

Comments received on the Loch Leven Special Protection Area and Ramsar Site, River Tay Special Area of Conservation and the Dunkeld – Blairgowrie Lochs Special Area of Conservation Non-Statutory Planning Guidance Documents

Acronyms

EIA – Environmental Impact Assessment
 LDP – Local Development Plan
 PKC – Perth and Kinross Council
 SEPA – Scottish Environmental Protection Agency
 SNH – Scottish Natural Heritage
 SPA – Special Protection Area
 SPP – Scottish Planning Policy

Summary of comment	Received from	Draft PKC Officer response for SNH/ SEPA Consult	Change to be made to guidance
General Comments on all three Documents			
We recommend rewording the second sentence of the 2nd paragraph in the “Planning authorities’ obligations” sections of all three documents, so that it reads: “If it cannot be ascertained that a proposal will not adversely affect the integrity of the site, the proposal can only proceed if there are no alternative solutions; there are imperative reasons of overriding public interest; and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.” This more accurately reflects the requirements of the Habitats Regulations, as explained at Paragraph 207 of Scottish Planning Policy. We confirm our strong support for these 3 supplementary guidance documents.	RSPB	All comments and suggestions made on any draft guidance documents produced and consulted on by the Council are welcomed. In this case we believe the wording included within the current document is adequate.	No
We’ve received some recent ad hoc feedback on how the current guidance for developers is being used. This suggests that it could benefit from awareness raising within planning services, developers and other interested	SNH	Noted.	No
	SNH	Noted. We will engage in discussions with SNH to try and raise awareness.	No

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<p>parties - perhaps an opportune time is when this revised guidance is published? We would be pleased to discuss ways in which we can help to raise awareness and increase its effectiveness.</p>			
<p>As the River Tay SAC guidance is shared with Angus Council we assume that the Council is content with the technical corrections proposed.</p>	SNH	Angus council have been consulted on this and are content with the proposed corrections.	No
<p>I can confirm we have no comments to make on the technical corrections to the Supplementary Guidance documents listed below.</p>	Scottish Government	Noted.	No
Loch Leven SPA and Ramsar Guidance			
<p>We welcome this proposed revised guidance, and support the application of the precautionary principle in adopting a 125% mitigation requirement to ensure no increase of phosphorus (P) in the various catchments. We support the fact that the guidance does not allow a developer to meet the requirement through agricultural change. This accords with the polluter pays principle and reflects the fact that phosphorus input reductions from agriculture is a separate issue.</p>	RSPB	Noted.	No
<p>Section 2: 'Why is Loch Leven so important?' could be expanded, with mention of some of the key species there and the broad numbers of birds present to reflect the site's international importance. For example: "Loch Leven is internationally important for birdlife with around 35,000 waterfowl present in the winter months including over 100 whooper swans and 20,000 pinkfooted geese, 10% of the global population. In spring, the loch is also an important breeding area for up to 1,000 breeding pairs of duck, one of the largest concentrations in Europe. The most numerous are tufted duck and mallard, with smaller numbers of gadwall, shoveler, teal and shelduck."</p>	RSPB	It is not felt necessary to go into the detail suggested in a guidance document of this nature. More information on the international importance of the Loch Leven SPA is available on SNH's website which is referenced within the document.	No
<p>Section 12: 'Further information required' could have additional text that briefly highlights that there may be other potential impacts/issues to consider and assess in relation to the SPA when considering development</p>	RSPB	This is covered in the introduction to the document which states that "This guidance relates specifically to water quality of Loch Leven SPA and phosphorus entering the loch's catchment. There may be other	No

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proposals e.g. the qualifying features.		qualifying features of the SPA which could be affected by development proposals e.g. disturbance to birds or issues relating to flooding.”	
In addition, we recommend that the Council considers requiring a legal agreement or a planning condition to require the developer to retain responsibility for the performance of the mitigation sewage treatment facility for a period of time after completion, as an incentive to design a system that is reliable and straightforward for owners to maintain. This could be alongside a requirement to offer advice and support on regular maintenance.	RSPB	All comments and suggestions made on any draft guidance documents produced and consulted on by the Council are welcomed. These will be carefully considered and changes made where appropriate. Work is currently underway within the council to establish a procedure for monitoring the impact and effectiveness of policies EP6 and EP6.	No
We recommend that the photograph on page 1 is named and that a photograph of blue green algae included in order that readers can see what the algae looks like. SNH will be able to provide clarity as to the name of the plant in the photo on page 1.	SEPA	Noted.	No
Within the dark green box below the flow chart on page 4 of the SG we recommend that the wording be altered to clarify that all applications will require to be licensed by SEPA. Therefore an alteration from “will require authorisation” to “will require to be licensed”.	SEPA	The guidance will be amended accordingly.	Yes
Within the flow chart second box on page 5 the reference to EN12566.3 should be amended to EN12566:3. Beneath the flow chart on page 5, as per our response to your authority in May 2015, we recommend that an additional point is added which states “Mitigation calculations should be based on mean values and not on percentile figures”.	SEPA	The guidance will be amended accordingly.	Yes
On reflection we require an alteration to the wording in the first paragraph of Section 8 from “Also, wherever possible, applicants seek” to “Also, it is recommended that applicants”.	SEPA	The guidance will be amended accordingly.	Yes
River Tay SAC Guidance			
In terms of the technical changes I note that reference has been included to the P&K LDP policy on this issue. Whilst we don't have a specific policy on this issue I think it would	Angus Council	The guidance will be amended accordingly.	Yes

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<p>be useful to include reference to policy PV4 in the Angus LDP which refers to this document.</p>			
<p>On page 9 Section 9 of the SG we recommend that for accuracy the wording is amended from "obtain a CAR licence(s)" to "obtain a CAR authorisation". The reason for this is that not all the applications for the foul water discharge will be escalated within the River Tay SAC and therefore some applications may be authorised by a Registration under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).</p>	SEPA	The guidance will be amended accordingly.	Yes
<p>Dunkeld – Blairgowrie Lochs Special Area of Conservation</p>			
<p>We recommend that the photographs on pages 1 and 2 of the SG are named in order that readers are clear as to which is blue green algae and which is a protected species. SNH will be able to provide clarity as to the name of the plant in the photo on page 1.</p>	SEPA	Noted.	No
<p>Within the dark green box below the flow chart on page 4 of the SG we recommend that the wording be altered to clarify that all applications will require to be licensed by SEPA. Therefore an alteration from "will require authorisation" to "will require to be licensed".</p>	SEPA	The guidance will be amended accordingly.	Yes
<p>Within the flow chart second box on page 5 the reference to EN12566.3 should be amended to EN12566:3. In addition beneath the flow chart on page 5 we recommend that for clarity an additional point is added which states "Mitigation calculations should be based on mean values and not on percentile figures".</p>	SEPA	The guidance will be amended accordingly.	Yes
<p>On reflection we require an alteration to the wording in the first paragraph of Section 8 from "Also, wherever possible, applicants should seek" to "Also, it is recommended that applicants seek".</p>	SEPA	The guidance will be amended accordingly.	Yes