshore feeding or onshore feeding and loafing. It could also cause disturbance from increased shipping movements.
INF01 Strategic Infrastructure (certain proposals only)	<p>INF 15 Airth Waste Water Treatment Works INF 19 Bo'ness Waste Water Treatment Works INF22 - Grangemouth Flood Defences</p> <p>These proposals could cause noise, vibration and other effects during construction which could lead to the disturbance of qualifying interest features during offshore feeding or onshore feeding and loafing.</p>

Table 4: pSPA species recorded in WeBS sectors covering the Falkirk Council area.

	South Alloa to Cambus stretches	Kincardine Bridge to Alloa	Skinflats	Grangepans to Grangemouth	Carriden to Grangepans	Blackness to Abercorn
Eider						
Long-tailed Duck						
Goldeneye						
Common Scoter						
Red-breasted Merganser						
Red-throated Diver			*			
Black-headed Gull						
Common Gull						
Herring Gull						
Common Tern						

	Species present in recording section at levels where the autumn, winter or spring five year mean peak count contributes 1% or more of that required for the site to qualify as of international importance
	Species present in recording section, but at levels where the autumn, winter and spring five year mean peak counts contributes less than 1% of that required for the site to qualify as of international importance
*	Single record for a single bird in one month over the five year period

Loss of supporting habitat - It is not possible to discern whether these gulls are part of the Firth of Forth and St Andrews Bay Complex pSPA wintering population or are part of a population who winter elsewhere. Given the vast areas of foraging habitat available to gulls across the Firth of Forth and its surrounding inland areas, and the fact the urban development often leads to the creation of new opportunities for foraging, it is considered that the Proposed Plan is unlikely to lead to any more than an insignificant loss of inland habitat outside the SPA.

Non-physical disturbance – Non physical disturbance can occur from noise and vibration during construction, increased recreational activity along the coast and increases in shipping movements.

As these gulls are widespread throughout the Council area using a variety of natural and urban habitats, it can be concluded that only a tiny fraction of the available feeding and roosting resource for lesser black backed and herring gulls would be affected by disturbance from the proposals in the Proposed Plan due to noise and vibration during construction, increased recreational activity along the coast.

The increase in shipping movements caused by the Canals policy and the Bo'ness Foreshore Proposals (both of which could cause a limited increase in small recreational vessel traffic) will be insignificant in comparison to the current baseline levels of shipping traffic using the Firth of Forth. The increase in shipping movements caused by the Grangemouth Docks proposal (ED15) is likely to lead to an increase in overall shipping movements which will be dictated by the nature of development which comes forward on the site. For example, the recently approved Grangemouth Biomass Plant (which sits within the Grangemouth Docks proposal site) will receive the bulk of its fuel from overseas. This would result in of the order of 80 vessels per annum i.e. one to two vessels per week. The port of Grangemouth already handles approximately 150,000 containers per year and as such there is already a very significant baseline of shipping movements. There is no evidence to suggest that ships or boats have any substantial impacts on feeding or roosting gulls.

In combination with other plans and projects – Paragraphs 3.3.53 – 3.3.67 of the Finalised HRA record assess the effect of the LDP on gulls in combination with other plans and projects and concludes that they will not act in combination to have a likely significant effect.

Although this screening assessment was for different species of gull, in a different SPA, table 4 above shows that common gulls and black-headed gulls are noted as being present in the same WeBS sectors as herring gulls, although it is unknown what proportion of these birds may be pSPA birds. It is however recognised that screening for LSE requires a very precautionary approach therefore it is concluded that the conclusions from any in-combination screening assessment for effects on herring gulls will also apply to in-combination effects on common and black-headed gull. In practice, any such effects on herring gull will be greater than those on the common and black-headed gulls due to the separation between the pSPA and the locations of impacts. Because of the even more insignificant effect on the qualifying common and black-headed gulls, It is concluded that the policies and proposals shown as having a minor residual effect on common gulls and black headed gulls will not act in combination with other plans and projects to have a likely significant effect and therefore, appropriate assessment is unnecessary.

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