

## **APPENDIX D: Habitats Regulations Appraisal**



2022

# SCOTTISH BORDERS COUNCIL HABITATS REGULATIONS APPRAISAL



BACKGROUND DOCUMENT

**Habitats Regulations Appraisal  
(HRA) Record**

**for the**

**Scottish Borders  
Local Development Plan  
(2022 update)**

## Table of Contents

Page Number

|  |    |
|--|----|
| 1. Introduction & Background                                   | 3  |
| 2. Is the Scottish Borders LDP2 subject to HRA?                | 6  |
| 3. European Sites within the Scottish Borders                  | 7  |
| 4. European Sites Screened for Likely Significant Effects      | 8  |
| 5. Screening for Likely Significant Effects on a European Site | 10 |
| 6. Screening of Proposed LDP2 Allocations                      | 20 |
| 7. Appropriate Assessment                                      | 22 |
| 8. Conclusions   | 24 |

**Appendix 1: Map showing European Sites**

**Appendix 2: Details of European Sites Screened In**

**Appendix 3: European Sites (Screened Out)**

**Appendix 4: Extract of Excel Spreadsheet (Sites Screened In/Out)**

# 1. INTRODUCTION & BACKGROUND

## PROPOSED LOCAL DEVELOPMENT PLAN 2

- 1.1 It should be noted that the HRA has been updated to take on board the comments received as part of the Proposed Plan consultation process. The purpose of the Proposed LDP2 is to articulate the Scottish Borders Council's land use planning direction, in terms of both policy and land use allocations. The LDP sits within a planning policy hierarchy, with both the National Planning Framework 3 and SESplan providing strategic planning policy that is then distilled through the Proposed Plan/LDP.
- 1.2 Although the Proposed LDP2 is at a 'lower level' to the strategic planning documents, above it in the hierarchy it is the case that some of the policies in the Proposed LDP2 are also strategic in nature. The Proposed LDP2 covers the period 2021 to 2026 and as such some elements are necessarily strategic in their formation to reflect the uncertainty that the future brings.

## PURPOSE OF THE HRA

- 1.3 The purpose of this Habitats Regulations Appraisal (HRA) is to establish if the Scottish Borders Proposed Local Development Plan (LDP2) could cause 'likely significant effects' (LSE) which could affect specific sites within and outwith the Scottish Borders local authority area. The sites in question are part of the European Sites network, with their function being to protect birds, other species, and habitats for which the site is designated; they are collectively known as European Sites. In particular the HRA assesses whether there will be LSE on the conservation objectives for respective European Sites.
- 1.4 If a LSE is identified on the conservation objectives then an '**appropriate assessment**' is required, to be undertaken which ascertains that there are no adverse effects on the European 2000 sites integrity or otherwise. This is to establish whether the LSE(s) identified could affect '*the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*'.<sup>1</sup>
- 1.5 For the Scottish Borders Proposed LDP2 to be approved by Scottish Ministers, it must be shown that the Proposed LDP2 will not have any significant effects on the site integrity of any European Site. It should therefore be made explicit that this HRA is for the Proposed LDP2 only and if there are subsequent changes then re-assessment will need to take place.

---

<sup>1</sup> David Tyldesley & Associates, Habitats Regulations Appraisal of Plans (Guidance for Plan-Making Bodies in Scotland) (version 3.0) (2015)

1.6 This HRA has been directed by the Habitats Regulations Appraisal of Plans Guidance for Plan Making Bodies in Scotland Version 3.0 which has been produced by Scottish Natural Heritage (SNH) and David Tyldesley & Associates.

1.7 The HRA has a number of important steps as follows:

- *Determination of whether HRA is required*
- *A screening process which determines which aspects of the LDP2 would/would not be likely to have a significant effect on a European Site either individually or in-combination; dependent on the decision policies are either screened in or out*
- *The LDP2 content screened in, is also considered against other plans, policies and strategies (PPS) in an 'external' in-combination assessment*
- *If necessary, appropriate assessment to provide detailed assessment and mitigation to prevent LSEs which adversely affect the integrity of a European Site.*

A number of appendices are included:

- *Appendix 1: Map showing the European Sites*
- *Appendix 2: Details of the European Sites that were screened in*
- *Appendix 3: Table of the European Sites that were not considered in the 'baseline' for likely significant effects and the reason for this*
- *Appendix 4: Spreadsheet that was used to determine which Proposed LDP2 allocations should be screened in or screened out for the appropriate assessment.*

## LEGISLATIVE AND POLICY BACKGROUND

1.8 In 1992 the European Union adopted legislation, known as the Habitats Directive, to help conserve the most seriously threatened habitats and species across Europe.<sup>2</sup> The Habitats Directive compliments the Birds Directive (1979)<sup>3</sup> and the core of both directives is the creation of a network of sites called Natura 2000. The Natura 2000 network is made up of Special Areas of Conservation (SAC)<sup>4</sup> and Special Protection Areas (SPA).<sup>5</sup> Ramsar wetland sites are considered as part of the Natura 2000 network and protected under the relevant statutory regimes. In the Scottish Borders area all Ramsar sites are covered by SPAs and are considered as part of these designations in this HRA. The UK's departure from the EU means that while we will continue to host sites that form part of a European network of designated sites, they will no longer form part of the Natura 2000 network.

1.9 Article 6 (3) of the *Habitats Directive* requires that any *plan or project*, which is not directly connected with or necessary to the management of a *European site*, but

---

<sup>2</sup> [Habitats Directive](#)

<sup>3</sup> [Birds Directive](#)

<sup>4</sup> [Special Areas of Conservation \(SAC\)](#)

<sup>5</sup> [Special Protection Areas \(SPA\)](#)

would be ***likely to have a significant effect*** on such a site, either individually or in combination with other plans or projects, shall be subject to an '***appropriate assessment***' of its implications for the European site in view of the site's *conservation objectives*. In the light of the conclusions of that assessment, and subject to the provisions of Article 6(4) of the Habitats Directive, the ***competent authority*** shall agree to the plan or project only after having ascertained that it will not ***adversely affect*** the ***integrity of the site*** concerned and, if appropriate, having obtained the opinion of the general public.

1.10 The above Directives are transposed into Scottish legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). In translating this legislation into policy the Scottish Planning Policy (2010) states, in summary, that a plan, policy or strategy cannot be ratified unless it can be shown that there will be no adverse impacts on any European Site(s). This is the case unless:

- There is no alternative solutions; and
- There are imperative reasons of overriding public interest, including those of a social or economic nature.

1.11 In addition, Circular 6/2013 'Development Planning' confirms that Supplementary Guidance is subject to HRA consideration.

## 2. IS THE SCOTTISH BORDERS LDP2 SUBJECT TO HRA?

- 2.1 Scottish Planning Policy (SPP) states, in summary, that ‘any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an *‘appropriate assessment’* of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an *‘appropriate assessment’* that there will be no adverse effect on the integrity of the site.
- 2.2 The Proposed LDP2 **is** subject to HRA because it is a land use plan and is not directly connected with or necessary to site management for nature conservation. Appraisal of the potential effects of the Proposed LDP2 is required under Part IVA (regulations 85A-85E) of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended. This document will proceed to report on the HRA.



### 3. EUROPEAN SITES WITHIN THE SCOTTISH BORDERS

3.1 Within the Scottish Borders, there are a range of different types of natural environment which have been designated European Sites. Within the boundaries of the local authority there are 5 SPA (which incorporates 3 Ramsar) and 9 SAC sites. There are no proposed SAC or SPA (or Ramsar) sites within the Borders.

3.2 SPA sites;

- Din Moss – Hoselaw Loch\*
- Greenlaw Moor\*
- Langholm – Newcastleton Hills
- St Abbs Head to Fast Castle; and
- Westwater\*

*\*These sites also have a Ramsar site designation. There are no other Ramsar designations within the Scottish Borders.*

3.3 There is a further SPA at Fala Flow, which is within Midlothian, adjacent to the Scottish Borders area as well as designated sites in Northumberland. A proposed SPA for the Outer Firth of Forth and St Andrews Bay Complex, which incorporates the North Sea off the coast of part of the Scottish Borders area, was recently subject to public consultation.

3.4 The following list contains the SAC sites within the Scottish Borders;

- Berwickshire and North Northumberland Coast
- Borders Woods
- Craigengar
- Dogden Moss
- Moorfoot Hills
- River Tweed
- St Abbs Head to Fast Castle
- Threepwood Moss
- Whitlaw and Branxholme

3.5 Appendix 1 contains a map of all the European Sites that were identified which could have been subject to possible LSEs from the Proposed LDP2.

## 4. EUROPEAN SITES SCREENED FOR LIKELY SIGNIFICANT EFFECTS

### EUROPEAN SITES WHICH MAY BE SUBJECT TO A LSE

4.1 Appendix 2 explains which European Sites may be subject to a *'likely significant effect'* and will therefore be screened into the HRA process. The European Sites listed below form the *'baseline'* for assessment because a link/pathway could be identified between the Proposed LDP2 policies/proposals and the qualifying interests of the designated sites (and therefore a LSE on their conservation objectives):

- River Tweed Special Area of Conservation
- Din Moss – Hoselaw Loch Special Protected Area
- Greenlaw Moor Special Protected Area
- Westwater Special Protected Area
- Fala Flow Special Protected Area (Located within Midlothian Council)

4.2 The details of the European Sites, including their qualifying interests, site condition, conservation objectives, factors influencing the site and any known vulnerabilities are included within Appendix 2 of the HRA. The information contained within Appendix 2 was gathered from Scottish Natural Heritage and the joint Nature Conservation Committee (JNCC).

4.3 Appendix 3 contains a list of the European sites which are not included within the *'baseline'* along with a justification of why there was no link/pathway from the Proposed LDP2 that could result in a LSE on its conservation objectives.

4.4 In respect of screening in/out SPA's where the qualifying interests are mobile, connectivity needs to be considered in relation to bird activity away from the SPA itself. This includes whether a potential allocation is used by birds for off-site feeding or loafing as well as direct impacts on the designated sites themselves.

4.5 The following SPA's within the Scottish Borders have geese as a qualifying interest; Din Moss – Hoselaw Loch, Greenlaw Moor and Westwater. The Fala Flow SPA is located within Midlothian Council, however geese are a qualifying species within the site. A desktop study was undertaken to identify any proposed allocations within a 20km buffer around the above SPA's, where geese were identified as a qualifying interest. In all other instances, a 2km buffer was used around SPA's. Appendix 4 contains an extract showing the sites screened in/out.

### ALLOCATIONS SCREENED INTO THE PROCESS

4.6 The number of proposed allocations identified within or adjacent to any SAC or within the 2km/20km buffer of the SPA's identified above, are outlined below. These allocations have been screened into the process, as part of the initial screening assessment.

- Coldstream: ACOLD014
- Eddleston: AEDDL010

- Eshiels: BSHI001
- Galashiels: AGALA029 & BGALA006
- Gordon: AGORD004
- Grantshouse: AGRAN004
- Greenlaw: AGREE009 & BGREE005
- Innerleithen: MINNE003
- Jedburgh: AJEDB018, RJEDB003 & RJEDB006
- Kelso: BKELS006
- Oxton: AXTO010
- Peebles: APEEB056
- Reston: AREST005
- Selkirk: ASELK040
- Westruther: AWESR002 & BWESR001
- Yetholm: BYETH001

4.7 Appendix 4 contains an extract from the excel spreadsheet, outlining whether a proposed allocation falls within or adjacent to a European site.

## 5. SCREENING FOR LIKELY SIGNIFICANT EFFECTS ON A EUROPEAN SITE

### WHAT IS THE PURPOSE OF SCREENING?

- 5.1 Screening is a series of systematic steps to eliminate, or ‘screen out’ elements of the plan not likely to have a significant effect on a European site, and to ensure that other elements of the plan are ‘screened in’ to the appropriate assessment, and therefore subject to further appraisal. ‘Screening’ is a term used within the SNH Guidance, to describe the initial stages of the HRA. The screening stage is now necessarily a single stage in the preparation of a Plan, rather could be a stage that is repeated, for example, when the Plan is prepared, and then perhaps again towards the end of the plan-making process and when modifications are considered for inclusion at a later stage. The purpose of the screening process is outlined below.

*The purpose of the screening stage is to:*

- a) Identify all aspects of the plan which would have no effect on a European site, so that they can be eliminated from further consideration in respect of this and other plans;
- b) Identify all aspects of the plan which would not be likely to have a significant effect on a European site (ie would have some effect, because of links/connectivity, but which are minor residual), either along or in combination with other aspects of the same plan or other plans or projects, which therefore do not require ‘appropriate assessment’; and
- c) Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either along or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.

### SCREENING PROCESS

- 5.2 The HRA Guidance for Plan Making Bodies Version 3.0 states that there are a number of steps under which policies or proposals can be screened out individually as not having a LSE on Natura Sites. Each of the policies and proposals within the Proposed LDP have been screened to identify those that may give rise to LSE’s on each of the European sites considered in the appraisal.

- **Screening Step 1: General Policy Statements**
  - Identify and screen out general policy statements, including ‘general criteria based policies’. A general statement of policy sets out a strategic aspiration for the plan-making body for a certain issue.
- **Screening Step 2: Projects referred to in, but not proposed by, the plan**
  - Screen out any references to specific proposals for projects referred to in, but not proposed by, the plan.

- **Screening Step 3: Aspects of a Plan that could have no likely significant effect on a site, along or in combination with other aspects of the same Plan, or with other plans or projects**
  - Screen out elements of the plan that could have no likely significant effects on a European site at all. In order to answer this question it will be necessary to use the information gathered and to structure the screening process, taking each aspect of the plan individually or in sections, and considering whether any of the following apply;
    - a) *Intended to protect the natural environment,*
    - b) *Which will not themselves lead to development or other change,*
    - c) *Which make provision for change but which could have no conceivable effect*
    - d) *Which make provision for change but which could have no significant effect on a European site*
    - e) *For which effects on any particular European site cannot be identified,*

A general statement of policy sets out a strategic aspiration for the plan-making body for a certain issue.

- 5.3 Table 1-8 below shows the policies and proposals of the Proposed LDP2 that are proposed to be screened out as it is considered they would not be likely to have a significant effect alone on a European site. The screening methodology has followed the recommended approach from SNH, outlined below. This is a sequential approach, whereby policies and proposals are assigned one of the seven categories.

Table 1: General Policy Statements (1)

| Policy/Statement   | Description   |
|--|---|
| Vision   | General statement setting out the Council's vision for the Plan period.   |
| Aims: Communities  | Sets out 4 aims covering 'communities', including housing, sustainable communities, placemaking and design and connectivity.  |
| Aims: Growing Economy  | Sets out 5 aims covering 'growing economy', including business/industrial land, economic development, regeneration, tourism and infrastructure.   |
| Aims: Sustainability   | Sets out 7 aims covering 'sustainability', including built and natural environment, brownfield sites, waste management, climate change, key green spaces, connectivity and green networks.  |
| Spatial Strategy   | The spatial strategy is taken from the Strategic Development Plan (SDP) and focuses on three growth areas; Central, Eastern and Western Borders.  |
| Policy HD1: Affordable Housing Delivery                            | The aim of this policy is to ensure that new housing development provides an appropriate range and choice of 'affordable' units as well as mainstream market housing. The Council will require the provision of a proportion of land for affordable housing, both on allocated and windfall sites, subject to meeting the criteria. |
| Policy HD6: Housing for Particular Needs                           | The Council will support proposals for particular needs housing and accommodation, where there is an identified local housing need.   |
| Policy EP17: Food Growing and Community Growing Spaces             | The Council will support development that safeguards and enhances the quality of an existing food growing area. The Council will support development for new or extended food growing areas that meet community needs, provided it meets certain criteria.  |
| Policy IS2: Developer Contributions                                | The Council will require developers to make a full or partial contribution towards the cost of addressing deficiencies in infrastructure or to environmental impacts.   |
| Policy IS3: Developer Contributions Related to the Borders Railway | Aim of the policy is to seek developer contributions towards the cost of reinstating the Waverley Railway Line.   |
| Policy IS6: Road Adoption Standards                                | On non-trunk roads, trunk roads, footpaths and cycleways within developments must be designed and constructed in accordance with the Council's adopted standards to secure Road Construction Consent, with the exception of development which can be served by a private access.  |

|   |   |
|---|---|
| Policy IS7: Parking Provision and Standards | Development proposals should provide for car and cycle parking in accordance with approved standards. |
|---|---|

Table 2: Projects referred to in, but not proposed by, the Plan (2)

| Projects                        | Description  |
|---------------------------------|--|
| SESplan Proposals               | Proposals and background documents produced and prepared by SESPlan.   |
| Scottish Borders Community Plan | In November 2017, the Community Planning Partnership (CPP) published its Scottish Borders Community Plan (known as a 'Local Outcomes Improvement Plan' within the Community Empowerment (Scotland) Act 2015, replaced the Single Outcome Agreement). Within the Community Plan, there are four themes; economy, skills and learning; health, care and well-being; quality of life and place. |
| National Outcomes               | Any national outcomes referred to within the Proposed Plan.  |

Table 3: Elements intended to protect the environment (3a)

| Aspects of the Plan   | Description  |
|---|--|
| Policy EP1: International Nature Conservation Sites and Protected Species | Development proposals which will have a likely significant effect on a designated or proposed European site, which includes all Ramsar sites, are only permissible where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site. |
| Policy EP2: National Nature Conservation Sites and Protected Species      | Development proposal which are likely to have a significant adverse effect, either directly or indirectly on a SSSI, NNR or habitat directly supporting a nationally important species will not be permitted unless it meets certain criteria.                                   |
| Policy EP3: Local Biodiversity and Geodiversity                           | Development that could impact upon local biodiversity, including Local Biodiversity Sites or would adversely affect the interest of a Local Geodiversity Site will only be permitted where it meets certain criteria.  |
| Policy EP4: National Scenic Areas   | Development that may affect National Scenic Areas will only be permitted where they meet certain criteria.   |
| Policy EP5: Special Landscape Areas                                       | The Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that would have a significant adverse   |

|   |  |
|---|--|
|   | impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.   |
| Policy EP7: Listed Buildings                                    | The Council will support development proposals that conserve, protect and enhance the character, integrity and setting of listed buildings. Proposals must meet certain criteria; demolition will not be permitted unless overriding factors can be proven. Enabling development may be acceptable where it is clearly shown to be the only means of retaining a Listed Building.  |
| Policy EP8: Historic Environment Assets and Scheduled Monuments | Development proposals which would destroy or adversely affect the appearance, fabric or setting of nationally important sites will not be permitted unless certain criteria are met; support may be given to proposals within a battlefield dependent on the sensitivity of the battlefield; proposals which adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefit of the proposal will clearly outweigh the heritage value of the asset. |
| Policy EP9: Conservation Areas                                  | The Council will support development proposals within or adjacent to a Conservation Area which are designated to preserve or enhance the character of appearance of the area.  |
| Policy EP10: Gardens and Designed Landscapes                    | The Council will support development that safeguards or enhances the landscape features, character or setting of; Inventory sites, or Historic Gardens and Designed Landscape Record sites.  |
| Policy EP11: Protection of Greenspace                           | Key Greenspaces will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.<br>Development that would result in the loss of greenspace will only be permitted if it can be demonstrated that certain criteria can be met.  |
| Policy EP12: Green Networks                                     | The Council will support proposals that protect, promote and enhance the Green Network.<br>Where a proposal may have a negative impact appropriate mitigation will be required; where infrastructure projects/other developments are required that cross a Green Network, such developments must take account of the coherence of the Network.   |
| Policy EP13: Trees, Woodlands and Hedgerows                     | The Council will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits outweigh certain factors. Any development should meet the criteria listed in the policy.   |
| Policy EP14: Coastline  | Development proposals at a coastal location will only be permitted where certain criteria are met.   |
| Policy EP15: Development Affecting the Water Environment        | Development proposals that seek to bring improvements to the quality of the water environment will be supported.   |



|                          |   |
|--------------------------|---|
| Policy EP16: Air Quality | Development proposals that could adversely affect the quality of the air in a locality must be accompanied by provision to minimise any risk to an acceptable degree. |
|--------------------------|---|

Table 4: Elements which will not lead to development or other change (3b)

| Aspects of the Plan | Description |
|---------------------|-------------|
| n/a                 | n/a         |

Table 6: No link or pathway to a European site (3c)

| Aspects of the Plan | Description |
|---------------------|-------------|
| n/a                 | n/a         |

Table 7: Elements that will have a minor residual effect (3d)

| Aspects of the Plan | Description |
|---------------------|-------------|
| n/a                 | n/a         |

Table 8: Elements which are too general to predict the nature of effects (3e)

| Aspects of the Plan               | Description  |
|-----------------------------------|--|
| Policy PMD1: Sustainability       | Details sustainability principles that the Council will expect developers to incorporate into their developments. These principles underpin all the Plan's policies.   |
| Policy PMD2: Quality Standards    | States that all new development will be expected to be of high quality in accordance with the sustainability principles. Details the standards that development should attain to meet the sustainability principles. |
| Policy PMD3: Land Use Allocations | This policy applies to all the allocated land use proposals contained within the Proposed Plan. States that development will be approved in principle for the land uses allocated within the Plan.                   |

|  |   |
|--|---|
| Policy PMD4: Development Outwith Development Boundaries                  | States that any development proposals outwith but adjoining the Development Boundary will have to comply with the rigorous exceptions criteria contained within the policy.   |
| Policy PMD5: Infill Development  | The purpose of the policy is to be generally supportive to suitable infill development provided it meets certain criteria.  |
| Policy ED1: Protection of Business and Industrial Land                   | <p>The Council aims to maintain a supply of business and industrial land allocations within the Scottish Borders.</p> <p>There is a presumption in favour of business and industrial use on High Amenity Business and Business and Industrial sites.</p> <p>The Council protects high amenity business sites for Class 4. Development for other uses other than Classes 4,5 and 6 on business and industrial sites in the locations identified within the policy will generally be refused.</p> |
| Policy ED2: Employment Use Outwith Business and Industrial Land          | Within the defined Development Boundary there will be a presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites. Any proposal for business and industrial development outwith development boundaries will need to meet certain criteria.   |
| Policy ED3: Town Centres and Shopping Development                        | The Council will seek to develop and enhance the role of town centres.  |
| Policy ED4: Core Activity Areas in Town Centres                          | To provide flexibility and maintain vitality and viability in the retail core of the town centres. Only certain uses are permitted within these areas and other uses need to meet certain criteria.   |
| Policy ED5: Regeneration   | <p>This policy applies to allocated and non-allocated brownfield sites within the Scottish Borders. States that development will be approved if it meets the criteria contained within the policy.</p> <p>It should be noted that there are a number of brownfield allocations</p>  |
| Policy ED6: Digital Connectivity   | The Council will support proposals which lead to the expansion and improvement of the electronic communications network in the Borders.   |
| Policy ED7: Business, Tourism and Leisure Development in the Countryside | Proposals for business, tourism or leisure development in the countryside that assist in strengthening communities and retaining young people in rural areas will be approved and rural diversification initiatives will be encouraged provided that the criteria set out within the policy is met.   |

|  |   |
|--|---|
| Policy ED8: Caravan and Camping Sites  | The Council will support proposals for new or extended caravan and camping sites in suitable locations, as long as they meet the criteria. Proposals that result in the loss of an existing caravan and camping site may be supported, where they meet the criteria.  |
| Policy ED9: Renewable Energy Development   | The Council will support proposals for both large scale and community scale renewable energy developments including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.  |
| Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils | Development which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless certain criteria are met.  |
| Policy ED11: Safeguarding of Mineral Deposits                                    | The Council will not grant planning permission for development which will sterilise reserves of economically significant mineral deposits unless it meets the criteria within the policy.   |
| Policy ED12: Mineral and Coal Extraction   | Mineral extraction will not be permitted where it may affect designated or proposed sites under European Directives, except in the most exceptional circumstances; may affect sites of national importance unless certain criteria are met; may affect sites of local importance unless certain criteria are met; it is located where residential amenity may be affected; may damage the local economy; local roads are unsuitable or unacceptable cumulative effects may occur. |
| Policy HD2: Housing in the Countryside   | The Council wishes to promote appropriate rural housing development in certain locations within the Borders related to existing built development of certain kinds.   |
| Policy HD3: Protection of Residential Amenity                                    | Development judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against certain criteria.   |
| Policy HD4: Further Housing Land Safeguarding                                    | Areas included within the Settlement Profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals coming forward for housing development within these longer term areas in advance of the identification of a shortfall in the effective housing land supply will be treated as premature.   |
| Policy HD5: Care and Nursing Homes   | Proposals for new or extended residential care or nursing homes or other supported accommodation provision will be supported where this meets an identified and certain criteria is met.  |
| Policy EP6: Countryside Around Towns   | Within the area defined as Countryside Around Towns, proposals will only be considered if they meet certain criteria.   |

|  |  |
|--|--|
| Policy IS1: Public Infrastructure and Local Service Provision              | Council will encourage the retention of & improvements to public infrastructure & local services. Proposals that result in the loss of an existing public facility or local service may be supported if certain criteria are met.                  |
| Policy IS4: Transport Development and Infrastructure                       | The Council supports a range of schemes to provide new and improved transport infrastructure.  |
| Policy IS5: Protection of Access Routes                                    | Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or alternative route, as agreed by the Council can be provided by the developer.                      |
| Policy IS8: Flooding   | New development should be located in areas free from significant flood risk. On areas of certain flood risk, some forms of development will not normally be acceptable.  |
| Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage | Policy details the Council's preferred method of dealing with waste water associated with new development. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on SUDS. |
| Policy IS10: Waste Management Facilities                                   | Applications for waste management facilities that deliver the Council's waste plan will be approved, provided that any impacts on local communities and the environment have been properly addressed.  |
| Policy IS11: Hazardous Developments  | Proposals for hazardous developments will be refused if, guided by the advice of the Health and Safety Executive and other consultees as appropriate.  |
| Policy IS12: Development Within Exclusion Zones                            | All proposals for development which are within the exclusion zones, will be refused if it is judged to result in unacceptable levels of pollution, nuisance or result in an unacceptable hazard to the public or the environment.                  |
| Policy IS13: Contaminated and Unstable Land                                | Where development is proposed on land that is contaminated, or suspected of contamination, the developer will be required to meet the certain criteria.  |
| Policy IS14: Crematorium Provision   | The Council will consider applications for crematoria to meet community needs, providing the requirements listed in the policy are met.  |
| Policy IS15: Radio Telecommunications                                      | Development involving telecommunications masts, antennas, power lines & associated structures required etc will be assessed against siting & design considerations.  |
| Policy IS16: Advertisements  | Applications for advertisements/signs will be assessed against the Council's SPG. All proposals will be assessed against criteria listed in the policy.  |

|                                     |  |
|-------------------------------------|--|
| Policy IS17: Education Safeguarding | Within areas identified for educational uses judged to be of strategic importance, consent will only be granted for those uses that would facilitate or improve educational facilities within the Scottish Borders.  |
| Policy IS18: Cemetery Provision     | The Council will support development that safeguards and enhances the quality of an existing cemetery. Development that results in the loss of any cemetery will not be supported. The Council will support applications for new or extended cemeteries that meet community needs, provided that certain criteria are met. |

## 6. SCREENING OF PROPOSED LDP2 ALLOCATIONS

### SCREENING PROCESS

- 6.1 It is considered more appropriate to undertaken the screening for allocations in a different manner to that carried out for the rest of the plan. This is due to the high volume of allocations to be considered.
- 6.2 It is found that there is a more specific possibility of a link which could cause LSE on European sites with allocations due to the fact that there is a certainty in location and that there will be construction at some stage. As a result it is necessary to look closely at the conservation objectives and the vulnerabilities that are known for the respective European sites. This has been done by referencing JNCC Data Sheets and through consultation with SNH.
- 6.3 Appendix 4 contains the screening reasoning and mitigation measures for all the sites being added to the Proposed LDP. It should be noted that the mitigation measures have been updated further to comments received as part of the Proposed Plan consultation process. The spreadsheet shows the initial screening work by identifying settlements, respective allocations and allocation type, and a screening decision with reasoning (orange heading); and whether the allocation has been subject to HRA/AA before (purple heading). It should be noted that for all other sites being carried forward from the adopted LDP and Housing SG, they were subject to screening and appropriate assessment, where required, at those stage.

### FACTORS THAT INFLUENCED THE SCREENING PROCESS

- 6.4 It is considered useful to detail factors that influenced the initial screening process, these are detailed below;
- **Key Greenspace:** These allocations were screened out. The allocations are protective and no development is proposed on them as a result, no link to a LSE on the conservation objectives of any European site can be established
  - **Safeguarded Business and Industrial:** These sites were screened out. Essentially these allocations are already developed and the safeguarding allocation is to ensure their primary use remains as business and industrial. As a result development is not expressly proposed on them in the Proposed LDP and it is judged not to link to a LSE on the conservation objectives on any European site can be established.
  - **Longer term development allocations:** These were screened out. These allocations are essentially indicative of an area where the Council would like to see longer term development of settlements take place. As a result, no physical development will take place within these areas in the Plan period.
  - **Previous Appropriate Assessments:** It was found that a number of the sites had been subject to a previous Appropriate Assessment either as part of

the adopted Local Plan, Local Plan Amendment, Local Development Plan or as part of the Housing SG. All of these processes provided mitigation measures that were, at the time, agreed in consultation with SNH. It was considered appropriate to screen these allocations out.

#### IN COMBINATION ASSESSMENT

- 6.5 It was considered that of the sites remaining there was only the possibility of in combination cumulative LSE on the conservation objectives of the River Tweed SAC associated with material or discharges entering the water as a result of development or on the Borders Woods SAC through cumulative recreational impact from housing allocations located within Newtown St Boswells, which are close to the European site.
- 6.6 It was considered that cumulative in combination impacts would result from the allocations not screened out under steps 1-3 and from any relevant external plan, policy or strategy where a link could be established on the conservation objectives of the River Tweed SAC or the Borders Woods SAC.
- 6.7 It should be noted that Appendix 4 contains the Appropriate Assessment, which includes mitigation measures, to ensure that there is no adverse effect on the integrity of European sites.

## 7. APPROPRIATE ASSESSMENT

7.1 The HRA Guidance for Plan Making Bodies Version 3 states that where LSE have not been ruled out by the screening steps, the plan-making body should be taken forward into appropriate assessment and have mitigation measures applied at that stage.

7.2 In consultation with SNH it was agreed that for the remaining allocations where LSE had not been objectively ruled out on the conservation objectives of the River Tweed SAC then mitigation measures as discussed at Stage 9 of the HRA Guidance would be examined.

### MITIGATION MEASURES

7.3 It was considered that LSE from these allocations could be avoided by the legislative and regulatory regime in line with SEPA Controlled Activity Regulations, however in terms of the legal position in relation to the protection of European sites, it was understood that relying on another piece of legislation or policy was not sufficient to rule out LSE caused by the Proposed LDP itself. As a result, a number of other mitigation measures were investigated and these are described below:

- Agreed with SNH that there was no LSE link to the conservation objectives of the Berwickshire North Northumberland SAC, this applied to all allocations near to the coast of Berwickshire or near to watercourses that flowed to the designated coastline. Nevertheless, the detailed screening in Appendix 4 identifies mitigation as this is already in place within the LDP
- SNH agreed that for other allocations where there was either planning consent or approved briefs, which provided mitigation measures, that these were sufficient to ensure no adverse effect on the integrity of the European sites.
- It was agreed that policies EP1: International Nature Conservation Sites and Protected Species and EP15: Development affecting the Water Environment, provided sufficient caveats to avoid LSE on the conservation objectives of European sites. Further mitigation is provided in the settlement profiles and site requirements, which refer to European sites and mitigation as required.

7.4 Mitigation measures applied at appropriate assessment stage are shown under the pink columns within Appendix 4. In total 32 sites were subject to an AA. It should be noted that the mitigation measures have been updated to take on board comments received as part of the Proposed Plan consultation. As shown within Appendix 4, these sites were subject to detailed appraisal of mitigation measures which included:

- *More detailed appraisal of site conditions, including distance from the European site and site situations such as physical barriers;*
- *Caveats in policies EP1 and EP15 as effective mitigation rolled forward from LDP1; and*
- *Site specific caveats in settlement profiles and site requirements (Vol 2) as straightforward mitigation.*

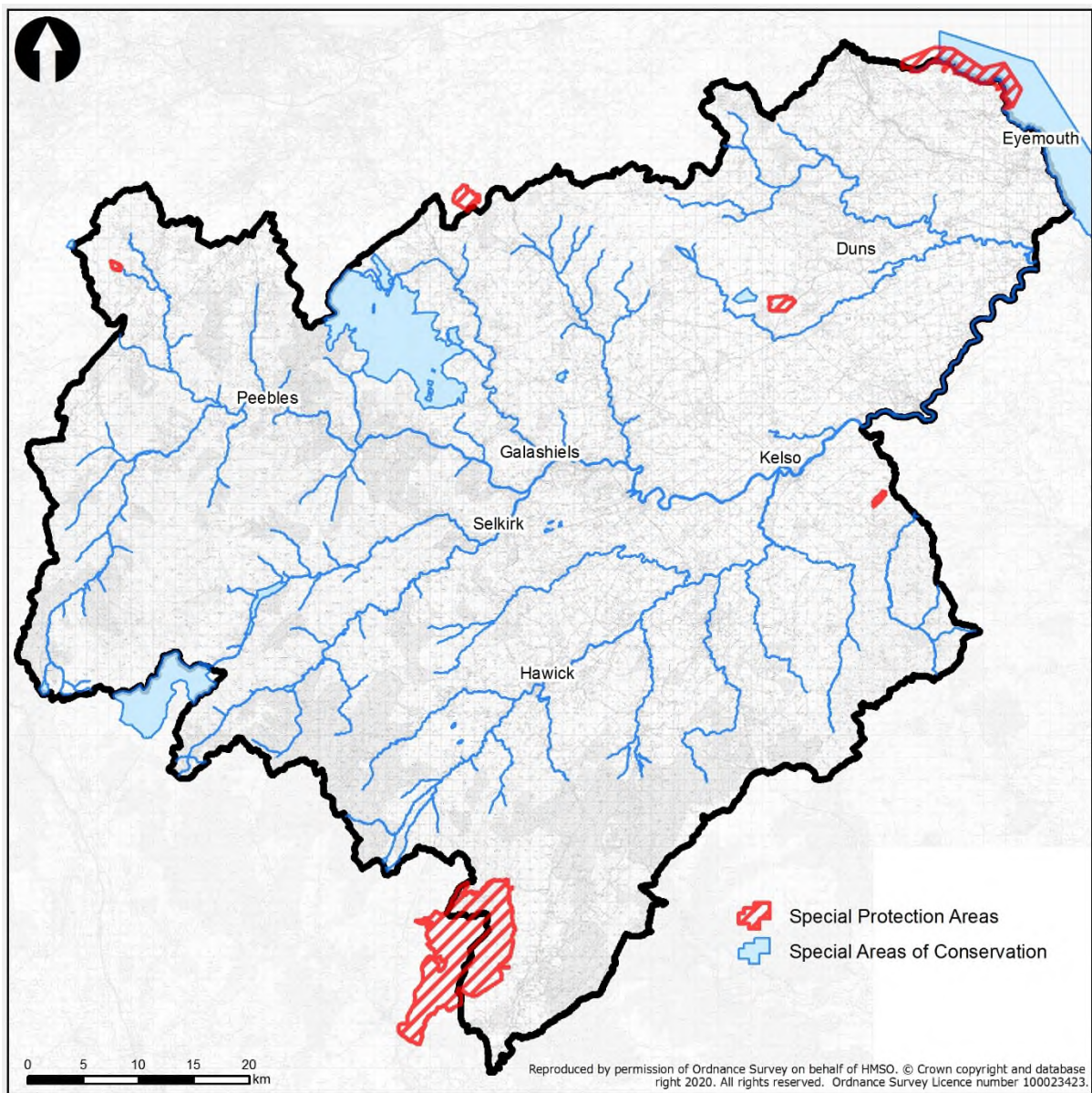


7.5 This approach is in accordance with Scottish Government advice and SHN Guidance. Following this detailed appraisal, the appropriate assessment of the plan concludes that with these measures in place, there will be no adverse effect on site integrity.

## **8. CONCLUSIONS**

- 8.1 Appendix 4 shows that completion of a number of steps in all of the allocations within the Proposed LDP as either unlikely to have a significant effect or, with application of policy and site-specific caveats as detailed in 5.4 above, that they will not have an adverse effect on site integrity.
- 8.2 These steps have involved screening out of allocations for which a link to a European site cannot be established; screening out allocations where a previous HRA or appropriate assessment have concluded that there is no LSE on the conservation objectives of a European site; screening out allocations because there is an existing planning consent or planning brief which deals with European sites and provides mitigation measures where appropriate; and screening out sites where Proposed Local Development Plan policy means adverse effect on site integrity of a relevant European site can be avoided.
- 8.3 The approach to the HRA record has been undertaken following consultation with SNH.

## Appendix 1: Map showing the European Sites



## Appendix 2: Details of European Sites Screened In

| European Site                             | Reasoning for Screening In  |
|---|---|
| <p><b>River Tweed SAC</b></p>             | <p>This SAC encompasses the River Tweed and all its tributaries across the Scottish Borders, which are connected to the River Tweed. The qualifying interests are outlined below and include; <i>river lamprey, brook lamprey, otter, sea lamprey, atlantic salmon and rivers with floating vegetation often dominated by water-crowfoot.</i></p> <p>There are a number of proposed sites which are within close proximity to the River Tweed or associated tributaries.</p> <p>Therefore, there is the potential that the proposed allocations within the LDP2 could cause LSE's to this SAC. Therefore, the SAC would require to be <b>screened in</b> and any necessary mitigation identified.</p>   |
| <p><b>Din Moss – Hoselaw Loch SPA</b></p> | <p>This SPA is located in a remote area of the Scottish Borders, to the north west of Kirk and Town Yetholm and the south east of Kelso. The qualifying interests are outlined below and include; <i>greylag geese and pink-footed goose.</i></p> <p>The identified qualifying interests are mobile and connectivity needs to be considered in relation to such bird activity away from the SPA itself, to ascertain whether the proposed allocation is used by birds for off-site feeding or loafing. There are 9 proposed allocations within the 20km buffer around the SPA;</p> <ul style="list-style-type: none"> <li>• ACOLD014, Coldstream</li> <li>• AGORD004, Gordon</li> <li>• AGREE009, Greenlaw</li> <li>• BGREE005, Greenlaw</li> <li>• AJEDB018, Jedburgh</li> <li>• RJEDB003, Jedburgh</li> <li>• RJEDB006, Jedburgh</li> <li>• BKELS006, Kelso</li> <li>• BYETH001, Yetholm</li> </ul> |

|                                 |  |
|---------------------------------|--|
|                                 | <p>It should be noted that there is no possibility of any material entering the loch or affecting Din Moss, as development will not be located on or adjacent to the site and there are no watercourses running to the site. There is no significant risk from increased recreation or air pollutants.</p> <p>In respect of AGREE009, RJEDB003 &amp; RJEDB006, these are currently brownfield sites. Given that there are a number of proposed allocations within the 20km buffer area, there is the potential that the proposed allocations could cause LSE's to the SPA. Therefore, the SPA would require to be <b>screened in</b> and any necessary mitigation identified.</p>  |
| <p><b>Greenlaw Moor SPA</b></p> | <p>This SPA is located to the north of Greenlaw and to the south west from Duns. The qualifying interests are outlined below and include; <i><b>pink-footed goose</b></i>.</p> <p>The identified qualifying interests are mobile and connectivity needs to be considered in relation to such bird activity away from the SPA itself, to ascertain whether a proposed allocation is used by birds for off-site feeding or loafing. There are 9 proposed allocations within the 20km buffer around the SPA;</p> <ul style="list-style-type: none"> <li>• ACOLD014, Coldstream</li> <li>• AGORD004, Gordon</li> <li>• AGRAN004, Grantshouse</li> <li>• AGREE009, Greenlaw</li> <li>• BGREE005, Greenlaw</li> <li>• BKELS006, Kelso</li> <li>• AREST005, Reston (Adjacent to the site)</li> <li>• AWESR002, Westruther</li> <li>• BWESR001, Westruther</li> </ul> <p>It should be noted that the site is at a relatively high elevation and water flows away from the site so there is no significant risk of material in watercourses affecting the site. There is no significant risk from increased recreation or air pollutants.</p> |

|   |  |
|---|--|
|   | <p>In respect of AGREE009 and BWESR001, these are currently brownfield sites. Given that there are a number of proposed allocations within the 20km buffer area, there is the potential that the proposed allocations could cause LSE's to the SPA. Therefore, the SPA would require to be <b>screened in</b> and any necessary mitigation identified.</p>   |
| <p><b>Westwater SPA</b></p>                                     | <p>This SPA is located to the west of West Linton and is an upland area. The qualifying interests are outlined below and include; <b><i>pink-footed goose and waterfowl assemblage.</i></b></p> <p>The identified qualifying interest include pink-footed goose, therefore are mobile and connectivity needs to be considered in relation to such bird activity away from the SPA itself, to ascertain whether a proposed allocation is used by birds for off-site feeding or loafing. There are 3 allocations within the 20km buffer around the SPA;</p> <ul style="list-style-type: none"> <li>• AEDDL010, Eddleston</li> <li>• BESHIO01, Eshiels</li> <li>• APEEB056, Peebles</li> </ul> <p>It should be noted that the site is located in a relatively remove upland area and water flows away from the site. As such there would be no risk of material in watercourses affecting the site and so the qualifying interests for the site would not be subject to any risk. It is not considered there is a risk from increased recreation or air pollutants.</p> <p>Given that there are a number of proposed allocations within the 20km buffer area, there is the potential that the proposed allocations within the LDP2 could cause LSE's to this SPA.</p> |
| <p><b>Fala Flow SPA (Located within Midlothian Council)</b></p> | <p>This SPA is located within Midlothian Council, adjacent to the Scottish Borders Local Authority. The qualifying interests are outlined below and include; <b><i>pink-footed goose.</i></b></p> <p>Although the site is located within Midlothian Council, the identified interest include pink-footed goose, therefore are mobile and connectivity needs to be considered in relation to such bird activity away from the SPA itself, to ascertain whether a proposed allocation is used for birds for off-site feeding or loading. There is 1 allocation within the 20km buffer around the SPA;</p>  |

- AOXT0010, Oxton

It should be noted that the site lies adjacent to the existing settlement and it is not considered there is a risk from increased recreation or air pollutants.

Given that there is an allocation within the 20km buffer area, there is the potential that the proposed allocations within the LDP2 could cause LSE's to this SPA.

## Information on the European Sites Screened In

This section provides further information on those sites which were screened into the next stage of the HRA process and the types of habitats and species which can be found. The information was taken from SNH and JNCC.

### **Site 1: River Tweed SAC**

#### **Site and Designation**

Site: River Tweed SAC

Designation Date: 17/03/2005

Location: River Tweed and all its tributaries across the Scottish Borders

#### **General Site Character**

- Tidal rivers, estuaries, mud flats, sand flats, lagoons
- Inland water bodies (Standing water, running water)
- Bogs, marshes, water fringed vegetation, fens
- Broad leaved deciduous woodland

#### **Qualifying Interests**

The qualifying interests for which the site is designated are outlined below;

- River Lamprey
- Brook Lamprey
- Otter
- Sea Lamprey
- Atlantic Salmon
- Rivers with floating vegetation often dominated by water-crowfoot

#### **Conservation Objectives**

The conservation objectives for the qualifying habitat in the River Tweed SAC '*rivers with floating vegetation often dominated by water-crowfoot*' are as follows;

- To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and
- To ensure for the qualifying habitat that the following are maintained in the long term:
  - Extent of the habitat on site
  - Distribution of the habitat within site
  - Structure and function of the habitat
  - Processes supporting the habitat
  - Distribution of typical species of the habitat
  - Viability of typical species as components of the habitat
  - No significant disturbance of typical species of the habitat



The conservation objectives for the qualifying species in the River Tweed SAC '*atlantic salmon, brook lamprey, otter, river lamprey and sea lamprey*' are as follows;

- To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and
- To ensure for the qualifying species that the following are maintained in the long term:
  - Population of the species, including range of genetic types of salmon as a viable component of the site
  - Distribution of the species within site
  - Distribution and extent of habitats supporting the species
  - Structure, function and supporting processes of habitats supporting the species
  - No significant disturbance of the species

### **Factors Currently Influencing the Site**

The River Tweed Catchment Management Plan, SSSI consents and Habitats Directive regulation will combine to effect long-term protection of the site and its features, Controlled Activities Regulations (CAR) and General Binding Rules on Diffuse Pollution also apply and include activities such as engineering and will also protect qualifying interests of the site.

### **Vulnerabilities to Change**

The below are the threats, pressure and activities with impacts on the SAC according to the record of the Joint Nature Conservation Committee.

- Pollution to groundwater (point sources and diffuse sources)
- Human induced changes in hydraulic conditions
- Invasive non-native species
- Modification of cultivation practices
- Grazing
- Annual and perennial non timber crops

Substantial housing development within close proximity of the River Tweed SAC may increase recreational disturbance and could increase discharge of pollutants from waste water treatment works.

## Site 2: Din Moss – Hoselaw Loch SPA

### Site and Designation

Site: Din Moss – Hoselaw Loch SPA

Designation Date: 14/07/1988

Location: Located to the north west of Town Yetholm

### General Site Character

- Inland water bodies (standing water, running water)
- Improved grassland
- Bogs, marshes, water fringed vegetation, fens

### Qualifying Interests

The qualifying interests for which the site is designated are outlined below;

- Greylag goose
- Pink-footed goose

### Conservation Objectives

The conservation objectives for the qualifying habitat in the Din Moss – Hoselaw Loch SPA '*greylag goose and pink-footed goose*' are as follows;

- To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term:
  - Population of the species as a viable component of the site
  - Distribution of the species within site
  - Distribution and extent of habitats supporting the species
  - Structure, function and supporting processes of habitats supporting the species
  - No significant disturbance of the species

### Factors Currently Influencing the Site

None noted

### Vulnerabilities to Change

The below are the threats, pressure and activities with impacts on the SPA according to the record of the Joint Nature Conservation Committee.

- Renewable abiotic energy use
- Other forms of pollution
- Changes in biotic conditions

## Site 3: Greenlaw Moor SPA

### Site and Designation

Site: Greenlaw Moor SPA

Designation Date: 15/03/1996

Location: Located to the north of Greenlaw

### General Site Character

- Inland water bodies (Standing water, running water)
- Bogs, marshes, water fringed vegetation, fens
- Heath, scrub, Maquis and Garrigue, Phygrana

### Qualifying Interests and Site Conditions

The qualifying interests for which the site is designated are outlined below;

- Pink-footed goose

### Conservation Objectives

The conservation objectives for the qualifying species in the Greenlaw Moor SPA '*pink-footed goose*' are as follows;

- To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term:
  - Population of the species as a viable component of the site
  - Distribution of the species within site
  - Distribution and extent of habitats supporting the species
  - Structure, function and supporting processes of habitats supporting the species
  - No significant disturbance of the species.

### Factors Currently Influencing the Site

None noted.

### Vulnerabilities to Change

- Renewable abiotic energy use

## Site 4: Westwater SPA

### Site and Designation

Site: Westwater SPA

Designation Date: 27/11/1995

Location: Located to the west of West Linton

### General Site Character

- Inland water bodies (standing water, running water)
- Bogs, marshes, water fringed vegetation, fens
- Heath, Scrub, Marquis and Garrigue, Phygrana
- Other land (including towns, villages, roads, waste places, mines, vineyards and Dehesas)

### Qualifying Interests and Site Conditions

The qualifying interest for which the site is designated are outlined below;

- Pink-footed goose
- Waterfowl assemblage

### Conservation Objectives

The conservation objectives for the qualifying species in the Westwater SPA 'pink-footed goose and waterfowl assemblage' are as follows;

- To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term:
  - Population of the species as a viable component of the site
  - Distribution of the species within the site
  - Distribution and extent of habitats supporting the species
  - Structure, function and supporting processes of habitats supporting the species
  - No significant disturbance of the species.

### Factors Currently Influencing the Site

None noted.

### Vulnerabilities to Change

- Renewable abiotic energy use

## Site 5: Fala Flow SPA

### Site and Designation

Site: Fala Flow SPA

Designation Date: 25/05/1990

Location: Lies within Midlothian Council area, adjacent to the Scottish Borders, to the north east of Heriot

### General Site Character

- Inland water bodies (standing water, running water)
- Heath, Scrub, Maquis and Garrigue, Phygrana
- Bogs, Marshes, Water fringed vegetation, Fens
- Humid grassland, Mesophile grassland

### Qualifying Interests and Site Condition

The qualifying interests for which the site is designated are outlined below;

- Pink-footed goose

### Conservation Objectives

The conservation objectives for the qualifying species in the Fala Flow SPA '*pink-footed goose*' are as follows;

- To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term;
  - Population of the species as a viable component of the site
  - Distribution of the species within site
  - Distribution and extent of habitats supporting the species
  - Structure, function and supporting processes of habitats supporting the species
  - No significant disturbance of the species.

### Factors Currently Influencing the Site

None noted.

### Vulnerabilities to Change

The below are the threats, pressure and activities with impacts on the Fala Flow SPA according to the record of the Joint Nature Conservation Committee.

- Renewable abiotic energy use

### Appendix 3: European Sites (Screened Out)

| European Sites not Included in Baseline            |  |
|--|--|
| European Site                                      | Justification for Non-Inclusion  |
| <b>Special Protected Area</b>                      |  |
| <b>Langholm – Newcastleton Hills</b>               | <p>The qualifying interests of this SPA are; <i>hen harrier</i>.</p> <p>The SPA is located in the South of the Scottish Borders, to the north of Langholm. There are no proposed sites located within a 2km buffer around the SPA. There is no significant risk from increased recreation or air pollutants.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>  |
| <b>St Abbs Head to Fast Castle</b>                 | <p>The qualifying interests of this SPA are; <i>guillemot, herring gull, kittiwake, razorbill, shag and seabird assemblage</i>.</p> <p>The SPA is located off the east coast of the Scottish Borders. There are no proposed sites located within a 2km buffer around the SPA. There is no chance of the population of the species or its distribution being affected. Increased recreational access would realistically be minimal as a result of development. Finally, the identified vulnerabilities are coastal development and windfarms, neither of which is proposed.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p> |
| <b>Special Areas of Conservation</b>               |  |
| <b>Berwickshire and North Northumberland Coast</b> | <p>The qualifying interests of this SAC are; <i>grey seal, shallow inlets and bays, intertidal mudflats and sandflats, reefs and sea caves</i>.</p> <p>The SAC covers much of the east coast of the Scottish Borders. There are no proposed sites located within or directly adjacent to the SAC. The closest proposed allocation is (REYEM007) for re-development in Eyemouth. It is considered that the remaining proposals are a significant distance from the SAC.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>  |
| <b>Borders Woods</b>                               | <p>The qualifying interests of this SAC are; <i>mixed woodland on base-rich soils associated with rocky slopes</i>.</p>  |

|                       |  |
|-----------------------|--|
|                       | <p>The Borders Woods SAC are spread over a number of sites. This includes small areas to the south of Hawick, south east of Hawick and to the east of Newtown St Boswells. There are no proposed sites located within or directly adjacent to the SAC. It is considered that the proposed allocations are a significant distance from the SAC.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>  |
| <b>Craigengar</b>     | <p>The qualifying interests of this SAC are; <b><i>dry heaths, marsh saxifrage and species rich grassland with mat-grass in upland areas.</i></b></p> <p>The Craigengar SAC is located in a remote upland area of the Pentland Hills, along the north west boundary of the Scottish Borders. Water would flow away from the site so there would be no possibility of material in water streams entering the site, nor would there be possibility of air pollutants. There are no proposed sites located within or directly adjacent to the SAC. It is considered that the SAC is a considerable distance away from any of the proposed allocations.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p> |
| <b>Dogden Moss</b>    | <p>The qualifying interests of this SAC are; <b><i>active raised bogs.</i></b></p> <p>The Dogden Moss SAC is located to the north west of Greenlaw and south east of Westruther. There are no proposed sites located within or directly adjacent to the SAC. The site is at a relatively high elevation and water flows away from the site, so there is no significant risk of material in the watercourses affecting the site. There is no significant risk from increased recreation or air pollutants.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>   |
| <b>Moorfoot Hills</b> | <p>The qualifying interests of this SAC are; <b><i>blanket bog and dry heaths.</i></b></p> <p>This SAC is located in a remote upland area, to the north east of Peebles. There are no proposed sites located within or directly adjacent to the SAC. Watercourses are considered to be a non-issue as a link is not possible as the water will travel downhill. The only vulnerability identified is inappropriate land management which would not be caused by proposed development on the allocated sites.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>  |

|   |   |
|---|---|
| <p><b>St Abbs Head to Fast Castle</b></p> | <p>The qualifying interests of this SAC are; <b><i>vegetated sea cliffs.</i></b></p> <p>This SAC wraps along the coastline from Fast Castle to St Abb’s Head. There are no proposed site located within or directly adjacent to the SAC. Therefore, there is no significant chance of the sea cliffs being affected by any of the proposed allocations. No watercourses travel from any of the allocated sites to the SAC. Given the distance to any allocation, there is no chance of the habitat being affected in terms of its extent, distribution, function or supporting processes. It is also considered that any vegetation (i.e typical species) would not be affected in terms of distribution, viability or disturbance. It is judged increased recreational access would realistically be minimal as a result of development. The only identified vulnerability is coastal development and this is not applicable to any allocation.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p> |
| <p><b>Threepwood Moss</b></p>             | <p>The qualifying interest of this SAC are; <b><i>active raised bogs and degraded raised bogs.</i></b></p> <p>The SAC is located to the north of Galashiels and sits to the south west of Nether Blainslie. There are no proposed sites located within or directly adjacent to the SAC. The SAC is a significant distance away from any proposed allocations and watercourses flow east from this site. There is no significant risk from increased recreation on air pollution.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>   |
| <p><b>Whitlaw and Branxholme</b></p>      | <p>The qualifying interest of this SAC are; <b><i>base-rich fens, slender green feather-moss and very wet mires often identified by an unstable ‘quaking’ surface.</i></b></p> <p>The SAC is made up of two small areas south west of Hawick and three small areas east of Selkirk. There are no proposed sites located within or directly adjacent to the SAC. Water ways flow away from the sites. There is no significant risk from increased recreation or air pollutants.</p> <p>It is considered there is no link/pathway from the Proposed Plan/policies to the European Site.</p>   |



**Appendix 4: Extract of Excel Spreadsheet (Sites Screened In/Out)**

| Initial Screening Assessment |            |                       |                 |  |  | Appropriate Assessment                       |   |   |
|------------------------------|------------|-----------------------|-----------------|--|--|--|---|---|
| Settlement                   | Allocation | Type                  | Screened In/Out | Reasoning  | Included in previous HRA/Appropriate Assessment? | Reason for Screening In                      | Commentary  | Mitigation  |
| Cardona                      | SCARD002   | Longer Term Mixed Use | Out             | No possible link to conservation objectives on any European site can be established. | N  |  |   |   |
| Coldstream                   | ACOLD014   | Housing               | In              | Site lies within the 20km buffer around Din Moss SPA and Greenlaw Moor SPA           | N  | Proximity to Dinn Moss and Greenlaw Moor SPA | This allocation is located within the 20km buffer of the Din Moss and Greenlaw Moor SPA. Both these SPA's have pink footed geese as a qualifying interest and this site is located within the 20km buffer area for both SPA's. Therefore, there is the potential that pink footed geese from both SPA's use this site for off-site feeding and loafing. | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2: Protection of boundary features (hedgerows and trees), where possible; Assessment of ecology impacts and provision of mitigation, as appropriate; New structure planting/landscaping should be planned, to improve the setting of the site and to establish a framework for delivery alongside (ACOLD011) to the south. This should include structure planting along the north, east and west boundaries, which would provide a settlement edge. Appropriate planting should be carried out along the northern part of the site to give adequate screening from the working farm to the north and the access to it. Existing shelter belts should be retained and enhanced with additional planting. Any planning application would be subject to consultation with the Ecology Officer, therefore it is considered that the above site requirements are sufficient to ensure that appropriate mitigation is put in place. The site requirements and Policies EP1 and EP15 are considered sufficient to avoid LSE on the conservation objectives of the SPA's. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA's. |

|           |          |                       |     |   |    |  |   |   |
|-----------|----------|-----------------------|-----|---|----|--|---|---|
| Eddleston | AEDDL010 | Housing               | In  | Site lies within the 20km buffer around Westwater SPA   | N  | Proximity to Westwater SPA                     | <p>This allocation is located within the 20km buffer of the Westwater SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer area for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p>  | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2: Protect and enhance the existing boundary features, including beech hedgerow and treeline along the roadside, where possible; Assessment of ecology impacts and provision of mitigation, as appropriate and mitigation to ensure no significant effect on the River Tweed SAC. The site requirements and Policies EP1 and EP15 are considered sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p>  |
| Eshiels   | BESHI001 | Business & Industrial | In  | River Tweed SAC runs to the south of the site & site lies within the 20km buffer around Westwater SPA | N  | Proximity to Westwater SPA and River Tweed SAC | <p>This allocation is located within the 20km buffer of the Westwater SPA and the River Tweed SAC runs along the south of the site. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing. The A72 runs between the site and the River Tweed, therefore there is no link from this allocation to effects on the conservation objectives of the SAC.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2: A maintenance buffer strip of at least 6 metres must be provided between the watercourse and any built development. Additional water quality buffer strips may also be required; a feasibility study will be required study will be required to investigate the potential for channel restoration; protect and enhance the existing boundary features where possible, buffer areas for new and existing landscaping will be required; planting, landscaping and shelterbelt required, to provide mitigation from the impacts of development from sensitive receptors and to help integrate the site into the wider setting; assessment of ecology impacts and provision of mitigation, as appropriate; mitigation to ensure no significant effect on the River Tweed SAC and potential contamination to be addressed. It is considered that the attached site requirements, along with Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the SPA. Furthermore, that there is no link from this allocation to effects on the conservation objectives of the SAC. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA or SAC.</p> |
| Eyemouth  | REYEM007 | Re-development        | Out | No possible link to conservation objectives on any European site can be established                   | No |  |   |   |

|            |          |                       |    |  |         |   |   |   |
|------------|----------|-----------------------|----|--|---------|---|---|---|
| Galashiels | AGALA029 | Housing               | In | River Tweed SAC runs to the east of the site                               | Y (LDP) | Proximity to the River Tweed SAC            | The extent of development and type of use is unchanged since the previous HRA. This assessment is therefore considered relevant and no further assessment is required.  | The following site requirements will be attached to the allocation; mitigation required to ensure no adverse effect on site integrity of the River Tweed Special Area of Conservation and assessment of ecology impacts and provision of mitigation, as appropriate. It is considered that these site requirements along with Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SAC. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SAC.   |
| Galashiels | BGALA006 | Business & Industrial | In | River Tweed SAC runs to the east of the site                               | N       | Proximity to the River Tweed SAC            | The site lies adjacent to the River Tweed SAC. The site is located on brownfield land. It is not considered that a business & industrial allocation on the site could increase any pressure or cause any significant impact upon the SAC's conservation objectives.   | The following site requirements will be attached to the allocation; mitigation measures are required to ensure no adverse effect on site integrity of the River Tweed SAC; assessment of ecology impacts and provision of mitigation as appropriate and potential contamination to be investigated and mitigated. It is considered that these site requirements along with Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SAC. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SAC.  |
| Gordon     | AGORD004 | Housing               | In | Site lies within the 20km buffer around Din Moss SPA and Greenlaw Moor SPA | N       | Proximity to Din Moss and Greenlaw Moor SPA | This allocation is located within the 20km buffer of the Din Moss and Greenlaw Moor SPA. The SPA's have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA's. Therefore, there is the potential that pink footed geese from the SPA's could use this site for off-site feeding and loafing. | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2: protection of existing boundary features, including the existing trees on the verge/fence line, where possible and assessment of ecology impacts and provision of mitigation as appropriate. It is considered that these site requirements along with the Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SPA's. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA's. |

|             |          |         |    |   |   |   |   |  |
|-------------|----------|---------|----|---|---|---|---|--|
| Grantshouse | AGRAN004 | Housing | In | Site lies within the 20km buffer around Greenlaw Moor SPA   | N | Proximity to Greenlaw Moor SPA.                                   | <p>This allocation is located within the 20km buffer of the Greenlaw Moor SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p>   | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; protect existing boundary features where possible, appropriate landscaping/planting to be incorporated within the development and assessment of ecology impacts and provision of mitigation, where appropriate. It is considered that these site requirements along with the Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p>  |
| Greenlaw    | AGREE009 | Housing | In | River Tweed SAC runs to the south of the site, site lies within the 20km buffer around Din Moss SPA and Greenlaw Moor SPA | N | Proximity to River Tweed SAC, Din Moss SPA and Greenlaw Moor SPA. | <p>This allocation is located within the 20km buffer of the Din Moss and Greenlaw Moor SPA. Both these SPA's have pink footed geese as a qualifying interest and this site is located within the 20km buffer area for both SPA's. Therefore, there is the potential that pink footed geese from the SPA's could use this site for off-site feeding and loafing. The River Tweed SAC runs to the south of the site. However, the site has extant planning consent for housing on the site. Therefore, it is considered that any conditions attached to the planning consent, are sufficient to avoid LSE on the conservation objectives of Natura sites.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; protect boundary features where possible, appropriate landscaping/planting within the development; assessment of ecology impacts and provision of mitigation, potential contamination on the site to be investigated and mitigated where appropriate and mitigation to ensure no significant effect on the River Tweed SAC. Should the existing planning consent not be implemented, it is considered that the site requirements, along with Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the Natura sites. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA's and SAC.</p> |

|          |          |                       |     |   |                             |   |   |  |
|----------|----------|-----------------------|-----|---|-----------------------------|---|---|--|
| Greenlaw | BGREE005 | Business & Industrial | In  | The site lies within the 20km buffer around Din Moss SPA and Greenlaw Moor SPA      | Y (LDP as MGREE001)         | Proximity to Din Moss and Greenlaw Moor SPA | This allocation is located within the 20km buffer of the Din Moss and Greenlaw Moor SPA. The SPA's have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA's. Therefore, there is the potential that pink footed geese from the SPA's could use this site for off-site feeding and loafing. | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; protection of boundary features where possible and assessment of ecology impacts and provision of mitigation as appropriate. It is considered that the site requirements, along with Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the Natura sites. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA's. |
| Hawick   | AHAWI027 | Housing               | Out | No possible link to conservation objectives on any European site can be established | Yes (Housing SG)            |   |   |  |
| Hawick   | BHAWI003 | Business & Industrial | Out | No possible link to conservation objectives on any European site can be established | Y (LDP as part of MHAWI001) |   |   |  |
| Hawick   | BHAWI004 | Business & Industrial | Out | No possible link to conservation objectives on any European site can be established | No                          |   |   |  |
| Hawick   | RHAWI017 | Re-development        | Out | No possible link to conservation objectives on any European site can be established | N                           |   |   |  |
| Hawick   | RHAWI018 | Re-development        | Out | No possible link to conservation objectives on any European site can be established | N                           |   |   |  |

|              |          |                |    |  |   |                                  |   |   |
|--------------|----------|----------------|----|--|---|----------------------------------|---|---|
| Innerleithen | MINNE003 | Mixed Use      | In | River Tweed SAC runs to the south of the site            | N | Proximity to the River Tweed SAC | <p>The site lies adjacent to the River Tweed SAC. Development of mixed use here may increase recreational disturbance and could increase discharge of pollutants from waste water treatment works.</p>  | <p>The following site requirements are attached within the LDP2; protect and enhance existing boundary features, where possible; assessment of ecology impacts and provision of mitigation as appropriate; mitigation to ensure no significant effect on the River Tweed SAC and landscaping/structure planting. It is considered that the site requirements, along with Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the SAC. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SAC.</p>   |
| Jedburgh     | AJEDB018 | Housing        | In | The site lies within the 20km buffer around Din Moss SPA | N | Proximity to Din Moss SPA        | <p>This allocation is located within the 20km buffer of the Din Moss SPA. The SPA has pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; protect boundary features where possible; assessment of ecology impacts and provision of mitigation as appropriate and potential contamination to be investigated and mitigated. It is considered that the site requirements and Policies EP1 and EP15 are sufficient to avoid any LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p>   |
| Jedburgh     | RJEDB003 | Re-development | In | The site lies within the 20km buffer around Din Moss SPA | N | Proximity to Din Moss SPA        | <p>This allocation is located within the 20km buffer of the Din Moss SPA. The SPA has pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; further assessment on nature conservation will be required; existing trees should be retained where possible; appropriate structure planting/screening should be provided and any potential contamination should be investigated and mitigated. It is considered that the site requirements, along with Policies EP1 and EP15, are sufficient to avoid any LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p> |

|             |           |                       |     |   |   |   |   |  |
|-------------|-----------|-----------------------|-----|---|---|---|---|--|
| Jedburgh    | RJEDB006  | Re-development        | In  | The site lies within the 20km buffer around Din Moss SPA                            | N | Proximity to Din Moss SPA                   | This allocation is located within the 20km buffer of the Din Moss SPA. The SPA has pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.                          | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; mitigation required to ensure no significant effect on River Tweed SAC; further assessment on nature conservation will be required and any potential contamination on the site to be investigated and mitigated. It is considered that the site requirements, along with Policies EP1 and EP15 are sufficient to avoid any LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA. |
| Kelso       | BKELS006  | Business & Industrial | In  | The site lies within the 20km buffer around Din Moss SPA and Greenlaw Moor SPA      | N | Proximity to Din Moss and Greenlaw Moor SPA | This allocation is located within the 20km buffer of the Din Moss and Greenlaw Moor SPA. The SPA's have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA's. Therefore, there is the potential that pink footed geese from the SPA's could use this site for off-site feeding and loafing. | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; existing hedges and woodlands should be retained and included in a management scheme. It is considered that the site requirements, along with Policy EP1 and EP15, are sufficient to avoid any LSE on the conservation objectives of the SPA's. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA's.   |
| Lilliesleaf | GSLILL002 | Key Greenspace        | Out | No possible link to conservation objectives on any European site can be established | N |   |   |  |
| Melrose     | AMELR013  | Housing               | Out | No possible link to conservation objectives on any European site can be established | N |   |   |  |
| Oxnam       | GSOXNA001 | Key Greenspace        | Out | No possible link to conservation objectives on any European site can be established | N |   |   |  |



|         |          |         |     |   |    |                            |   |   |
|---------|----------|---------|-----|---|----|----------------------------|---|---|
| Oxton   | AOXTO010 | Housing | Out | No possible link to conservation objectives on any European site can be established | No | Proximity to Fala Flow SPA | This allocation is located within the 20km buffer of the Fala Flow SPA. The SPA has pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.       | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; investigation and mitigation of potential contamination on the site; mitigation to ensure no likely significant effect on the River Tweed SAC and assessment of ecology impacts and provision of mitigation, as appropriate. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.   |
| Peebles | APEEB056 | Housing | In  | The site lies within the 20km buffer around Westwater SPA                           | N  | Proximity to Westwater SPA | This allocation is located within the 20km buffer of the Westwater SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer area for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing. | Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; Maintenance buffer of at least 6 metres to be provided between the watercourse and the built development; protect and enhance the existing boundary features where possible; assessment of ecology impacts and provision of mitigation as appropriate; mitigation to ensure no significant effect on the River Tweed SAC and consideration given to the landscaping/planting. It is considered that the site requirements, along with the Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA. |

|         |          |         |    |  |                |   |  |  |
|---------|----------|---------|----|--|----------------|---|--|--|
| Reston  | AREST005 | Housing | In | The site lies adjacent to the 20km buffer around Greenlaw Moor SPA | N              | Proximity to Greenlaw Moor SPA                | <p>This allocation is located within the 20km buffer of the Greenlaw Moor SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p>                            | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; planting to be provided within the site; existing trees along the boundary to be retained where possible; protection should be given to existing boundary features; assessment of ecology impacts and provision of mitigation as appropriate and potential contamination on the site to be investigated and mitigation where required. It is considered that the site requirements, along with Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p> |
| Selkirk | ASELK040 | Housing | In | River Tweed SAC runs to the east of the site                       | Y (Housing SG) | The site lies adjacent to the River Tweed SAC | <p>The site lies adjacent to the River Tweed SAC. The site is brownfield land. Development of housing here may increase recreational disturbance and could increase discharge of pollutants from waste water treatment works.</p>  | <p>The following site requirements are attached within the LDP2; appropriate structure planting; potential contamination to be investigated and mitigated; mitigation required to ensure no significant adverse effects on integrity of the River Tweed SAC and assessment of ecology impacts and provision of mitigation as appropriate. It is considered that the site requirements, along with Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the SAC. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SAC.</p>   |
| Selkirk | ASELK042 | Housing | In | Site is adjacent to the River Tweed SAC                            | Y (LDP)        | The site lies adjacent to the River Tweed SAC | <p>The extent of development and type of use is unchanged since the previous HRA. It should be noted that this site forms part of the existing allocation (ASELK006) which is currently within the adopted LDP. Given that this forms a smaller part of that site, this assessment is therefore considered relevant and no further assessment is required.</p> |  |

|            |          |                       |    |   |   |                                 |   |  |
|------------|----------|-----------------------|----|---|---|---------------------------------|---|--|
| Westruther | AWESR002 | Housing               | In | The site lies within the 20km buffer around Greenlaw Moor SPA | N | Proximity to Greenlaw Moor SPA. | <p>This allocation is located within the 20km buffer of the Greenlaw Moor SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; assessment of ecology impacts and provision of mitigation where appropriate; protect and enhance the existing boundary features where possible and appropriate landscaping/planting to be incorporated within the development. It is considered that the site requirements, along with Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p>                    |
| Westruther | BWESR001 | Business & Industrial | In | The site lies within the 20km buffer around Greenlaw Moor SPA | N | Proximity to Greenlaw Moor SPA. | <p>This allocation is located within the 20km buffer of the Greenlaw Moor SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p> | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; protect boundary features where possible, appropriate landscaping/planting to be incorporated; potential contamination on the site to be investigated and mitigated and assessment of ecology impacts and provision of mitigation as appropriate. It is considered that the site requirements, along with Policies EP1 and EP15 are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p> |
| Yetholm    | BYETH001 | Business & Industrial | In | The site lies within the 20km buffer around Din Moss SPA      | N | Proximity to Din Moss SPA       | <p>This allocation is located within the 20km buffer of the Din Moss SPA. The SPA have pink footed geese as a qualifying interest and this site is located within the 20km buffer for the SPA. Therefore, there is the potential that pink footed geese from the SPA could use this site for off-site feeding and loafing.</p>      | <p>Any development must ensure that there is a robust site boundary to minimise disturbance to geese if they are found to be using fields in this area. However it should be noted that the current boundary is considered to be sufficient. The following site requirements are proposed within the LDP2; the existing boundary features and trees within the site should be conserved and enhanced wherever possible and assessment on nature conservation will be required. It is considered that the site requirements, along with the Policies EP1 and EP15, are sufficient to avoid LSE on the conservation objectives of the SPA. Taking into consideration the appropriate assessment, the appraisal confirmed that there will no adverse effect on the integrity of the SPA.</p>  |