



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Ms Gillian Webster
Planning Department
Highland Council
Drummuie
Golspie
By email – epc@highland.gov.uk.

20 December 2017

Your Ref: 17/04601/FUL (Addendum only)
Our Ref: CEA 148389

Dear Ms Webster,

Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations – Addendum

Construction of 18 hole golf course, erection of clubhouse, renovation of existing buildings for course maintenance, pro-shop, caddy hut, workshop, administration building, information booth, formation of new private access from C1026.

Thank you for your email dated 21 November 2017 requesting our comments. The EIA Addendum includes information specifically requested by SEPA on issues relating to construction and course layout in context to Groundwater Dependant Terrestrial Ecosystems (GWDTE) and pollution prevention. Our response to this Addendum focuses on relevant issues for protected areas not covered within our response to this proposal dated 24 November 2017.

1. Summary

We provide additional advice to help reduce adverse impacts on the sand dune habitat of Loch Fleet SSSI/Ramsar site.

2. Appraisal of impacts and advice

2.1 Loch Fleet SSSI and Dornoch Firth & Loch Fleet Ramsar Site

This proposal lies within this SSSI protected for its range of coastal habitats and species.

Sand dune (SSSI & Ramsar)

We note that the groundwater surrounding the proposed club house location is identified as being hydrologically connected to parts of the SSSI. Further information on waste water drainage management is therefore required to reduce adverse impacts to dune habitats. As the dune slacks are the lowest lying habitats within the proposal area, it will be important to reduce risk of these being adversely impacted from pollution linked to construction activities. We support the request by SEPA that mitigation maps and plans should be developed to reduce any risks of adverse impacts through pollution.

The Watercourse Engineering Plan shows the location of boardwalks crossing extensive areas of dune slack habitat. The width of these boardwalks is only 1.6m wide, but our understanding is that these boardwalks will accommodate movement of green-keeping

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB
Tel: 0300 0676841 Fax: 01408 634222 www.snh.gov.uk

An Ceangal, Roan Gníomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB
Fòn 0300 067 6841 Fax 01408 634222 www.snh.gov.uk

equipment. We note that course maintenance equipment will be dove-tailed to the requirements of the site. It would be helpful if it could be confirmed that these boardwalks will accommodate all golf course traffic, post construction.

3. Concluding comments

We would be happy to work with the applicant and SEPA to advise further on the drainage and pollution prevention information to be provided. Please let me know if you need any further information on this proposal linked to protected areas.

Yours sincerely

David Mackay
Operations Manager
Northern Isles & North Highland



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Ms Gillian Webster
Planning Department
Highland Council
Drummuie
Golspie
By email – epc@highland.gov.uk.

24 November 2017

Your Ref: 17/04601/FUL
Our Ref: CDM 147883

Dear Ms Webster,

**Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations
Construction of 18 hole golf course, erection of clubhouse, renovation of existing
buildings for course maintenance, pro-shop, caddy hut, workshop, administration
building, information booth, formation of new private access from C1026.**

Thank you for your letter of 11 October 2017 requesting our comments on this proposal.

1. Summary

We recognise the potentially large economic benefits that could arise from this proposal and their local and regional significance. We also recognise and acknowledge the commitment and creative thinking by the applicant to develop measures to mitigate and offset impacts on nationally important natural heritage interests. However, the conclusion of our assessment is that this proposal is contrary to the Scottish Planning Policy's (SPP) requirements not to compromise the objectives of the SSSI designation and the overall integrity of the Loch Fleet Site of Special Scientific Interest.

While we are unable to fully support the proposal as presented, we believe that a golf course could be progressed in this general location by using a much higher proportion of the adjacent agricultural land.

Loch Fleet Site of Special Scientific Interest (SSSI)

We object to this proposal as it will result in significant adverse effects on sand dune habitat of national importance.

Special Protection Areas (SPAs)

This proposal could affect internationally important bird interests and we therefore object to this proposal until further information is provided. This will enable us to carry out an appraisal of these effects and help you determine this proposal. We consider it likely that these issues could be overcome by a competent Recreation & Access Management Plan and a Breeding Bird Protection Plan (for SSSI birds).

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB
Tel: 0300 0676841 Fax: 01408 634222 www.snh.gov.uk

An Ceangal, Roan Gnìomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB
Fòn 0300 067 6841 Fax 01408 634222 www.snh.gov.uk

2. Background

We have been working with the developers during the extensive pre-application stage to help gauge the likely impacts of this proposal on protected area interests. We advised the developers during those discussions that we would be likely to object to this proposal due to the adverse impact it would have to SSSI sand dune habitat.

The EIA lacks a suitable level of detail and accuracy for a proposal in such an environmentally sensitive location. We have provided some additional material to supplement the EIA in Annex A.

We have been able to assess the likely impacts of this development using the EIA, supplemented by our own experts, site visits and discussions with the applicants.

3. Appraisal of impacts and advice

3.1 Loch Fleet SSSI and Dornoch Firth & Loch Fleet Ramsar Site

This proposal lies within this SSSI protected for its range of coastal habitats and species.

Sand dune (SSSI & Ramsar)

The management objective for sand dune within the Site Management Statement for this SSSI is 'to restore the condition of the sand dune habitat'.

As presented, this proposal will result in significant permanent loss of sand dune habitat, especially dune heath and dune slacks and impacts to other special species which depend upon it. The new golf turf will not include plant species that are identifiable as a sand dune habitat. Therefore, the proposal will result in a marked change of habitat type. Direct loss extends to around 9% (16.4 ha) of the SSSI sand dune habitat, most of which is located midway along the dune system. Even after mitigation, the residual losses are extensive (at around 8% (14.9 ha)) and likely to be permanent, with indirect losses of unknown extent adding to the area lost under the course footprint.

In addition it will create a high level of disruption to natural dune processes, such as dynamism, due to large dune areas becoming stabilised. It will also result in significant levels of habitat fragmentation, with the course infrastructure spread throughout the dune system. In our view translocation of habitat is unlikely to be successful and therefore is not an appropriate management technique to safeguard a protected area of such natural environmental complexity and notable dune quality. Our view is based on 'A Habitat Translocation Policy for Britain (2003)'¹.

The proposal will be positive for the control of invasive species and negative for habitat loss and fragmentation. Balancing these gains and losses indicates that the adverse impacts will still greatly outweigh any benefits for the sand dune habitat. We have provided more detail on the impacts to the sand dune habitat in Annex A. We have also completed a scientific appraisal of how this proposal would affect the integrity of this habitat, which we would be happy to provide if it would help with your determination.

If the planning authority intends to grant planning permission against this advice, you must notify Scottish Ministers.

¹ *A Habitats Translocation Policy for Britain (2003)*. Joint Nature Conservation Committee in conjunction with The Countryside Council for Wales, English Nature and Scottish Natural Heritage. JNCC, Peterborough. <http://jncc.defra.gov.uk/page-2921>.

Breeding birds (SSSI)

The management objective for breeding birds within the Site Management Statement for this SSSI is 'to maintain the population of breeding birds and to avoid significant disturbance to these birds during the breeding season.'

There are bird interests of national importance on the site, which could be affected by the proposal (e.g. breeding terns) through disturbance as a result of increased use of the area. We require a Recreation and Access Management Plan to help determine whether the proposal will affect the integrity of the SSSI. We can provide further advice on the format of this plan in due course. We will comment further once the additional information is available.

A Recreation and Access Management Plan was submitted as part of the EIA but it does not include the necessary level of detail to reduce likely impacts.

The proposal could also adversely affect this nationally important feature through disturbance to breeding birds during the construction phase and we therefore object to it unless it is made subject to the measures as set out below:

- A Breeding Bird Protection Plan should be produced and implemented to ensure breeding birds are protected during two summer (breeding) seasons of construction.

If the planning authority intends to grant planning permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

3.2 Dornoch Firth & Loch Fleet SPA & Ramsar Site

The proposal lies within the Dornoch Firth & Loch Fleet SPA and Ramsar site. This SPA is protected for its range of non-breeding waterfowl and breeding osprey and the Ramsar site is protected for its range of coastal features. The proposal also lies adjacent to the Moray Firth proposed SPA (pSPA), protected for its marine waterfowl and seabirds.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Highland Council is required to consider the effect of the proposal on the SPA and the pSPA before it can be consented (commonly known as Habitats Regulations Appraisal). For a summary of the Legislative Requirements for European Sites, please refer to our website: <https://www.snh.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal/habitats-regulations-appraisal-hra-appropriate>.

In our view, from the information available, it appears that the proposal is not connected with or necessary for the conservation management of the site. Hence further consideration is required.

Waders and Waterfowl Assemblage

In our view, this proposal is likely to have a significant effect on SPA waders and the waterfowl assemblage. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- A Recreation & Access Management Plan should be produced which aims to reduce any increased level of disturbance to SPA birds in agreement with Highland Council

& SNH. We would be happy to advise on the format of this plan. A single plan covering all bird issues (SSSI & SPA) would be sufficient.

Once this information has been provided, we will be able to give further consideration to this proposal.

Teal and Wigeon

In our view, this proposal is likely to have a significant effect on teal and wigeon using flooded areas of dune slack through disturbance as a result of increased numbers of people using the site. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this we advise that in our view, on the basis of appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site:

- From December to March (inclusive), green-keeping operations on holes 10-18 must only take place between one hour after sunrise and one hour before sunset. This should reduce disturbance to a level that is more reflective of current use.

If the planning authority intends to grant planning permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

3.3 Moray Firth pSPA

In our view, this proposal is likely to have a significant effect on pSPA eider. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- A Recreation & Access Management Plan should be produced which aims to reduce any increased level of disturbance to eider in agreement with Highland Council & SNH. A single plan covering all bird issues (SSSI & SPA) would be sufficient.

Once this information has been provided, we will be able to give further consideration to this proposal.

3.4 European Protected Species

Bats

We advise that you ask the applicant to provide the following additional information with regard to this proposal:

- Roost survey work for June and July, including at least one activity survey per building². This information will be needed to inform the level of mitigation required depending on the status of the bat roosts identified.

Once you have received this additional information, we can advise further if necessary.

If you approve this application without this further information you could risk the applicant being unable to make practical use of the planning permission, or the applicant committing an offence under protected species legislation. For more information, see:

² In accordance with the latest copy of BCT's *Bat Survey Guidelines for Professionals*, <http://www.bats.org.uk/pages/batsurveyguide.html>.

<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>.

Otters

Should consent be granted, we recommend that pre-construction surveys for otters should be carried out within the six month period preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECoW) during construction. An otter Protection Plan may be needed prior to construction commencing and licences may be required.

We further recommend that the ECoW has a role in drafting the Species Protection Plan, using the information from the EIA Report and pre-construction surveys, and that the ECoW oversees implementation of the plan and any licensing requirements.

3.5 Other protected species

Pine marten & badger

We advise that the same recommendation for otter (as above) should also apply to pine marten and badger.

4. Concluding comments

We are keen to work with the applicant to try and reduce impacts, should this proposal receive planning permission.

Please let us know if you need any further information or advice on this proposal by contacting David Patterson David.patterson@snh.gov.uk.

Yours sincerely,

Nick Halfhide
Director of Operations

Annex A – Detailed advice on SSSI sand dune habitat

We expand here on the impacts to sand dune habitat and the species it supports, together with some comments on the ES. We have also included 3 recommendations that we would wish to see implemented if the proposal was granted planning permission.

Magnitude of direct impacts to sand dune habitats

The EIA does not appear to present the data on direct impacts of the course in context of the SSSI boundary. Therefore, we made our own assessment of this by using a digital layout of the course overlaying the developer's NVC habitat survey. Our results using this approach indicate much higher impacts to sand dune habitats than those presented within the EIA and are shown in the table below.

Table showing habitat impacts presented within the EIA compared to assessments undertaken by us using the developers' data

Habitat	Area affected in EIA Report (ha.)	Area affected from our assessment (ha.)
Dune heath	4.47	8.5
Dune grassland (fixed dune)	2.51	4.8
Open dune (semi-fixed dune)	0.74	0.91
Dune slack	0.27	2.20

Effects on dune slack³ & hydrology

Coul Links supports some of the best quality SSSI dune slack habitats in Scotland. The water table and water chemistry of Coul Links are very important as they influence the sand dune vegetation communities which they support, especially the dune slacks.

Fertiliser, herbicide or pesticide could be washed towards or even into a dune slack, potentially damaging these dune habitats. We note within the EIA that leaching of fertiliser may reach 100% in sandy habitats, suggesting that nitrogen is likely to reach the water table, which could cause vegetation changes to dune slack habitats.

Advice we received from the Sports Turf Research Institute (STRI) suggests that it is standard practice to irrigate at a level lower than losses to evapotranspiration. If the management does involve irrigation at a level below the loss to evapotranspiration, it is highly likely that the water table will fall below its natural level, with adverse impacts on the dune slacks.

Effects on dune grasslands

The dune grassland on Coul Links is especially diverse and rich, reflecting the national importance of this sand dune habitat. The proposal will result in adverse impacts to dune grassland through habitat loss. The use of chemicals is also likely to have impacts, potentially changing these dune grassland communities through time.

Effects on notable species supported by SSSI sand dune habitat - Fonseca's seed fly (*Botanophila fonscai*)

This rare fly is restricted globally to sand dune habitats, in proximity to Dornoch and Embo, and features on the Scottish Biodiversity List as requiring conservation action. The EIA shows that Coul Links supports a population of the fly.

³ This habitat may also support Ramsar wetland invertebrates.

As so little is known about this fly, we cannot estimate the level of disturbance that would be considered tolerable. The disturbance resulting from the creation of fairways and greens and the subsequent long-term stabilisation of the dunes will very likely damage parts of the species' habitat, with additional impacts arising from use of herbicides and insecticides.

We welcome the developer's intention to promote further research on this fly. The only mitigation proposed which is likely to benefit to Fonseca's seed fly is the retention of large areas supporting *Compositae* flowers (e.g. sow-thistle and black knapweed, etc.). Therefore, we recommend this is taken forward as mitigation should the proposal receive planning permission:

- Ensure large and important areas of *Compositae* flowers are retained throughout Coul Links for Fonseca's seed fly.

Previous surveys found the species in significantly greater numbers than the latest survey. This factor is likely to reduce the resilience of the population to such a proposal. Like most endemic species, this fly is intrinsically at risk of extinction.

Effects on notable species supported by SSSI sand dune habitat - Green felt-lichen (Peltigera malacea)

This lichen features on the Scottish Biodiversity List as requiring conservation action. This species was recently discovered at Coul Links on a survey visit with our lower plant specialist. An extensive population of this lichen were discovered within the footprint of hole 4 and five colonies outwith, but in close proximity to the fairway. Based on only a brief survey visit, we found that Coul Links supports around 10% of the UK green felt-lichen population.

Success of translocation is uncertain and unlikely to be viable in the long-term. Green felt-lichen depends on intermediate levels of disturbance (i.e. rabbit scraping) to maintain areas that are not dominated by other large plants. However, the impact of this development is likely to be stabilising and therefore negative.

As fairways will be fertilised, and greens and tees will be treated long-term, there is a risk of additional impact if the fertiliser were to leach into the surrounding vegetation. Use of fungicides also has potential for adverse impacts.

Effects on notable species supported by SSSI sand dune habitat – grassland fungi

A survey in 2003 found part of Coul Links to support a diverse range of waxcap grassland fungi. This area was identified as an Important Fungus Area (IFA) which qualified for national importance at that time, with more than 12 species of waxcaps recorded.

Diverse communities of fungi are strongly associated with grassland that has been relatively undisturbed and avoided applications of fertiliser. Fungicides will also have adverse effects on grassland fungi. The proposal will result in the loss of grassland fungi and potential negative impacts outwith the course footprint due to potential drift and leaching of fertiliser and fungicides. The proposal will affect approximately a third of the previously identified IFA.

Translocation of dune heath

Habitat translocation is an important element of the developer's strategy to make good losses from the footprint of the golf course. Research indicates that the long-term success of habitat translocation, as proposed for dune heath, is uncertain. Recent research shows that

the factors governing the success of translocation are poorly understood and that we should expect a high failure rate from this approach⁴.

Long-term course management, coastal geomorphology and climate change

Sand dune is a dynamic habitat so it is important to consider how long-term management of the course might affect the SSSI, especially in the context of climate change. Some tees and greens are located close to the dune edge and are therefore at risk from coastal erosion. Should coastal defences be used to protect parts of the golf course they would likely result in further adverse impacts to the sand dune through the introduction of structures affecting natural processes. Therefore, we recommend the following mitigation measures to reduce impacts should the proposal receive planning permission:

- The Coull Links coastline should remain free from future coastal defences proposed to protect golf course assets.
- A Coastal Retreat Plan should identify strategies and alternative layouts to inform future course management if parts of the course become adversely affected by coastal processes.

⁴ *Feasibility study: translocation of species for the establishment or protection of populations in northerly and/or montane environments* (2017). SNH Commission Report No. 913, <https://www.snh.scot/snh-commissioned-report-913-feasibility-study-translocation-species-establishment-or-protection>.



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Ms Gillian Webster
Planning Department
Highland Council
Drummuie
Golspie

By email: epc@highland.gov.uk

20 December 2017

Your Ref: 17/04404/FUL
Our Ref: CDM 147842

Dear Ms Webster,

Town & Country Planning (Scotland) Planning Act (as amended) Drilling of two boreholes and construction of water storage reservoir for irrigation of proposed Coul Links Golf Course.

Thank you for your letter dated 23 October 2017 requesting our comments on this proposal. We have relied on SEPA to inform us on the likely impacts of this proposal due to it involving ground water issues, which is normally not within our remit.

1. Summary

We note this application forms part of the proposal for a golf course at Coul Links. We provided advice to you on the golf course part of the proposal on 24 November. We recognise the potentially large economic benefits that could arise from that proposal and their local and regional significance. We also recognise and acknowledge the commitment and creative thinking by the applicant to develop measures to mitigate and offset impacts on important natural heritage interests.

On this specific application for two boreholes and reservoir, we are unable to fully support the proposal as presented, as it could affect internationally and nationally important natural heritage interests. **We therefore object to this proposal until further information is obtained from the applicant, as outlined below.** We understand that the applicant is currently working to provide this information. Once we have received it, we will give this proposal further consideration and work with the applicant and SEPA to try and overcome our concerns where possible.

2. Appraisal of impacts and advice

The proposal lies in close proximity to Dornoch Firth & Loch Fleet Special Protection Area (SPA). This SPA is protected for its range of non-breeding waterfowl and osprey.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Highland Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). For a summary of the

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB
Tel: 0300 0676841 Fax: 01408 634222 www.snh.gov.uk

An Ceangal, Roan Gníomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB
Fòn 0300 067 6841 Fax 01408 634222 www.snh.gov.uk

Legislative Requirements for European Sites, please refer to our website:
<https://www.snh.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal/habitats-regulations-appraisal-hra-appropriate>.

In our view, from the information available, it appears that in this case the proposal is not connected with or necessary for the conservation management of the site. Hence further consideration is required.

2.1 Dornoch Firth & Loch Fleet SPA

Teal and wigeon

SEPA has advised that there could be hydrological connectivity between the dune slack habitat and the bedrock aquifer where the permanent abstraction is proposed. There is currently insufficient information to determine whether the proposal is likely to have a significant effect on teal and wigeon, which use the dune slack when flooded. In order for this to be determined, we recommend that the following additional information is obtained:

- Clearer information on the water abstraction testing results should be provided showing what impact there may be (if any) to the local hydrology supporting the dune slack habitat. We refer you to Section 4 of the SEPA response (dated 12 December 2017) which sets out what we require to understand the hydrological connectivity.

If the planning authority intends to grant planning permission against this advice without the requested information, then you must notify Scottish Ministers.

Greylag geese and curlew

In our view, this proposal is likely to have a significant effect on greylag geese and curlew, which could be disturbed from feeding on nearby fields. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that, in our view, based on the information provided and our appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposal on the following factors:

- This proposal, combined with the proposed access route, is likely to cause some disturbance to greylag geese and curlew. However, the works are likely to be temporary, indicating that disturbance levels will subside. These SPA species may also continue to use the adjacent fields for feeding.

2.2 Loch Fleet Site of Special Scientific Interest (SSSI) and Dornoch Firth & Loch Fleet Ramsar Site

The proposal also lies in proximity of this SSSI and Ramsar site. These protected areas are nationally important for their sand dune habitat (e.g. dune slacks), which could be affected by this proposal.

We require further information to determine if the proposal will affect the integrity of these protected areas. We therefore object to this proposal until further information is obtained, as outlined within 2.1 above. We will comment further once the additional information has been provided.

If the planning authority intends to grant planning permission against this advice without the requested information, then you must notify Scottish Ministers.

3. Concluding comments

Please let David Patterson (David.patterson@snh.gov.uk) know if you need any further information or advice on this proposal. We would be happy to discuss the requests for further information with the applicant.

Yours sincerely,

David Mackay
Operations Manager
Northern Isles and North Highland

Rhoda Davidson

From: Iain Macdonald
Sent: 08 January 2018 17:14
To: 'Jim McIntosh'
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Jim

I didn't respond to you regarding Ramsar features. Please accept my apologies for the delay.

All the notified features that are listed in the SSSI citation are nationally important. The Ramsar features would be considered in context to the other protected area features and supporting habitats. The Ramsar hosted Habitats Directive Annex 1 features would therefore be assessed in relation to their importance or otherwise for the classified ornithological features of the SPA or the notified features of the SSSI.

Best wishes

Iain

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]
Sent: 07 December 2017 16:55
To: Iain Macdonald
Subject: Re[2]: Vascular Plant Assemblage

OK a few more questions...

1. Given that SSSIs are generally considered to be of national importance (in planning terms); are all the notified features that are listed in their citations nationally important on those sites.
2. If a Ramsar Site (that is also an SPA & SSSI, but not an SAC) states that it is internationally important because it contains a number of Habitats Directive Annex I features that would be significantly adversely affected by a proposal, would this sort of policy apply?:

For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. *Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.*

So in effect the proposal would be contrary to the development plan - yes?

Ta,
Jim

----- Original Message -----

From: "Iain Macdonald" <Iain.Macdonald@snh.gov.uk>

To: "Jim McIntosh" <jim.mcintosh@bsbi.org>

Cc: "Sarah Smyth" <Sarah.Smyth@snh.gov.uk>; "John Kerr" <John.Kerr@snh.gov.uk>

Sent: 07/12/2017 15:17:46

Subject: RE: Vascular Plant Assemblage

Hi Jim

Yes, when Reasons for Recommendation were written up in seeking permission to consult regarding a proposed SSSI, all NS and NR species (listed in the SSSI Selection Guidelines) ought to have been named in order to contribute to the points which meet or exceed the threshold. The important bit on the citation is the notified feature, if it says "vascular plant assemblage", then it is the assemblage that is notified. The citation text is really a descriptor and might not include mention of a species (for example if it were deemed sensitive to threat at the time). The quality of text in SSSI citations has been varied, with some being exceptionally short.

To be favourable the site would still need to meet the points threshold. To lose a species would suggest favourable, declining and conversely if true.

I have copied this to SNH's guru on SSSI designation matters (John) and SNH's guru on plant SSSIs (Sarah) just in case they have a different opinion to mine!

Best wishes

Iain

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]

Sent: 07 December 2017 15:06

To: Iain Macdonald

Subject: Vascular Plant Assemblage

Iain,

Is it true to say that on SSSIs in Scotland Vascular Plant Assemblages includes all Nationally Scarce or Nationally Rare species so listed at the time the site was notified. (And not just those listed in the citation under the Vascular Plant Assemblage heading.)

Cheers,

Jim

Rhoda Davidson

From: Iain Macdonald
Sent: 08 January 2018 17:14
To: 'Jim McIntosh'
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Jim

I didn't respond to you regarding Ramsar features. Please accept my apologies for the delay.

All the notified features that are listed in the SSSI citation are nationally important. The Ramsar features would be considered in context to the other protected area features and supporting habitats. The Ramsar hosted Habitats Directive Annex 1 features would therefore be assessed in relation to their importance or otherwise for the classified ornithological features of the SPA or the notified features of the SSSI.

Best wishes

Iain

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]
Sent: 07 December 2017 16:55
To: Iain Macdonald
Subject: Re[2]: Vascular Plant Assemblage

OK a few more questions...

1. Given that SSSIs are generally considered to be of national importance (in planning terms); are all the notified features that are listed in their citations nationally important on those sites.
2. If a Ramsar Site (that is also an SPA & SSSI, but not an SAC) states that it is internationally important because it contains a number of Habitats Directive Annex I features that would be significantly adversely affected by a proposal, would this sort of policy apply?:

For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. *Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.*

So in effect the proposal would be contrary to the development plan - yes?

Ta,
Jim

----- Original Message -----

From: "Iain Macdonald" <Iain.Macdonald@snh.gov.uk>

To: "Jim McIntosh" <jim.mcintosh@bsbi.org>

Cc: "Sarah Smyth" <Sarah.Smyth@snh.gov.uk>; "John Kerr" <John.Kerr@snh.gov.uk>

Sent: 07/12/2017 15:17:46

Subject: RE: Vascular Plant Assemblage

Hi Jim

Yes, when Reasons for Recommendation were written up in seeking permission to consult regarding a proposed SSSI, all NS and NR species (listed in the SSSI Selection Guidelines) ought to have been named in order to contribute to the points which meet or exceed the threshold. The important bit on the citation is the notified feature, if it says "vascular plant assemblage", then it is the assemblage that is notified. The citation text is really a descriptor and might not include mention of a species (for example if it were deemed sensitive to threat at the time). The quality of text in SSSI citations has been varied, with some being exceptionally short.

To be favourable the site would still need to meet the points threshold. To lose a species would suggest favourable, declining and conversely if true.

I have copied this to SNH's guru on SSSI designation matters (John) and SNH's guru on plant SSSIs (Sarah) just in case they have a different opinion to mine!

Best wishes

Iain

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]

Sent: 07 December 2017 15:06

To: Iain Macdonald

Subject: Vascular Plant Assemblage

Iain,

Is it true to say that on SSSIs in Scotland Vascular Plant Assemblages includes all Nationally Scarce or Nationally Rare species so listed at the time the site was notified. (And not just those listed in the citation under the Vascular Plant Assemblage heading.)

Cheers,

Jim

Rhoda Davidson

From: John Kerr
Sent: 16 January 2018 11:41
To: Dave Mackay; Crispin Hill
Cc: David Patterson
Subject: RE: Ramsar query - SG - development within Dornoch Firth & Loch Fleet Ramsar Site n. 897 - 15 January 2018 (A2508388)

Dave

Shona has confirmed that the four Red Data invertebrates noted on the Ramsar Information Sheet and citation are features of the Ramsar site - Sitelink needs to be updated. These are *Callicera rufa*, *Grzegorzekia collaris*, *Mycomya lambi* and *Tipula nodicornis*. However there is a bit of confusion, as the last 2 are in the Departmental Brief, but not the Ramsar Information Sheet which has *Dicanthous (Harminius) undulates* and *Saldula opacula* listed instead.

Also the plants that are listed on the Ramsar Information Sheet and citation features are *Carex maritima*, *Centaurium littorale*, *Juncus balticus*, *Zostera angustifolia*, *Zostera noltei*. Some of these are mentioned in the Departmental Brief as components of other protected habitats.

Although we assume that Ramsar features are appropriately considered through the underlying SSSI or Natura designations, at Coull the invertebrates and (maybe) some of the plants are not features of the underlying SSSI. I have discussed this with Greg, who has confirmed that we do not therefore have the ability to make an assessment of these features at Coull.

I hope this sheds some light on this

John

-----Original Message-----

From: Dave Mackay
Sent: 16 January 2018 08:49
To: John Kerr; Crispin Hill
Cc: David Patterson
Subject: Ramsar query - SG - development within Dornoch Firth & Loch Fleet Ramsar Site n. 897 - 15 January 2018 (A2508388)

Crispin and John, cc. David

Following on from our meeting yesterday, it would be worth you being aware of the Ramsar queries also coming through government.

Nick and I spoke after our meeting about the RSPB Ramsar letter - Nick is not minded to reply saying much, but we'll wait until Shona has checked out the Ramsar site feature issue first.

thanks,

Dave.

Dave Mackay has sent you a link to "Ramsar query - SG - development within Dornoch Firth & Loch Fleet Ramsar Site n. 897 - 15 January 2018" (A2508388) from Objective.

Open in Navigator

Double click on the attachment

Open in Your Browser

Latest: <https://erdms.snh.gov.uk/id:A2508388/document/versions/latest>

Published: <https://erdms.snh.gov.uk/id:A2508388/document/versions/published>

Rhoda Davidson

From: Crispin Hill
Sent: 11 January 2018 09:50
To: John Kerr
Cc: Dave Mackay; David Patterson
Subject: FW: Ramsa obligations

Hi John,

I had request yesterday from Dave (see below) regarding an enquiry from the barrister representing 'Not Coul'.

I have gone to the Ramsar website to try and gain a better understanding of what the concept of 'wise use' means in practice. I have also begun to read the Conceptual Framework that is mentioned there, but frankly I'd rather not spend too much time on this just now (unless it transpires that it is necessary, which I am hoping it is not).

To summarise, it seems that the concept is, not surprisingly, intended to protect wetlands ensuring their continuation of functions while allowing sustainable use of them. Guidelines that build upon the concept of wise use urge: the adoption of policies by the country signatories, development of programmes linked to wetlands to help understand and promote them, and to take action (including integrated management plans) to help protect the wetlands.

Of course all this is long ago and most of us have little recollection of any of this, or any understanding of if / how this might have been taken into account (Nigel B might know of course).

I suspect that these requirements of the Ramsar Convention may be dealt with implicitly through the requirements of other legislation (Habs Regs and 2004 Regs etc.) and thence more explicitly through SPP's assertion (paragraph 211) that all Ramsar sites are either SSSIs or Natura sites and are protected under the relevant statutory regimes. However if you have time I'd appreciate some feedback from yourself on this.

If this is the case then hopefully this enquiry can be dealt with relatively succinctly.

Any thoughts appreciated.

Crispin

From: Dave Mackay
Sent: 10 January 2018 10:33
To: David Patterson; Crispin Hill
Subject: FW: Ramsa obligations

Crispin, cc. David

Could you advise over John's request below – I'm afraid I don't understand what he is asking.

thanks,

Dave.

From: jdcampbell [mailto:jcampbellqc@advocates.org.uk]
Sent: 10 January 2018 10:17
To: Dave Mackay
Subject: Ramsa obligations

Dear Dave

Good morning. I act for *Not Coul*, the third party objector group engaged in opposing the application for a golf course at Coul Links. I think you led on the SNH response to the application, which is of course now in the public domain, along with my clients' objection.

I am interested in exploring Member States' obligation under the RAMSAR Convention. I have been referred by the Head Office people to DEFRA, and thence to SNH, and I understand from a contact at SNH's HQ that you have may charge now of the Ramsar secretariat Inquiry. Ramsar have "opened a file" on the Coul application, whatever that may mean.

Designation as a RAMSAR site does not of course proscribe development activity on a site. But the idea of "wise use" as articulated in the Treaty demands exploration and explanation, and I wonder if you would agree that perhaps SNH has some way to go yet in explaining this to the Planning Authority which will have to make at least the initial decision.

Would it be possible to have a quick word with you about this sometime today or tomorrow? If you send me a number I can call you.

Kind regards
John Campbell

John Campbell QC Hon FRIAS

m: [REDACTED] | **e:** jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF **t:** 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE **t:** 0191 232 1927

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager, sysadmin@advocates.org.uk This footnote also confirms that this email message has been swept by Mimecast Ltd for the presence of computer viruses. Visit our website at www.advocates.org.uk

Rhoda Davidson

From: David Patterson
Sent: 09 January 2018 13:02
To: Greg Mudge
Subject: Construction of 18 hole golf course and infrastructure - RESPONSES TO LPA - Coul Links Golf Course - Loch Fleet SSSI
Attachments: A2475025.pdf; Borehole abstraction and construction of reservoir - PDF RESPONSE TO LPA - Coul Links Golf Course - Loch Fleet SSSI - 20 December 2017.pdf; EIA Addendum - Planning Application - PDF RESPONSE TO LPA - Coul Links Golf Course - Loch Fleet SSSI - 20 December 2017.pdf

Hi Greg,

Please find attached our responses to the planning applications linked to Coul Links Golf Course, as requested.

We are currently working with the developer on a Recreation & Access Management Plan to reduce potential disturbance issues to SPA/Ramsar birds.

Give me a call if you need any additional information at this time.

Kind regards,

David.

David Patterson

Operations Officer – North Highland & Northern Isles

☎ 0300 067 3108

Please note, I normally work Mon-Thurs only.

Scottish Natural Heritage | The Links | Golspie Business Park | Golspie | Sutherland | KW10 6UB.

☎ 0300 067 6841

✉ North@snh.gov.uk

🌐 www.snh.scot

David Patterson has sent you copies of the following 3 documents from Objective:

"EIA - Planning Application - Construction of 18 hole golf course and infrastructure - PDF RESPONSE TO LPA - Coul Links Golf Course - Loch Fleet SSSI - 24 November 2017" (A2475025) v1.0

"Borehole abstraction and construction of reservoir - PDF RESPONSE TO LPA - Coul Links Golf Course - Loch Fleet SSSI - 20 December 2017" (A2495080) v1.0

"EIA Addendum - Planning Application - PDF RESPONSE TO LPA - Coul Links Golf Course - Loch Fleet SSSI - 20 December 2017" (A2495079) v1.0

David,

See below. Defra now want to update the Ramsar secretariat.

Are you able to send me a link to the formal SNH response to the planning application, and let me know of any other relevant updates.

Greg

From: [REDACTED] (DEFRA) [REDACTED]@defra.gsi.gov.uk]

Sent: 08 January 2018 15:40

To: [REDACTED] (Defra); [REDACTED]@gov.scot
Cc: Greg Mudge; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED] (DEFRA)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi all,

I hope you had a great break.

Do we have an update for the status of this site at all?

Kindest,

[REDACTED]
From: [REDACTED] (DEFRA)

Sent: 07 December 2017 12:04

To: [REDACTED] (Defra); [REDACTED]@defra.gsi.gov.uk; [REDACTED]@gov.scot

Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@defra.gsi.gov.uk; [REDACTED]@defra.gsi.gov.uk

Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hello all,

I hope you're doing well.

[REDACTED] do you have an update for the SNH's response for the site?

You all may enjoy this video, sent to us by Mr Campbell here www.notcoul.com.

Kindest,

[REDACTED]
[REDACTED] | International Ecosystems & Climate Change | Department for Environment, Food, and Rural Affairs | Tel: [REDACTED] | Mob: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 1E Nobel House, 17 Smith Square, London SW1P 3JR

From: [REDACTED] (Defra)

Sent: 09 November 2017 11:44

To: [REDACTED]@gov.scot

Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED] (DEFRA); [REDACTED]@defra.gsi.gov.uk

Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED]

Yes, that should be fine.

[REDACTED] suggest a holding response to the Ramsar Secretariat and Mr. Campbell (who has also now written to Defra about this issue) along the lines that we are discussing with the relevant authorities in Scotland and will respond in due course.

Kind regards

[REDACTED]
[REDACTED] | Protected Areas Team | Wildlife Policy | Department for Environment, Food and Rural Affairs

Direct line: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]

Sent: 07 November 2017 17:00

To: [REDACTED] (Defra) [mailto:[REDACTED]@defra.gsi.gov.uk]

Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot

Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED]

Thanks for forwarding this. It's a live local authority planning case for which SNH's response as a statutory consultee is expected later this month. Could we await sight of SNH's response (issuing a holding response if necessary) before considering how we might respond to the Ramsar secretariat? Note that we have slightly different policy on Ramsar protection in Scotland (as provided in Scottish Planning Policy <http://www.gov.scot/Publications/2010/02/03132605/8>)

136. Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

Regards,

[REDACTED]

[REDACTED]

Natural Resources Division | Directorate for Environment and Forestry

The Scottish Government | 3G South, Victoria Quay | Edinburgh EH6 6QQ | T: [REDACTED]
BlackBerry: [REDACTED]

From: [REDACTED] (Defra) [mailto:[REDACTED]@defra.gsi.gov.uk]

Sent: 25 October 2017 09:46

To: [REDACTED] Greg Mudge

Subject: FW: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi both,

We've received a communication from the Ramsar secretariat concerning the above proposed development. I assume any potential impacts on the Ramsar site (*Dornoch Firth and Loch Fleet*) arising from the development would need to be mitigated if the development were to be approved, noting that it's unlikely to meet the IROPI tests and therefore not trigger the need for compensatory habitat.

I'd welcome a line that we can provide to the Secretariat in order to address their concerns. Our standard response to such queries (local planning developments) is along the following lines:

Ramsar sites in England are afforded strict protection through the National Planning Policy Framework. In the event that impacts on the ecological character of the Ramsar site are subsequently envisaged and final planning permission for this development is approved by the competent authority notwithstanding such impacts, we will inform the Secretariat accordingly.

However, such a decision by the competent authority would appear unlikely as this would only occur in the absence of feasible alternatives, for reasons of overriding public interest (and compensatory measures secured). Developments of this scale are unlikely to meet this test.

Thanks

█

█ | █ | **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs

Direct line: █ | Email: █@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: RAMSAR EUROPE [mailto:europa@ramsar.org]

Sent: 17 October 2017 10:33

To: █ (DEFRA) █@defra.gsi.gov.uk>

Subject: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Dear █

We have heard about a planned golf course development in dune habitats of the Dornoch Firth and Loch Fleet Ramsar Site, number 897. Please if you could inform us if this development is likely to have a negative impact on the ecological character of the Site and if so, what compensation measures are foreseen.

We are looking forward to hearing from you and in the meantime we are opening a potential Art 3.2 case for this Site.

Best regards,

█



█
Assistant - Advisor for Europe

Ramsar Convention Secretariat

28 rue Mauverney, CH-1196 Gland (Switzerland)

Tel: █; fax +41 22 999 0169

www.ramsar.org | Join us: www.facebook.com/RamsarConventionOnWetlands

Rhoda Davidson

From: jdcampbell <jcampbellqc@advocates.org.uk>
Sent: 10 January 2018 10:17
To: Dave Mackay
Subject: Ramsa obligations

Dear Dave

Good morning. I act for *Not Coul*, the third party objector group engaged in opposing the application for a golf course at Coul Links. I think you led on the SNH response to the application, which is of course now in the public domain, along with my clients' objection.

I am interested in exploring Member States' obligation under the RAMSAR Convention. I have been referred by the Head Office people to DEFRA, and thence to SNH, and I understand from a contact at SNH's HQ that you have may charge now of the Ramsar secretariat Inquiry. Ramsar have "opened a file" on the Coul application, whatever that may mean.

Designation as a RAMSAR site does not of course proscribe development activity on a site. But the idea of "wise use" as articulated in the Treaty demands exploration and explanation, and I wonder if you would agree that perhaps SNH has some way to go yet in explaining this to the Planning Authority which will have to make at least the initial decision.

Would it be possible to have a quick word with you about this sometime today or tomorrow? If you send me a number I can call you.

Kind regards

John Campbell

John Campbell QC Hon FRIAS

m: [REDACTED] | e: jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF t: 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE t: 0191 232 1927

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager, sysadmin@advocates.org.uk This footnote also confirms that this email message has been swept by Mimecast Ltd for the presence of computer viruses. Visit our website at www.advocates.org.uk

Rhoda Davidson

From: Dave Mackay
Sent: 16 January 2018 08:33
To: [REDACTED]@gov.scot'
Cc: Greg Mudge
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED]
Yes, that's correct.

Thanks,

David Mackay
Operations Manager
Northern Isles & North Highland

Scottish Natural Heritage
The Links
Golspie Business Park
Golspie
Sutherland
KW10 6UB

Tel: 0300 067 6841
Email: dave.mackay@snh.gov.uk

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 15 January 2018 15:33
To: Dave Mackay
Cc: Greg Mudge
Subject: FW: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Dave

There's a bit of traffic here on the potential Ramsar impacts of Coul Links. I've looked at the SNH response (and addendum) to the planning application and want to check that SNH's concerns in relation to the SSSI dune and SPA birds are also (in both cases) concerns as far as Ramsar commitments go?

[REDACTED]

From: [REDACTED] (Defra) [mailto:[REDACTED]@defra.gsi.gov.uk]
Sent: 15 January 2018 10:39
To: [REDACTED]; [REDACTED] (DEFRA)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED]
Will do.

[REDACTED]

██████████ | Protected Areas Team | Wildlife Policy | Department for Environment, Food and Rural Affairs
Direct line: ██████████ | Email: ██████████@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: ██████████@gov.scot [mailto:██████████@gov.scot]
Sent: 15 January 2018 10:37
To: ██████████ (Defra) ██████████@defra.gsi.gov.uk>; ██████████ (DEFRA) ██████████@defra.gsi.gov.uk>
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

██████████

Can you hang fire on this please, I need to confirm with SNH what the Ramsar impacts are likely to be should consent be granted. I don't expect that to delay things much more.

Regards,

██████████

From: ██████████ (Defra) [mailto:██████████@defra.gsi.gov.uk]
Sent: 09 January 2018 13:41
To: ██████████ ██████████ (DEFRA)
Cc: Greg.Mudge@snh.gov.uk; Connal K (Keith); ██████████; ██████████ ██████████ (DEFRA); ██████████; ██████████
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

██████████

Thanks, understood. I therefore suggest we supply a short response to that effect along the following lines (I don't think we need attach the SNH responses but I assume these are publically available in any case on the local authority's planning website along with other consultee responses):

"Ramsar sites in Scotland and elsewhere in the UK are afforded strict protection within the planning system. Adverse impacts on Ramsar sites arising from proposed development must be avoided, mitigated or as a last resort compensated before consent can be granted. Where a competent authority agree to issue a consent for reasons of urgent national interest, notwithstanding potential adverse impacts on a Ramsar site, compensatory measures will be secured and we will inform the Ramsar Secretariat accordingly.

We understand that Scottish Natural Heritage (Scottish Government's nature conservation advisor) has been consulted by the competent authority and has raised concerns about this particular planning proposal. In such cases the competent authority is required to notify Scottish Ministers should the competent authority be minded to grant consent. Scottish Ministers would have a number of options at that stage including the facility to call-in the application for their own determination (which they can do at any time).

We will update the Ramsar Secretariat in due course. However, to clarify, there are currently no impacts on the Dornoch Firth and Loch Fleet Ramsar site arising from this planning proposal as it is still under consideration by the relevant competent authorities."

Is this okay?

Re your question about compensatory measures, Article 4.2 of the Ramsar Convention requires that *"Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat"*.

In England (and elsewhere in the UK, although I'm aware that Scotland take a slightly different approach), we meet this obligation through affording Ramsar sites the same protection as European sites (noting that in most case

Ramsar sites are in any case double badged). We interpret the 'urgent national interest' test as analogous to the 'imperative reasons of overriding public interest' test under Article 6.4 the EU Habitats Directive.

Kind regards

██████████
██████████ | Protected Areas Team | Wildlife Policy | Department for Environment, Food and Rural Affairs
Direct line: ██████████ | Email: ██████████@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: ██████████@gov.scot [mailto:██████████@gov.scot]

Sent: 09 January 2018 10:57

To: ██████████ (DEFRA) ██████████@defra.gsi.gov.uk>; ██████████ (Defra)

██████████@defra.gsi.gov.uk>

Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; ██████████@gov.scot; ██████████@gov.scot; ██████████

██████████ (DEFRA) <██████████@defra.gsi.gov.uk> ██████████@gov.scot; ██████████@gov.scot

Subject: RE: Planned golf course development within Dronish Firth and Loch Fleet Ramsar Site n. 897

Hi ██████████

I attach letters from SNH containing advice (24 November) and additional advice (20 December) for information. SNH is objecting to the proposal on two counts:

- i. the proposal will result in significant adverse effects on sand dune habitat of national importance
- ii. the proposal could affect internationally important bird interests (although also notes that this could be overcome by a competent Recreation & Access Management Plan and a Breeding Bird Protection Plan

We expect the local authority to take a decision on the proposal later this month. Because SNH has objected, the local authority is required to notify Scottish Ministers should the local authority be minded to grant consent; Scottish Ministers would have a number of options at that stage including the facility to call-in the application for their own determination (which they can do at any time).

Looking again at the approach below from the Ramsar Secretariat, they use the terminology "planned golf course development". Do you think they might be under the impression that the golf course has been granted planning permission? If so, that's not correct. Looking at the text of the Convention, we're only required to notify them if the ecological character has changed, is changing or is likely to change as a result of technological developments, human interference etc and I don't think any of those is in play at the current time.

Also, I noticed that they are seeking information on compensation measures. Do you know where the Ramsar Convention sets out a requirement for compensation measures?

Regards,

██████████
██████████
Natural Resources Division | Directorate for Environment and Forestry



From: [REDACTED] (DEFRA) [mailto:[REDACTED]@defra.gsi.gov.uk]
Sent: 08 January 2018 15:40
To: [REDACTED] (Defra) [REDACTED]
Cc: Greg.Mudge@snh.gov.uk; Connal K (Keith); [REDACTED] (DEFRA)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi all,

I hope you had a great break.

Do we have an update for the status of this site at all?

Kindest,

[REDACTED]

From: [REDACTED] (DEFRA)
Sent: 07 December 2017 12:04
To: [REDACTED] (Defra) [REDACTED]@defra.gsi.gov.uk>; [REDACTED]@gov.scot
Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot;
[REDACTED]@defra.gsi.gov.uk; [REDACTED]@defra.gsi.gov.uk>
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hello all,

I hope you're doing well.

[REDACTED] do you have an update for the SNH's response for the site?

You all may enjoy this video, sent to us by Mr Campbell here www.notcoul.com.

Kindest,

[REDACTED]

[REDACTED] | [REDACTED] | International Ecosystems & Climate Change | Department for Environment, Food, and Rural Affairs | Tel: [REDACTED]
[REDACTED] | Mob: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 1E Nobel House, 17 Smith Square, London SW1P 3JR

From: [REDACTED] (Defra)
Sent: 09 November 2017 11:44
To: [REDACTED]@gov.scot
Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]
[REDACTED] (DEFRA) <[REDACTED]@defra.gsi.gov.uk>
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED]

Yes, that should be fine.

[REDACTED] suggest a holding response to the Ramsar Secretariat and Mr. Campbell (who has also now written to Defra about this issue) along the lines that we are discussing with the relevant authorities in Scotland and will respond in due course.

Kind regards

[REDACTED] | Protected Areas Team | Wildlife Policy | Department for Environment, Food and Rural Affairs
Direct line: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 07 November 2017 17:00
To: [REDACTED] (Defra) <[REDACTED]@defra.gsi.gov.uk>
Cc: Greg.Mudge@snh.gov.uk; Keith.Connal@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED]

Thanks for forwarding this. It's a live local authority planning case for which SNH's response as a statutory consultee is expected later this month. Could we await sight of SNH's response (issuing a holding response if necessary) before considering how we might respond to the Ramsar secretariat? Note that we have slightly different policy on Ramsar protection in Scotland (as provided in Scottish Planning Policy <http://www.gov.scot/Publications/2010/02/03132605/8>)

136. Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

Regards,

[REDACTED]
[REDACTED]
Natural Resources Division | Directorate for Environment and Forestry

The Scottish Government | 3G South, Victoria Quay | Edinburgh EH6 6QQ | T: [REDACTED]
BlackBerry: [REDACTED]

From: [REDACTED] (Defra) [mailto:[REDACTED]@defra.gsi.gov.uk]
Sent: 25 October 2017 09:46
To: [REDACTED] Greg Mudge
Subject: FW: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi both,

We've received a communication from the Ramsar secretariat concerning the above proposed development. I assume any potential impacts on the Ramsar site (*Dornoch Firth and Loch Fleet*) arising from the development would need to be mitigated if the development were to be approved, noting that it's unlikely to meet the IROPI tests and therefore not trigger the need for compensatory habitat.

I'd welcome a line that we can provide to the Secretariat in order to address their concerns. Our standard response to such queries (local planning developments) is along the following lines:

Ramsar sites in England are afforded strict protection through the National Planning Policy Framework. In the event that impacts on the ecological character of the Ramsar site are subsequently envisaged and final planning permission for this development is approved by the competent authority notwithstanding such impacts, we will inform the Secretariat accordingly.

However, such a decision by the competent authority would appear unlikely as this would only occur in the absence of feasible alternatives, for reasons of overriding public interest (and compensatory measures secured). Developments of this scale are unlikely to meet this test.

Thanks

██████████
██████████ **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs
Direct line: ██████████ | Email: ██████████@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: RAMSAR EUROPE [mailto:europa@ramsar.org]

Sent: 17 October 2017 10:33

To: ██████████ (DEFRA) ██████████@defra.gsi.gov.uk>

Subject: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Dear ██████████

We have heard about a planned golf course development in dune habitats of the Dornoch Firth and Loch Fleet Ramsar Site, number 897. Please if you could inform us if this development is likely to have a negative impact on the ecological character of the Site and if so, what compensation measures are foreseen.

We are looking forward to hearing from you and in the meantime we are opening a potential Art 3.2 case for this Site.

Best regards,

██████████



██████████ ██████████
Assistant - Advisor for Europe
Ramsar Convention Secretariat
28 rue Mauverney, CH-1196 Gland (Switzerland)
Tel ██████████; fax +41 22 999 0169
www.ramsar.org | Join us: www.facebook.com/RamsarConventionOnWetlands

This communication, together with any attachment, may contain confidential information and/or copyright material and is intended only for the person(s) to whom it is addressed. If you are not the intended recipient of this communication, or if you received it in error and you are asked to kindly delete it and promptly notify us. Any review, copying, use, disclosure or distribution of any part of this communication, unless duly authorized by or on behalf of Ramsar, is strictly forbidden.

This communication, together with any attachment, may contain confidential information and/or copyright material and is intended only for the person(s) to whom it is addressed. If you are not the intended recipient of this communication, or if you received it in error, you are asked to kindly delete it and promptly

notify us. Any review, copying, use, disclosure or distribution of any part of this communication, unless duly authorized by or on behalf of IUCN, is strictly forbidden.

Department for Environment, Food and Rural Affairs (Defra)

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender.

Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems.

Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

This email has been received from an external party and has been swept for the presence of computer viruses.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

This email has been received from an external party and has been swept for the presence of computer viruses.

This email has been received from an external party and has been swept for the presence of computer viruses.

This email has been received from an external party and has been swept for the presence of computer viruses.

Rhoda Davidson

From: Dave Mackay
Sent: 16 January 2018 10:14
To: David Patterson; Crispin Hill; John Kerr
Subject: for info: Ramsar obligations

Crispin, David and John,

Just to say I've had a further conversation with John Campbell this morning. He seemed quite content with what I said and he accepts that the situation regarding Ramsar sites in England is clearer/stricter than in Scotland. We also discussed SNH's objection could be read as saying we didn't think the development was a sustainable proposal or a "wise use" of the site as currently presented, without us explicitly saying it – which he could understand. We also discussed his letter to the Ramsar Secretariat and I mentioned I was aware of dialogue with DEFRA and SG, as he had heard nothing since November, but hopefully he will get a response before too long. He said he may contact me again, but was content with my response for now.

thanks,

Dave.

From: jdcampbell [<mailto:jcampbellqc@advocates.org.uk>]
Sent: 10 January 2018 10:17
To: Dave Mackay
Subject: Ramsa obligations

Dear Dave

Good morning. I act for *Not Coul*, the third party objector group engaged in opposing the application for a golf course at Coul Links. I think you led on the SNH response to the application, which is of course now in the public domain, along with my clients' objection.

I am interested in exploring Member States' obligation under the RAMSAR Convention. I have been referred by the Head Office people to DEFRA, and thence to SNH, and I understand from a contact at SNH's HQ that you have may charge now of the Ramsar secretariat Inquiry. Ramsar have "opened a file" on the Coul application, whatever that may mean.

Designation as a RAMSAR site does not of course proscribe development activity on a site. But the idea of "wise use" as articulated in the Treaty demands exploration and explanation, and I wonder if you would agree that perhaps SNH has some way to go yet in explaining this to the Planning Authority which will have to make at least the initial decision.

Would it be possible to have a quick word with you about this sometime today or tomorrow? If you send me a number I can call you.

Kind regards

John Campbell

John Campbell QC Hon FRIAS

m: [REDACTED] | e: jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF t: 0131 226 5071

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager, sysadmin@advocates.org.uk This footnote also confirms that this email message has been swept by Mimecast Ltd for the presence of computer viruses. Visit our website at www.advocates.org.uk

Rhoda Davidson

From: John D. Campbell <jcampbellqc@advocates.org.uk>
Sent: 16 January 2018 19:01
To: Dave Mackay
Subject: Re: Ramsa obligations

Thanks for your time on the hone today. I think the differences between English and Scots practice is very interesting, given that there is one Member State signing up to the Treaty. I'll have to think about this a little harder!

Whether or not different tests should be applied to the various protected interests is a question for another day.

Most grateful to you, in any event.

Kind regards

John

John Campbell QC Hon FRIAS

m: [REDACTED] | **e:** jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF **t:** 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE **t:** 0191 232 1927

On 15 Jan 2018, at 16:59, Dave Mackay <Dave.Mackay@snh.gov.uk> wrote:

Dear John,

I've now had a chance to discuss further with colleagues – so do you want to call me when it suits you. I'm around all day tomorrow, until 2pm on Wed and then all day on Friday.

Kind regards,

David Mackay
Operations Manager
Northern Isles & North Highland

Scottish Natural Heritage
The Links
Golspie Business Park
Golspie
Sutherland
KW10 6UB

Tel: 0300 067 6841
Email: dave.mackay@snh.gov.uk

From: jdcampbell [mailto:jcampbellqc@advocates.org.uk]
Sent: 10 January 2018 10:17
To: Dave Mackay
Subject: Ramsa obligations

Dear Dave

Good morning. I act for *Not Coul*, the third party objector group engaged in opposing the application for a golf course at Coul Links. I think you led on the SNH response to the application, which is of course now in the public domain, along with my clients' objection.

I am interested in exploring Member States' obligation under the RAMSAR Convention. I have been referred by the Head Office people to DEFRA, and thence to SNH, and I understand from a contact at SNH's HQ that you have may charge now of the Ramsar secretariat Inquiry. Ramsar have "opened a file" on the Coul application, whatever that may mean.

Designation as a RAMSAR site does not of course proscribe development activity on a site. But the idea of "wise use" as articulated in the Treaty demands exploration and explanation, and I wonder if you would agree that perhaps SNH has some way to go yet in explaining this to the Planning Authority which will have to make at least the initial decision.

Would it be possible to have a quick word with you about this sometime today or tomorrow? If you send me a number I can call you.

Kind regards
John Campbell

John Campbell QC Hon FRIAS

m: [REDACTED] | **e:** jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF t: 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE t: 0191 232 1927

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager, sysadmin@advocates.org.uk This footnote also confirms that this email message has been swept by Mimecast Ltd for the presence of computer viruses. Visit our website at www.advocates.org.uk

--

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Please note that for business purposes, outgoing and incoming emails from and to SNH may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH.

Rhoda Davidson

From: Iain Macdonald
Sent: 08 January 2018 17:11
To: David Patterson
Subject: RE: Re[2]: Vascular Plant Assemblage

Thanks Dave – much appreciated.

Iain

From: David Patterson
Sent: 08 January 2018 16:56
To: Iain Macdonald
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Iain,

Give me a call if you think this requires more discussion, but modified text as below.

“Hi Jim

All the notified features that are listed in the SSSI citation are nationally important. The Ramsar features would be considered in context to the other protected area features and supporting habitats”.

I don't understand the following sentence, so I have removed it to try to keep things simple; “The Ramsar hosted Habitats Directive Annex 1 features would therefore be assessed in relation to their importance or otherwise for the classified ornithological features of the SPA or the notified features of the SSSI”.

Please contact Crispin Hill (Natura Advisor) if you need further clarification or information.

Best wishes,

David.

David Patterson
Operations Officer – North Highland & Northern Isles
☎ 0300 067 3108
Please note, I normally work Mon-Thurs only.

Scottish Natural Heritage | The Links | Golspie Business Park | Golspie | Sutherland | KW10 6UB.

☎ 0300 067 6841
✉ North@snh.gov.uk
🌐 www.snh.scot

From: Iain Macdonald
Sent: 08 January 2018 13:57
To: David Patterson
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Dave

Just something short, if you could amend on the draft which I wrote below. I am out of practice regarding Ramsar features and in anycase things will probably have moved on over the last 10 years or so. At the moment the enquiry from Jim is in effect "hanging" and since he asked the question it would be good to provide an answer!

From our discussion it sounds like that *Juncus balticus*, if it is indeed at Coul Links, would be protected through other notified features.

Happy New Year from Inverness!

Iain

From: David Patterson
Sent: 08 January 2018 12:30
To: Iain Macdonald
Subject: RE: Re[2]: Vascular Plant Assemblage

Thanks Iain,

Let me know if still need Area input on this.

Best wishes to you.

David.

From: Iain Macdonald
Sent: 04 January 2018 12:09
To: David Patterson
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Dave

I understand completely! I haven't checked with Jim if it is too late for him to respond, but out of courtesy it would be good if we could respond to his original question, particularly should he have a different interpretation of the Ramsar designation to us.

I went out on Coul before Christmas to see the two shore larks which had been around for some time. I spent a good half hour watching the birds. Prior to locating them I flushed a jack snipe which had been out in the open, but which I nearly stood on before it took flight. Lots of happy memories!

Iain

From: David Patterson
Sent: 20 December 2017 16:38
To: Iain Macdonald
Subject: RE: Re[2]: Vascular Plant Assemblage

Hi Iain,

Sorry, I am struggling to find time to respond to you on this. I know it will take time to consider this due to the complications of different features within the Dornoch Firth & Loch Fleet protected areas. Would I be able to respond to you in early Jan or would this be too late for Jim?

Thanks,

David.

David Patterson

Operations Officer – North Highland & Northern Isles

☎ 0300 067 3108

Please note, I normally work Mon-Thurs only.

Scottish Natural Heritage | The Links | Golspie Business Park | Golspie | Sutherland | KW10 6UB.

☎ 0300 067 6841

✉ North@snh.gov.uk

🌐 www.snh.scot

From: Iain Macdonald

Sent: 14 December 2017 15:52

To: David Patterson

Subject: FW: Re[2]: Vascular Plant Assemblage

Hi Dave

Just in case the enquiry by BSBI regarding Ramsar sites might involve Coul Links, and in light of John's advice below, would you be happy for me to respond to Jim McIntosh of BSBI with the following generic advice re. Ramsar sites:

"Hi Jim

1. All the notified features that are listed in the SSSI citation are nationally important.
2. The Ramsar site features would be safeguarded through implementation of the SPA appropriate assessment and assessment of the likely impact upon the notified SSSI features. The Ramsar hosted Habitats Directive Annex 1 features would therefore be assessed in relation to their importance or otherwise for the classified ornithological features of the SPA or the notified features of the SSSI.

Best wishes

Iain"

Many thanks

Iain

From: John Kerr

Sent: 11 December 2017 14:14

To: Iain Macdonald

Subject: RE: Re[2]: Vascular Plant Assemblage

Iain

Coul highlighted an oddity in the Ramsar designation in that it can include SAC features as well as SPA ones. This means that the general assumption that the Ramsar interests will be covered by the HRA process for the SPA do not always apply, such as at Coul. I cannot remember how these habitat Ramsar features were assessed as I was not involved. However as a general point, the features of a Ramsar site are usually shared with an overlying SPA, SAC or SSSI, and so the relevant assessment procedures for these designations will normally also apply to the Ramsar features.

You should maybe check with Stewart Angus or David Patterson on the detail of how the Ramsar site was dealt with at Coul.

John

From: Iain Macdonald
Sent: 11 December 2017 11:03
To: John Kerr
Subject: RE: Re[2]: Vascular Plant Assemblage
Importance: High

Hi John

I received two email last week from BSBI. The first was regarding vascular plant assemblage which I answered. The second one below refers to Ramsar sites, a curious topic for BSBI to be writing to me about. It is possible that the enquiry relates to the Coul Links development proposal. With that in mind I would like to have your expert opinion on how to answer the Ramsar question in case it appears as evidence at a later stage.

I have as a draft answered Jim's two questions briefly below. I am uncertain about the Ramsar features and how they would be assessed. Please could you check that what I have written is correct and make any amendments. For the Ramsar features would you be able to provide a more detailed form of words?

The marking of the email as a high priority is not due to the time scale required to respond, but rather to flag up that the response could on a subsequent date appear in front of a Reporter.

Many thanks

Iain

Draft text in reply and which requires checking:

"Hi Jim

1. All the notified features that are listed in the SSSI citation are nationally important.
2. The Ramsar site would be safeguarded through the SPA appropriate assessment. The hosted Habitats Directive Annex 1 features would be assessed in relation to their importance or otherwise for the classified ornithological features of the SPA. The text in your email in relation to Habitats Directive Annex 1 features relates to where these are classified features of a SAC.

Best wishes

Iain"

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]
Sent: 07 December 2017 16:55
To: Iain Macdonald
Subject: Re[2]: Vascular Plant Assemblage

OK a few more questions...

1. Given that SSSIs are generally considered to be of national importance (in planning terms); are all the notified features that are listed in their citations nationally important on those sites.
2. If a Ramsar Site (that is also an SPA & SSSI, but not an SAC) states that it is internationally important because it contains a number of Habitats Directive Annex I features that would be significantly adversely affected by a proposal, would this sort of policy apply?:

For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. *Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.*

So in effect the proposal would be contrary to the development plan - yes?

Ta,
Jim

----- Original Message -----

From: "Iain Macdonald" <Iain.Macdonald@snh.gov.uk>

To: "Jim McIntosh" <jim.mcintosh@bsbi.org>

Cc: "Sarah Smyth" <Sarah.Smyth@snh.gov.uk>; "John Kerr" <John.Kerr@snh.gov.uk>

Sent: 07/12/2017 15:17:46

Subject: RE: Vascular Plant Assemblage

Hi Jim

Yes, when Reasons for Recommendation were written up in seeking permission to consult regarding a proposed SSSI, all NS and NR species (listed in the SSSI Selection Guidelines) ought to have been named in order to contribute to the points which meet or exceed the threshold. The important bit on the citation is the notified feature, if it says "vascular plant assemblage", then it is the assemblage that is notified. The citation text is really a descriptor and might not include mention of a species (for example if it were deemed sensitive to threat at the time). The quality of text in SSSI citations has been varied, with some being exceptionally short.

To be favourable the site would still need to meet the points threshold. To lose a species would suggest favourable, declining and conversely if true.

I have copied this to SNH's guru on SSSI designation matters (John) and SNH's guru on plant SSSIs (Sarah) just in case they have a different opinion to mine!

Best wishes

Iain

From: Jim McIntosh [<mailto:jim.mcintosh@bsbi.org>]

Sent: 07 December 2017 15:06

To: Iain Macdonald

Subject: Vascular Plant Assemblage

Iain,

Is it true to say that on SSSIs in Scotland Vascular Plant Assemblages includes all Nationally Scarce or Nationally Rare species so listed at the time the site was notified. (And not just those listed in the citation under the Vascular Plant Assemblage heading.)

Cheers,

Jim

Rhoda Davidson

From: Crispin Hill
Sent: 11 January 2018 09:50
To: John Kerr
Cc: Dave Mackay; David Patterson
Subject: FW: Ramsa obligations

Hi John,

I had request yesterday from Dave (see below) regarding an enquiry from the barrister representing 'Not Coul'.

I have gone to the Ramsar website to try and gain a better understanding of what the concept of 'wise use' means in practice. I have also begun to read the Conceptual Framework that is mentioned there, but frankly I'd rather not spend too much time on this just now (unless it transpires that it is necessary, which I am hoping it is not).

To summarise, it seems that the concept is, not surprisingly, intended to protect wetlands ensuring their continuation of functions while allowing sustainable use of them. Guidelines that build upon the concept of wise use urge: the adoption of policies by the country signatories, development of programmes linked to wetlands to help understand and promote them, and to take action (including integrated management plans) to help protect the wetlands.

Of course all this is long ago and most of us have little recollection of any of this, or any understanding of if / how this might have been taken into account (Nigel B might know of course).

I suspect that these requirements of the Ramsar Convention may be dealt with implicitly through the requirements of other legislation (Habs Regs and 2004 Regs etc.) and thence more explicitly through SPP's assertion (paragraph 211) that all Ramsar sites are either SSSIs or Natura sites and are protected under the relevant statutory regimes. However if you have time I'd appreciate some feedback from yourself on this.

If this is the case then hopefully this enquiry can be dealt with relatively succinctly.

Any thoughts appreciated.

Crispin

From: Dave Mackay
Sent: 10 January 2018 10:33
To: David Patterson; Crispin Hill
Subject: FW: Ramsa obligations

Crispin, cc. David

Could you advise over John's request below – I'm afraid I don't understand what he is asking.

thanks,

Dave.

From: jdcampbell [mailto:jcampbellqc@advocates.org.uk]
Sent: 10 January 2018 10:17
To: Dave Mackay
Subject: Ramsa obligations

Dear Dave

Good morning. I act for *Not Coul*, the third party objector group engaged in opposing the application for a golf course at Coul Links. I think you led on the SNH response to the application, which is of course now in the public domain, along with my clients' objection.

I am interested in exploring Member States' obligation under the RAMSAR Convention. I have been referred by the Head Office people to DEFRA, and thence to SNH, and I understand from a contact at SNH's HQ that you have may charge now of the Ramsar secretariat Inquiry. Ramsar have "opened a file" on the Coul application, whatever that may mean.

Designation as a RAMSAR site does not of course proscribe development activity on a site. But the idea of "wise use" as articulated in the Treaty demands exploration and explanation, and I wonder if you would agree that perhaps SNH has some way to go yet in explaining this to the Planning Authority which will have to make at least the initial decision.

Would it be possible to have a quick word with you about this sometime today or tomorrow? If you send me a number I can call you.

Kind regards

John Campbell

John Campbell QC Hon FRIAS

m: [REDACTED] | **e:** jcampbellqc@advocates.org.uk or j.campbellqc@trinitychambers.co.uk

Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF **t:** 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE **t:** 0191 232 1927

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager, sysadmin@advocates.org.uk This footnote also confirms that this email message has been swept by Mimecast Ltd for the presence of computer viruses. Visit our website at www.advocates.org.uk

Ramsar Convention on Wetlands of International Importance Especially as
Waterfowl Habitat

CITATION FOR RAMSAR SITE

**(RAMSAR criteria as adopted by the 9th meeting of the Conference of
Contracting Parties, Kampala 2005)**

**DORNOCH FIRTH AND LOCH FLEET
(UK13011)**

Site Description:

Dornoch Firth and Loch Fleet Ramsar site is a large area covering the two northernmost estuaries in the Moray Basin ecosystem. The Dornoch Firth extends eastwards for 25 km from Newton Point to the point of Tarbat Ness. It is relatively unaffected by industrial development and supports large areas of sandflats and mudflats, heath and sand dunes, saltmarsh and a stretch of rocky shore. Loch Fleet is a narrow-mouthed estuary containing extensive sandflats which are bordered by dunes, pine wood and alderwood. The dunes at Dornoch Links and Morrich More are of international importance for their flora and geomorphology.

The boundaries of the RAMSAR site follow those of Dornoch Firth Site of Special Scientific Interest (SSSI), Morrich More SSSI, Tarbat Ness SSSI, Loch Fleet SSSI and Mound Alderwoods SSSI except for the exclusion of a thin corridor of land on Morrich More SSSI.

Interest Features: N.B All figures relate to numbers at the time of designation except where amended by the 2001 SPA Review and/or subsequent surveys (dunlin and oystercatcher):

Dornoch Firth and Loch Fleet Ramsar site qualifies under **Ramsar Criterion 1** by virtue of it containing a variety of **wetland types**. Mound Alderwoods at the head of Loch Fleet is the largest **estuarine alderwood** in Britain. The Dornoch Firth is a particularly good example of an east coast **firth** and, unlike other nearby firths, has been relatively unaffected by industrial developments. Morrich More is one of the most outstanding coastal sites in Britain. It is especially noteworthy for the development of an extensive **low-level sandy plain** on which a set of **parabolic dunes** are superimposed.

Dornoch Firth and Loch Fleet Ramsar site further qualifies under **Ramsar Criterion 2** by **supporting rare plants and animals**. The site supports at least five **nationally scarce wetland plants**: **Baltic rush** *Juncus balticus*, **seaside centaury** *Centaureum littorale*, **dwarf eelgrass** *Zostera noltei*, **narrow-leaved eelgrass** *Zostera angustifolia* and **curved sedge** *Carex maritima*. The **invertebrate fauna** includes at least two wetland Red Data Book species and the **mammal fauna** includes **harbour seal** and **otter**.

Dornoch Firth and Loch Fleet Ramsar site also qualifies under **Ramsar Criterion 5** by supporting **waterbirds during the winter in numbers of 20,000 individuals or more**. In the five-year period 1989/90 to 1993/94 a winter peak mean of

approximately 34,500 individual waterfowl was recorded, comprising 22,000 wildfowl and 12,500 waders. The site also qualifies under **Ramsar Criterion 4** by supporting the following wintering **waterbird species at a critical stage in their life cycles** (1989/90 to 1993/94 data except where stated): **curlew** *Numenius arquata* (1,397 individuals, 1.0% of the GB population); **teal** *Anas crecca* (1,592 individuals, 1.0% of the GB population); **scaup** *Aythya marila* (123 individuals, 1% of the GB population), **redshank** *Tringa totanus* (1,272 individuals, 1% of the GB population), **wigeon** *Anas penelope* (15,304 individuals, 5% of the GB population); **greylag goose** *Anser anser* (1,146 individuals, 1% of the GB population); **bar-tailed godwit** *Limosa lapponica* (1,184 individuals, 2% of GB population); **dunlin** *Calidris alpina alpina* (2005/06 to 2009/10, winter peak mean of 4,088 individuals, 1% of the GB population) and **oystercatcher** *Haematopus ostralegus* (2004/05 to 2009/10, winter peak mean greater than 2,000 individuals, 2,459 individuals, 0.76% of the GB population).

Dornoch Firth and Loch Fleet Ramsar site also qualifies under **Ramsar Criterion 6** by regularly supporting **internationally important wintering populations of waterbirds**. Including (1989/90-1993/94 winter peak means), **greylag goose** (1,146 individuals, 1% of the total world population), **wigeon** (15,304 individuals, 2% of the W Siberia/NW & NE Europe population) and **bar-tailed godwit** (1,184 individuals, 1% of the Western Europe population).

Area: 7,856.54 ha
National Grid Ref: NH 749862
OS Sheet 1:50,000 – 21

Designated on 24 March 1997

This (amended) citation adopted January 2018

Comment [INSG1]: May change in line with SPA citation. Incomplete count on spp account for this SPA

Rhoda Davidson

From: Tim Walsh
Sent: 26 January 2018 10:04
To: Brian Dickson; Shona Glen
Cc: Bob Bryson; Iain Young; Gavin Tudor; David Patterson
Subject: RE: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Brian, Shona

Shona rang me & confirmed that she is happy with my suggestions for the wording of the features. Therefore I have now added Harbour seal, Otter, Invertebrate assemblage & Vascular plant assemblage as new standardised Ramsar feature names to the dropdown lookup list in MIDAS & I have listed them against Dornoch Firth and Loch Fleet Ramsar site. These new features are now appearing in the SCM database & on SiteLink.

Cheers
Tim

From: Brian Dickson
Sent: 25 January 2018 09:52
To: Tim Walsh
Cc: Bob Bryson
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Hi Tim,
Hope you had a good holiday?

Yes we are ok with setting these Ramsar feature types up. Brian E is checking what the priority will be to record SCM assessments for the features, but that doesn't get in the way of setting them up.

In terms of your final question on co-ordination with JNCC, I agree with the need but assume that is for Shona/John Kerr as I am not sighted on the reasoning behind all of this.

Thanks
Brian
700 5189

From: Tim Walsh
Sent: 24 January 2018 13:13
To: Brian Dickson; Shona Glen
Cc: Brian Eardley; Gavin Tudor; Iain Young
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Shona - I am happy to add the additional features to MIDAS for Dornoch Firth and Loch Fleet RAMSAR site, but since they are not yet included in the MIDAS/SCM list of Ramsar standardised feature names (SFN), I will need the SCM team to agree to the update of Ramsar SFNs.

It is helpful if there is a match between the Ramsar feature names & equivalent feature names for overlapping sites/designations. 'Otter (*Lutra lutra*)' & 'Harbour seal (*Phoca vitulina*)' are already features of the overlapping Dornoch Firth and Morrich More SAC and so should be straightforward for entering as Ramsar features.

'Invertebrate assemblage' is a notified feature of the overlapping Morrich More SSSI. Should the Ramsar feature be listed as 'Invertebrate assemblage' instead of 'Invertebrates'? 'Invertebrates' is not an SSSI standardised feature name. Alternatively perhaps the two red data book invertebrate species referred to in the Ramsar citation should be listed by species name as individual species features?

'Vascular plant assemblage' is a notified feature of the overlapping Dornoch Firth SSSI, Loch Fleet SSSI & Morrich More SSSI. Should the Ramsar feature be listed as 'Vascular plant assemblage' instead of 'Wetland plants' ?
'Wetland plants' is not an SSSI standardised feature name.

Brian – is it OK with the SCM team if I update the drop-down LOV list of Ramsar standardised feature names in MIDAS/SCM by adding the following :

Otter (*Lutra lutra*)
Harbour seal (*Phoca vitulina*)
'Invertebrate assemblage'
'Vascular plant assemblage' ?

Does there need to be any co-ordination with JNCC & other Country Agencies over having a GB-wide agreed standardised list of Ramsar feature names ?

Tim

From: Shona Glen
Sent: 23 January 2018 11:24
To: Tim Walsh
Cc: Iain Young
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site

Tim,

As discussed the four additions below are not currently on the drop-down list for RAMSAR sites in MIDAS.

Could you please add them and then update the Dornoch Firth and Loch Fleet RAMSAR site records.

Thanks for your help with this.

Bye for now
Shona

From: Shona Glen
Sent: 22 January 2018 13:38
To: Iain Young
Cc: Greg Mudge; Nigel Buxton; John Kerr
Subject: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site

Iain,

Could you please add some RAMSAR features to MIDAS now, but just for one site, which has current casework sensitivities.

Actions for the rest of the RAMSAR sites will follow, in time.

Dornoch Firth and Loch Fleet RAMSAR site:

Wetland plants
Invertebrates
Harbour seal
Otter

Thanks for your help with this.

Shona

Rhoda Davidson

From: Sarah Smyth
Sent: 25 October 2017 12:43
To: Shona Glen
Subject: Curved sedge info
Attachments: Carex maritima data - BSBI DDB download for East Ross.obr

Categories: Red Category

Hi Shona,

The extract below is from the most recent SCM report in 2012 – which failed to find it, we have classed Curved sedge as a 'category 6 species' for SCM which means look for it but if you don't find it the feature is not necessarily unfavourable.

The attached link is a download of all the recent (!) records and I have emailed the BSBI vice county recorder who confirmed that there are not any more recent records.

So, Dave is correct in that in terms of SCM and successful searches, we have failed to find the plant, thus it could be concluded it is no longer on site, but the reason it is classed as a cat 6 species for SCM rather than removing it completely is due to the dynamic nature – see the distribution <http://www.brc.ac.uk/plantatlas/plant/carex-maritima> it creeps along the coast.

In all honesty it is probably somewhere along the coastline there where there is suitable habitat, but I have tried and failed to find it many timesafter previously successfully locating it. Not the most helpful conclusion.

The other point I raised is that there might be annex I habitat H2250 – coastal dunes with Juniper spp this is a very limited distribution habitat and anecdotally there may be some in your areas of interest, but we were not able to map it remotely, Su Watt may be able to shed some more light on this.

Best wishes and shout if you need any more.
Sarah

4.1 Carex maritima Gunnerus (Curved Sedge)

One of the challenges of surveying at Morrich More for Carex maritima is that all the previous grid references are rather vague 1km squares. The habitats in one of them (NH8382) were impacted by the removal of an old pipeline some years ago. There were two additional squares for which there were verbal reports of possible previous sightings, NH8483 and NH8484. In addition there was a report in 2011 by Stephen Bungard of Carex maritima in (approximately) NH8782. C. maritima, a perennial sedge, is very low growing, cryptic and potentially grazed by sheep. Suitable habitat in the four squares is fairly extensive and searches were carried out on 13 July 2012 (NH8382 by MD, BB, PW); 2 August 2012 (NH8483 and NH8484 by BB) and 23 May and 23 June 2012 (NH8782 by BB) were again unsuccessful in finding this sedge. The sedge had not been refound during the first cycle SCM in 2005, despite exhaustive searching of the same areas.

C. maritima is a sedge of sandy coasts and is vulnerable to wave-wash and erosion (Jermy et al., 2007). This species has probably been lost from the site due to erosion or other causes, but could still be present. As extensive searching has been carried out in the past, re-finding the population is now dependent on chance as the location is too imprecise for targeted searching.

C. maritima is a category 6 species as it is previously unrecorded during SCM, so the target set for category 6 species (one or more discrete populations) only applies if the species is found during surveys (MacDonald, 2012).

It has never been recorded from the Loch Fleet site.

Best wishes,

Sarah

~~~~~

Sarah Smyth

Policy and Advice Officer – Ecosystems and Biodiversity

Scottish Natural Heritage, Area Office, Fodderty Way, Dingwall Business Park, Ross-shire, IV15 9XB

01349 860654 (Direct) 01349 865333 (Reception)

[sarah.smyth@snh.gov.uk](mailto:sarah.smyth@snh.gov.uk)

I work part time on Monday to Thursday 9:15 – 2:45

## Rhoda Davidson

---

**From:** Sarah Smyth  
**Sent:** 25 October 2017 12:43  
**To:** Shona Glen  
**Subject:** Curved sedge info  
**Attachments:** Carex maritima data - BSBI DDB download for East Ross.obr

**Categories:** Red Category

Hi Shona,

The extract below is from the most recent SCM report in 2012 – which failed to find it, we have classed Curved sedge as a 'category 6 species' for SCM which means look for it but if you don't find it the feature is not necessarily unfavourable.

The attached link is a download of all the recent (!) records and I have emailed the BSBI vice county recorder who confirmed that there are not any more recent records.

So, Dave is correct in that in terms of SCM and successful searches, we have failed to find the plant, thus it could be concluded it is no longer on site, but the reason it is classed as a cat 6 species for SCM rather than removing it completely is due to the dynamic nature – see the distribution <http://www.brc.ac.uk/plantatlas/plant/carex-maritima> it creeps along the coast.

In all honesty it is probably somewhere along the coastline there where there is suitable habitat, but I have tried and failed to find it many times ....after previously successfully locating it. Not the most helpful conclusion.

The other point I raised is that there might be annex I habitat H2250 – coastal dunes with Juniper spp this is a very limited distribution habitat and anecdotally there may be some in your areas of interest, but we were not able to map it remotely, Su Watt may be able to shed some more light on this.

Best wishes and shout if you need any more.  
Sarah

### 4.1 Carex maritima Gunnerus (Curved Sedge)

One of the challenges of surveying at Morrich More for Carex maritima is that all the previous grid references are rather vague 1km squares. The habitats in one of them (NH8382) were impacted by the removal of an old pipeline some years ago. There were two additional squares for which there were verbal reports of possible previous sightings, NH8483 and NH8484. In addition there was a report in 2011 by Stephen Bungard of Carex maritima in (approximately) NH8782. C. maritima, a perennial sedge, is very low growing, cryptic and potentially grazed by sheep. Suitable habitat in the four squares is fairly extensive and searches were carried out on 13 July 2012 (NH8382 by MD, BB, PW); 2 August 2012 (NH8483 and NH8484 by BB) and 23 May and 23 June 2012 (NH8782 by BB) were again unsuccessful in finding this sedge. The sedge had not been refound during the first cycle SCM in 2005, despite exhaustive searching of the same areas.

C. maritima is a sedge of sandy coasts and is vulnerable to wave-wash and erosion (Jermy et al., 2007). This species has probably been lost from the site due to erosion or other causes, but could still be present. As extensive searching has been carried out in the past, re-finding the population is now dependent on chance as the location is too imprecise for targeted searching.

C. maritima is a category 6 species as it is previously unrecorded during SCM, so the target set for category 6 species (one or more discrete populations) only applies if the species is found during surveys (MacDonald, 2012).

It has never been recorded from the Loch Fleet site.

*Best wishes,*

*Sarah*

~~~~~

Sarah Smyth

Policy and Advice Officer – Ecosystems and Biodiversity

Scottish Natural Heritage, Area Office, Fodderty Way, Dingwall Business Park, Ross-shire, IV15 9XB

01349 860654 (Direct) 01349 865333 (Reception)

sarah.smyth@snh.gov.uk

I work part time on Monday to Thursday 9:15 – 2:45

Rhoda Davidson

From: John Kerr
Sent: 25 January 2018 10:13
To: Dave Mackay
Cc: Crispin Hill; David Patterson
Subject: RE: RAMSAR interests - Coul Links Golf Course - Loch Fleet SSSI

Dave

This is what I was hoping would be the case, that the 'missing' Ramsar features are not known to occur on Coul Links and so are irrelevant to the assessment of the golf course proposal. This is also the case for other features of the relevant protected areas over Coul that are not found on that area of ground.

It seems that this Ramsar site is very unusual (maybe unique) as its features are not covered by all of the underpinning SSSIs and N2K sites throughout the site. This may be because some of these features (ie the invertebrates and the vascular plants) are not found throughout, and the way that the component SSSIs have been put together means that some could not be notified for Ramsar features that are not within their boundaries.

It also looks as though we have complied with our development management guidance on Ramsar features, which says that we do not refer to Ramsar explicitly, and with the SG planning policy that assures that Ramsar features are protected by other designations. I agree however that if any of these features is found within the development area, the only way in which we can ensure they are protected is via the sand dune feature as this is the only relevant feature of the underlying SSSI.

Shona is working on a definitive list of Ramsar features based on the original citations, and from that will be able to plug any gaps in Sitelink. She has already asked the Midas team to add Wetland plants, Invertebrates, Harbour seal and Otter for Dornoch Firth & Loch Fleet to the system. This will not show up on Sitelink however until the next CAG refresh (which I think is monthly). There is a question of whether we will then need to monitor additional Ramsar features. Brian and I think not, and hopefully Robbie will agree.

John

From: Dave Mackay
Sent: 24 January 2018 16:41
To: John Kerr
Cc: Crispin Hill; David Patterson
Subject: FW: RAMSAR interests - Coul Links Golf Course - Loch Fleet SSSI

John, cc. Crispin and David

Following your last email on this topic, David has looked into known distributions of interests mentioned on the Ramsar citation in relation to Coul Links – my thanks to David for doing this.

From David's assessment below, based on our knowledge at the time we provided advice to Highland Council, we have covered the relevant Ramsar interests through either the SSSI or SPA side. Both the invertebrate interests are not known from Coul Links (or Loch Fleet SSSI), but they are covered through another component SSSI of the Ramsar site (where they are known to occur). The same applies to Baltic rush, although there is a suggestion a consultant for an opposition group found it recently within Coul Links.

From what I can see we seem to have covered all the Ramsar site interests, where relevant, in our advice to the Highland Council. It's just that we haven't explicitly presented as separate Ramsar sections in our advice. However, assuming a worst case scenario and these plant or invertebrate interests are found at Coul Links, would it be

sufficient that we have objected to impacts to the SSSI sand dune habitat (where those species would be most likely be found)?

Before I go back to Nick, is there anything else that you think would be worth highlighting. For instance, what is the plan to update Ramsar site info on Site Link?

thanks,

Dave.

From: David Patterson
Sent: 24 January 2018 12:43
To: Dave Mackay
Subject: RAMSAR interests - Coul Links Golf Course - Loch Fleet SSSI

Hi Dave,

As discussed, you asked me if I know anything about the distribution of Ramsar interests on Coul Links. Please find below my understanding of the Ramsar interest features as advised previously by Shona, and their likely presence within the Ramsar site based on local knowledge:

Estuarine alder woodland - Mound Alderwoods SSSI

Low-level sandy plains/parabolic dunes - Morrich More SSSI

Nationally scarce wetland plants:

- a) Baltic rush - Dornoch Firth SSSI. We have not recorded this species at Coul Links, but Tom Dargie may have during his NOT COUL habitat surveys. It does not feature as a component of the vascular plant assemblage at Loch Fleet SSSI, but it does for the Dornoch Firth SSSI.
- b) Seaside centaury - other parts of Loch Fleet SSSI & Dornoch Firth SSSI. I am not aware that this species is present at Coul Links.
- c) Eelgrass species - both these species are present within the intertidal of three component SSSIs, but should remain unaffected by this development.
- d) Curved sedge - Poss. Morrich More? I am not aware this species is present within Loch Fleet SSSI.

Two wetland Red Data Book Invertebrates – Morrich More SSSI is notified for its invert assemblage, whilst other SSSIs are not. We covered the possibility of their presence on Coul Links within our response.

Harbour seal - Present within Loch Fleet SSSI but unlikely to be affected.

Otter - This species uses Coul Links and has been surveyed by the applicant. Pre-construction surveys will take place to ensure otters will be taken into account.

>20,000 waterbirds – Covered by SPA HRA

Curlew, teal, scaup, redshank, wigeon, greylag goose, bar-tailed godwit, dunlin and oystercatcher – All covered by SPA HRA

So to summarise, the two interests that may, or may not, be present at Coul Links are:

- Two wetland invertebrates – We covered this under the dune slack habitat, if they are indeed present.
- Baltic rush – If present, this could be covered under our response to the sand dune habitat, but we did not specifically mention this as we have not recorded it at Coul Links before.

Thanks,

David.

-----Original Message-----

From: Shona Glen
Sent: 30 October 2017 13:15
To: David Patterson

Cc: Crispin Hill; Greg Mudge; Nigel Buxton
Subject: Draft Dornoch Firth and Loch Fleet RAMSAR Citation

David,

Sorry for the delay, the doc needed a bit more work on it this morning to bring it up to date with criteria number, criteria phrases and the new SPA citation format.

Please note this RAMSAR citation has not been seen by Greg, Nigel or Crispin yet so copying them in for info/minor edits. Species have been approved though.

Bye for now

Shona

P.S. Was unsure what wording to use for your habitats, went for 'unique' in the end. 'Representative' or 'rare' were the other choices. I will change it if you wish.

Shona Glen has sent you a link to "Draft Dornoch Firth and Loch Fleet RAMSAR Citation - October 2017 - not approved" (A2445131) from Objective.

Open in Navigator
Double click on the attachment

Open in Your Browser
Latest: <https://erdms.snh.gov.uk/id:A2445131/document/versions/latest>
Published: <https://erdms.snh.gov.uk/id:A2445131/document/versions/published>

Rhoda Davidson

From: Tim Walsh
Sent: 26 January 2018 10:04
To: Brian Dickson; Shona Glen
Cc: Bob Bryson; Iain Young; Gavin Tudor; David Patterson
Subject: RE: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Brian, Shona

Shona rang me & confirmed that she is happy with my suggestions for the wording of the features. Therefore I have now added Harbour seal, Otter, Invertebrate assemblage & Vascular plant assemblage as new standardised Ramsar feature names to the dropdown lookup list in MIDAS & I have listed them against Dornoch Firth and Loch Fleet Ramsar site. These new features are now appearing in the SCM database & on SiteLink.

Cheers
Tim

From: Brian Dickson
Sent: 25 January 2018 09:52
To: Tim Walsh
Cc: Bob Bryson
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Hi Tim,
Hope you had a good holiday?

Yes we are ok with setting these Ramsar feature types up. Brian E is checking what the priority will be to record SCM assessments for the features, but that doesn't get in the way of setting them up.

In terms of your final question on co-ordination with JNCC, I agree with the need but assume that is for Shona/John Kerr as I am not sighted on the reasoning behind all of this.

Thanks
Brian
700 5189

From: Tim Walsh
Sent: 24 January 2018 13:13
To: Brian Dickson; Shona Glen
Cc: Brian Eardley; Gavin Tudor; Iain Young
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site - addition of four features

Shona - I am happy to add the additional features to MIDAS for Dornoch Firth and Loch Fleet RAMSAR site, but since they are not yet included in the MIDAS/SCM list of Ramsar standardised feature names (SFN), I will need the SCM team to agree to the update of Ramsar SFNs.

It is helpful if there is a match between the Ramsar feature names & equivalent feature names for overlapping sites/designations. 'Otter (*Lutra lutra*)' & 'Harbour seal (*Phoca vitulina*)' are already features of the overlapping Dornoch Firth and Morrich More SAC and so should be straightforward for entering as Ramsar features.

'Invertebrate assemblage' is a notified feature of the overlapping Morrich More SSSI. Should the Ramsar feature be listed as 'Invertebrate assemblage' instead of 'Invertebrates'? 'Invertebrates' is not an SSSI standardised feature name. Alternatively perhaps the two red data book invertebrate species referred to in the Ramsar citation should be listed by species name as individual species features?

'Vascular plant assemblage' is a notified feature of the overlapping Dornoch Firth SSSI, Loch Fleet SSSI & Morrich More SSSI. Should the Ramsar feature be listed as 'Vascular plant assemblage' instead of 'Wetland plants' ?
'Wetland plants' is not an SSSI standardised feature name.

Brian – is it OK with the SCM team if I update the drop-down LOV list of Ramsar standardised feature names in MIDAS/SCM by adding the following :

Otter (Lutra lutra)
Harbour seal (Phoca vitulina)
'Invertebrate assemblage'
'Vascular plant assemblage' ?

Does there need to be any co-ordination with JNCC & other Country Agencies over having a GB-wide agreed standardised list of Ramsar feature names ?

Tim

From: Shona Glen
Sent: 23 January 2018 11:24
To: Tim Walsh
Cc: Iain Young
Subject: FW: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site

Tim,

As discussed the four additions below are not currently on the drop-down list for RAMSAR sites in MIDAS.

Could you please add them and then update the Dornoch Firth and Loch Fleet RAMSAR site records.

Thanks for your help with this.

Bye for now
Shona

From: Shona Glen
Sent: 22 January 2018 13:38
To: Iain Young
Cc: Greg Mudge; Nigel Buxton; John Kerr
Subject: MIDAS - Dornoch Firth and Loch Fleet RAMSAR site

Iain,

Could you please add some RAMSAR features to MIDAS now, but just for one site, which has current casework sensitivities.

Actions for the rest of the RAMSAR sites will follow, in time.

Dornoch Firth and Loch Fleet RAMSAR site:

Wetland plants
Invertebrates
Harbour seal
Otter

Thanks for your help with this.

Shona

AN URGENT APPEAL TO THE RAMSAR SECRETARIAT FOR
A **RAMSAR ADVISORY MISSION AND LISTING ON THE MONTREUX RECORD**
URGENT APPRAISAL AND INTERVENTION NEEDED FOR A THREATENED
RAMSAR/SPA/SSSI ECOLOGICAL SITE IN THE UK SCOTTISH HIGHLANDS
RAMSAR SITE No 897 DORNOCH FIRTH AND LOCH FLEET
Designated 24 March 1997

20 September 2017

To the Convention Secretariat, Ramsar Convention, Gland, Switzerland.

Sir,

We write as a concerned local ecosystem conservation group, *Not Coul*, appealing for the Ramsar Secretariat to assist the Scottish and UK government in resisting major damage to the above Ramsar-listed Wetland of International Importance.

The small remaining undeveloped dune coast of Scotland is now under sustained assault from proposals for championship golf courses. Hot on the heels of the highly controversial changes to wild habitat in the famous Menie dunes in Aberdeenshire, approved by the Scottish Government, we now have wealthy American businessmen assuming that anything is now possible, even in areas protected under international designations and the Ramsar Convention.

Their target has become Coul Links, a magnificent dune wetland which is part of the above Ramsar Site. Coul is also part of the Dornoch Firth and Loch Fleet SPA (Special Protection Area, a *Natura 2000* site) and Loch Fleet SSSI (Site of Special Scientific Interest). These conservation accolades are proof of Coul's outstanding natural heritage and environmental interest.

The proposed 18-hole golf course would be imposed on a very wet dune site – see the photo below, taken in February 2016. Nine holes are planned in the dune foreground, with more out of site in the north. The development plans put forward to local people thus far have shown no national and international protections for the site. Instead the plans have been surreptitiously designed to win over local support through the hollow promises of a mere 16 jobs (perhaps only offering summer employment), with massive benefits promised to local hotels and restaurants. Some of these establishments are owned by one of the developers. Construction will destroy large tracts of habitat and will greatly modify the current topography, to

raise fairways above the water table. Golf management will then pollute the water table with fertilisers and biocides, affecting any remaining undamaged wetland. Site integrity will be irreversibly damaged.

Like a bolt from the blue, the golf course developers first publicised their outline plans in late October 2015. A preliminary planning application (ref 16/00053/SCRE) was received by The Highland Council on 21st December 2015. The full application and its EIA are expected to be submitted imminently.

Not Coul believes that this development is, for example, far more serious than the proposed golf development halted after Ramsar intervention at S'Albufera de Mallorca Ramsar Site, Balearic Islands, Spain (Ramsar Advisory Mission No 68, November 2010). That development was outside a Ramsar site – much of the proposed Coul development is *inside*.



Coul Links sector of Dornoch Firth and Loch Fleet Ramsar Site

Looking north to Loch Fleet entrance

For generations, many local people and their families and visitors have enjoyed this remarkable site, and our *Not Coul* group wishes that to continue, guided by the principles of wise use. The area hosts remarkable bird assemblages, rare plants, butterflies, moths and other invertebrates, plus amphibians, deer, fox etc. Site hydrogeomorphology produces contrasting dune slack wetlands. Coul is the best site in Scotland for observing these contrasts, which differ markedly from the other huge dune wetlands of the Morrich More, also part of the Ramsar Site. A unique component of the Ramsar site's wetlands is therefore much threatened.

East Sutherland is already home to the world-famous Royal Dornoch golf course. It works well, and sits alongside Castle Stuart, Tain, Golspie and Brora, all fine tests of golf in their own different ways. Do we need another golf course, at the unimaginable expense of losing Coul Links, all driven by a vanity project for US developers?

History over the past 25 years indicates there have been very few economically successful golf course developments. Most are created not from any golfing need but from associated high-cost housing development. Almost all have had to be bailed out from bankruptcy with ownership changing hands regularly. It's sad, but the facts are that golf is in decline, with many golf courses closing down and clubs offering never-to-be-repeated deals for new members. Economists believe fewer, not more, courses are required.

The socio-economic benefits of golf at Coul are minimal when placed against the international status of these wetlands, other habitats and their wildlife. The law is very clear. RAMSAR sites, *Natura 2000* sites (SPAs and SACs), and SSSIs are all legally protected areas. They enjoy the highest level of protection the law can bestow, from international treaty, European Law, and right down through the UK, Scots Law and Local Government. These protections mean something, and are there for very good reasons: to protect established interests from the effects of development.

A 6-NGO partnership led by the RSPB has been formed to fight the development. Our *Not Coul* group is in close liaison with the partnership and it has advised *Not Coul* to make this urgent approach to the Ramsar Secretariat. We need international support because local Councillors, their appetites whetted by the glitter of golf investment into a small local economy, are likely to give planning approval. This would be contrary to their planning policies regarding sites protected by national-international designation.

SNH (Scottish Natural Heritage) is offering some resistance. As the Scottish Government's principal adviser on the natural heritage, we expect it to step up to the plate in the protection of the Ramsar and other designations. As the Ramsar Convention is the only global environmental treaty that deals with a particular ecosystem, for which we know Coul Links is a perfect example, we believe that the Secretariat must now intervene and stiffen the backbone of the UK Government and its agencies to fulfil their Treaty Obligations.

We therefore ask the Secretariat to urgently send a Ramsar Advisory Mission (RAM) to investigate the massive threat to the environment that the golf course development brings to the Dornoch Firth. If the mission finds our fears are correct, the Secretariat should then ask the UK government to place the site on the Montreux Record.

With kind regards

John Campbell

Not Coul Group
www.notcoul.com

Please respond to:

John Campbell QC, Advocates Library, Parliament House, Edinburgh EH1 1RF
United Kingdom

jcampbellqc@advocates.org.uk
+44 (0) 131 226 5071

Rhoda Davidson

From: Alistair Rennie
Sent: 29 September 2017 12:36
To: Dave Mackay; David Patterson; Alexander Macdonald; Stewart Angus
Subject: FW: [scotgeodforum] Fwd: Imminent planning application for international golf course on Loch Fleet SSSI, SPA & Ramsar international wetland
Attachments: Coul_AppealtoRamsar Secretariat.pdf

Dave, David, Alec, Stewart.

Please see attached email I received today. I will acknowledge receipt.

Thanks, Ali

Dr Alistair Rennie
Dynamic Coast Project Manager
Scottish Government Placement
Scottish Natural Heritage
Inverness
Office: 01463 72 5231
Mobile: [REDACTED]

Find out how your coast is changing at www.dynamiccoast.com

alistair.ennie@snh.gov.uk

<https://twitter.com/RennieAlistair>

https://twitter.com/SNH_Tweets

www.snh.gov.uk

From: Tom Dargie [<mailto:tomd@boreaseecology.com>]
Sent: 29 September 2017 00:10
To: 'James Hansom'; Alistair Rennie
Subject: RE: [scotgeodforum] Fwd: Imminent planning application for international golf course on Loch Fleet SSSI, SPA & Ramsar international wetland

Jim/Ali

I'm fully aware of all this and I'm working closely with Andrew Weston, a good habitat surveyor based in Dornoch.

The Not Coul group has made an appeal to Ramsar to get involved. The appeal (attached) has now been acknowledged by the Secretariat and they have requested details of the development and its likely impacts. This maybe could become a UK test case for that designation.

I'm trying to get some broadsheet press coverage of the issue to counter developers claims that they have complete backing for their wretched scheme. Rob Edwards [REDACTED] at the moment.

Tom

From: James Hansom [<mailto:Jim.Hansom@glasgow.ac.uk>]
Sent: 28 September 2017 21:12

To: alistair Rennie <alistair.ennie@snh.gov.uk>; Tom Dargie <tomd@boreasecology.com>

Subject: Fwd: [scotgeodforum] Fwd: Imminent planning application for international golf course on Loch Fleet SSSI, SPA & Ramsar international wetland

Begin forwarded message:

From: Angus Miller <chair@scottishgeodiversityforum.org>

Subject: [scotgeodforum] Fwd: Imminent planning application for international golf course on Loch Fleet SSSI, SPA & Ramsar international wetland

Date: 28 September 2017 at 20:50:50 BST

To: "scottishgeodiversityforum@googlegroups.com"

<scottishgeodiversityforum@googlegroups.com>

Reply-To: <chair@scottishgeodiversityforum.org>

please see information below about a golf course proposal that will affect important dune habitats in Sutherland.

----- Forwarded Message -----

Subject: Imminent planning application for international golf course on Loch Fleet SSSI, SPA & Ramsar international wetland

Date: Wed, 27 Sep 2017 17:22:25 +0000 (UTC)

From: [REDACTED]

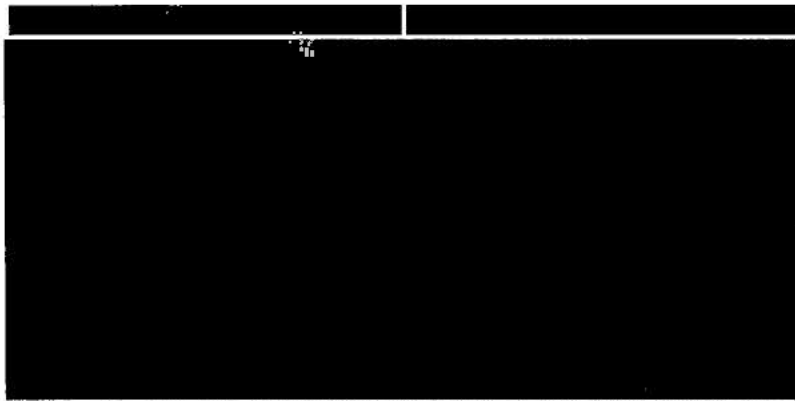
Reply-To: [REDACTED]

To: chair@scottishgeodiversityforum.org <chair@scottishgeodiversityforum.org>

Dear Angus

This petition should be of interest to your committee and members.


PROTECT COUL LINKS SSSI FOR NATURE - NOT PERMIT DESTRUCTION FOR GOLF



PROTECT COUL LINKS SSSI FOR NATURE -

NOT PERMIT DESTRUCTION FOR GOLF

Plans by Bandon Dunes Golf Resort for constructing a golf course at Coul Links, within Loch Fleet Site of Specia...


Ecological Surveyor

--
You received this message because you are subscribed to the Google Groups "Scottish Geodiversity Forum" group.

To unsubscribe from this group and stop receiving emails from it, send an email to scottishgeodiversityforum+unsubscribe@googlegroups.com.

For more options, visit <https://groups.google.com/d/optout>.

