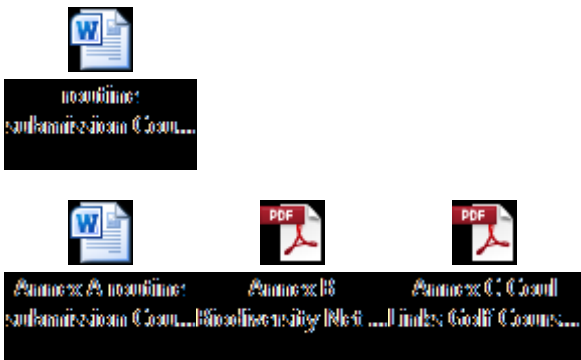

From: Ditchburn L (Liz) on behalf of DG Economy
Sent: 11 May 2017 20:08
To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for the Rural Economy and Connectivity
Cc: Permanent Secretary; DG Economy; Director of Environment & Forestry; Chief Planner; Connal K (Keith); Maclean C (Catriona); Miller D (David); Higgins K (Kate); Campbell J (Jeanette); [REDACTED] Minister for Local Government and Housing; Cabinet Secretary for Communities, Social Security and Equalities; [REDACTED] Cabinet Secretary for Culture, Tourism and External Affairs; [REDACTED]
Subject: Routine Submission Coul Links Golf Development

Cab Sec REC, Cab Sec ECCLR

Please find attached a second submission and Annexes on the proposed golf development at Coul Links

Liz



Liz Ditchburn
Director General Economy
Scottish Government
Tel: [REDACTED]
Mob: [REDACTED]
DGEconomy@gov.scot

From: Liz Ditchburn
DG Economy
11 May 2017

Cabinet Secretary for Rural Economy and Connectivity
Cabinet Secretary for Environment, Climate Change and Land Reform

COUL LINKS GOLF DEVELOPMENT (2)

Purpose

1. To provide an update further to my submission of 10 March.

Priority

2. Routine.

Background

3. My previous submission (attached for ease of reference as Annex A) advised on the basis for engagement by officials at this stage (i.e. through an impartial “brokerage” role) whilst outlining the need for Ministers to maintain distance given the possibility of their involvement (through planning procedure) at a later stage. I also offered to provide an update further to a meeting with the developer on 16 March.

Report of the Meeting

4. In opening the meeting on the 16th March, I set out the basis for Scottish Government engagement. I also observed that this case served as a useful case-study to observe the operation of the planning system at the “pre-application” stage with engagement from a range of relevant public bodies.

5. The developer was represented by his golf course design and ecological consultants (the developer himself was unable to attend). Senior representatives from SNH, HIE, Visit Scotland and a number of Scottish Government officials were also present.

6. The meeting was constructive. The developer cited positive engagement with SNH but was reluctant to proceed with a planning application without a better understanding of the likely outcome of natural heritage and local community considerations. HIE had yet to undertake due diligence on the economic case but was progressing this. Visit Scotland was very supportive of the proposal.

7. SNH (represented by the Chair and the Director of Operations) outlined SNH’s strong solutions-based focus and reiterated constructive engagement with the developer so far, pointing out that whilst it had an advisory role under the planning system (as a statutory consultee), it wasn’t the decision maker. A major consideration for SNH would be the significance of the impact(s) on the Loch Fleet Site of Special Scientific Interest (SSSI) and whether this could be sufficiently

reduced or mitigated. [REDACTED]

8. Planning officials also outlined the Chief Planner's brokerage role, including the facilitation of discussions with interested parties. They advised the developer to contact Highland Council to discuss their proposals and seek pre-application advice.

9. Highland Council will be the principal decision maker once an application is submitted although there may be circumstances in which Scottish Ministers have a future role. For example, if the application was refused, the applicant could appeal to the Planning and Environmental Appeals Division (DPEA) and Ministers could consider recall. Alternatively, should the local authority propose to grant planning permission in the face of an SNH objection (noting that SNH's position has yet to be determined), the local authority is required to notify Ministers who have the facility to call-in the application. Ministers could also directly call-in the application at any time before it is determined. Given this possible future role, Ministers and officials would need to remain impartial and refrain from commenting on the merits of the application.

Recommendation

10. That you note this update. I will provide Ministers with a further update once officials have had an opportunity to consider the SNH analysis [REDACTED]

Liz Ditchburn
DG Economy
[REDACTED]

11 May 2017

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Culture, Tourism and External Affairs Cabinet Secretary for Communities, Social Security and Equalities Minister for Local Government and Housing			X		X
Permanent Secretary DG Economy Director Environment and Forestry Chief Planner [REDACTED] Keith Connal (ENFOR: Natural Resources) Catriona Maclean (AFRC: Rural Economy and Communities) [REDACTED] [REDACTED] David Miller (Special Adviser, Environment) Kate Higgins (Special Adviser, Rural Economy) Jeanette Campbell (Special Adviser, Planning)					

From: Liz Ditchburn
DG Economy
15 March 2017

Cabinet Secretary for Rural Economy and Connectivity
Cabinet Secretary for Environment, Climate Change and Land Reform
Cabinet Secretary for Culture, Tourism and External Affairs

COUL LINKS GOLF DEVELOPMENT

Purpose

1. To outline engagement by officials in relation to a proposed golf development in northeast Scotland.

Priority

2. Routine.

Background

3. In September 2015, a developer approached Scottish Natural Heritage (SNH) regarding a possible proposal for a golf-course at Coul Links near the village of Embo between Dornoch and Golspie. The proposal is coincident with the Loch Fleet Site of Special Scientific Interest which is notified for (inter alia) a certain type of (relatively rare) dune heath habitat. The site was formerly managed by the Scottish Wildlife Trust (SWT) as a reserve under a management agreement with the landowners, Cambusmore Estates. The area within the SSSI to the north of the River Fleet is still managed by SWT under an agreement with the landowner of that area.

4. Thus far, the developer has engaged with Highlands and Islands Enterprise, SNH, the Highland Council, Dornoch Community Council, Dornoch Area Community Interest Company, Embo Community Trust and local citizens. The proposal is at pre-application stage. Our understanding is that it involves construction of an 18 hole championship course (i.e. top 50 in the world) with supporting facilities and infrastructure. It does not include any hotel or residential development. The developer has commissioned an economic impact study, citing impacts in direct and indirect employment and economic activity. The case for some of the indirect activity rests primarily on a boost to golf-related tourism in the area, with a shift from visitors staying in Inverness to a higher number of visitors staying in East Sutherland to play more than one of the courses. Much of this vision hinges around the nature and quality of the course and what it would bring to the regional cluster of courses (rather than just adding a further course per se).

5. In September 2016, the developer revealed the proposed design of the course to SNH. There remains insufficient detail for SNH to formulate a formal assessment of the implications of the course for Scotland's natural heritage but SNH has informally advised the developer that, were the proposal to proceed in that form to the application stage, there would be a high likelihood that SNH (as a statutory

consultee under the planning system), would be required to object. The developer has been clear that SNH has been both constructive and helpful in engagement thus far and discussions concerning modifications to the original proposal are on-going.

6. Scottish Planning Policy provides that development that affects (inter alia) a Site of Special Scientific Interest should only be permitted where:

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

Current Status of the Proposal

7. The developer has decided to pause the development and submission of a planning application while they continue to work with SNH to seek to address the environmental issues, also mindful of potential community division, unpredictable and expensive time delays and significant business risk if they were to proceed without confidence in the likelihood of finding an acceptable, mitigated solution. The proposal is therefore still at “pre-application stage”. The pause in submission of a full planning application seems to be a prudent approach. There have been a number of Parliamentary Questions asked to Planning Ministers with respect to the development, and there is an on-line petition asking for the plans to be cancelled. Public meetings have been held in the locality. Views in the local community are largely positive towards the development because of the expected economic benefits.

8. Contact between SNH and the developer has been highly engaged and constructive. SNH advises that it has worked with the developer and consultants, with difficulties only becoming apparent when the first detailed course layout was proposed. SNH has provisionally assessed that 1/3 of the course could be accommodated within the SSSI (on less sensitive and more common dune habitats) without significantly adversely affecting the SSSI, with the remainder of the course located on adjacent land within the same land ownership. The developers are clear that this would not be consistent with the type of course they intend to build and thus the economic and tourism based case would be undermined fatally. SNH continues to work with the developer’s consultants to try and reduce the level of impact to the SSSI.

SG Engagement

9. Noting the range of interests across a number of Ministerial portfolios, I have recently engaged with the developer, Scottish Natural Heritage, Highlands and Islands Enterprise, Visit Scotland and Scottish Wildlife Trust, in a facilitative role (with advice and support from the Chief Planner and Natural Resources Division officials) to maintain effective lines of communication between the relevant parties and identify and assist with any difficulties as they arise. To date this has included a useful site visit on 8 March (with SNH, the course designer and the developer’s ecological consultants). A meeting is scheduled for 16 March between myself, the developer,

SNH, Visit Scotland, HIE and officials from Natural Resources and Rural Economy Divisions. Given the possibility of an ensuing planning application being called in for their determination at a future juncture, the implications of direct involvement by Ministers at this stage should be recognised.

10. In addition to a facilitative role in specific case, my engagement is providing a useful opportunity to understand how policy plays through into practice and how SNH engages with stakeholders. I have been impressed by the SNH operations staff: the engagement on site which involved staff from HQ and the local Golspie office was highly constructive, focused on solutions, and engaged effectively on both the science and in seeking to understand the development proposal in the round. This case is raising interesting questions for SNH about the way they apply the tests around site integrity and the qualities for which it was designated, and the role of, for example, off-setting or compensatory mechanisms in forming their overall judgement.

Recommendation

11. That you note the engagement of officials. I will provide Ministers with an update after the meeting on 16 March.

Liz Ditchburn
DG Economy



15 March 2017

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Culture, Tourism and External Affairs			X		
Cabinet Secretary for Communities, Social Security and Equalities					X
Minister for Local Government and Housing			X		
Permanent Secretary DG Economy Director Environment and Forestry Chief Planner Assistant Chief Planner Keith Connal (ENFOR: Natural Resources) Catriona Maclean (AFRC: Rural Economy and Communities) David Miller (Special Adviser, Environment) Kate Higgins (Special Adviser, Rural Economy) Jeanette Campbell (Special Adviser, Planning)					

From: [REDACTED] on behalf of Cabinet Secretary for the Rural Economy and Connectivity
Sent: 12 May 2017 11:47
To: DG Economy; Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for the Rural Economy and Connectivity
Cc: Permanent Secretary; Director of Environment & Forestry; Chief Planner; Connal K (Keith); Maclean C (Catriona); Miller D (David); Higgins K (Kate); Campbell J (Jeanette); [REDACTED]; Minister for Local Government and Housing; Cabinet Secretary for Communities, Social Security and Equalities; [REDACTED]; Cabinet Secretary for Culture, Tourism and External Affairs; [REDACTED]; [REDACTED]; [REDACTED]
Subject: RE: Routine Submission Coul Links Golf Development

Liz,
Is it possible to provide an update on what happened at yesterday's meeting?
Thanks

[REDACTED]

[REDACTED]
Portfolio Private Secretary to Cabinet Secretary for Rural Economy and Connectivity and Minister for Transport and Islands

[REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments. Thank you.

From: Ditchburn L (Liz) **On Behalf Of** DG Economy
Sent: 11 May 2017 20:08
To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for the Rural Economy and Connectivity
Cc: Permanent Secretary; DG Economy; Director of Environment & Forestry; Chief Planner; Connal K (Keith); Maclean C (Catriona); Miller D (David); Higgins K (Kate); Campbell J (Jeanette); [REDACTED]; Minister for Local Government and Housing; Cabinet Secretary for Communities, Social Security and Equalities; [REDACTED]; Cabinet Secretary for Culture, Tourism and External Affairs; [REDACTED]
Subject: Routine Submission Coul Links Golf Development

Cab Sec REC, Cab Sec ECCLR

Please find attached a second submission and Annexes on the proposed golf development at Coul Links

Liz

<< File: routine submission Coul Links Golf Development no 2 (2) (3).docx >>

<< File: Annex A routine submission Coul Links Golf Development.docx >> << File: Annex B Biodiversity Net Gain at Coul Links April 2017.pdf >> << File: Annex C Coul Links Golf Course Strategy Plan.pdf >>

Liz Ditchburn

Director General Economy
Scottish Government

Tel: [REDACTED]

Mob: [REDACTED]

DGEconomy@gov.scot

From: [REDACTED] on behalf of Cabinet Secretary for the Rural Economy and Connectivity
Sent: 03 October 2017 11:11
To: Connal K (Keith)
Cc: Cabinet Secretary for Communities, Social Security and Equalities; Minister for Local Government and Housing; Permanent Secretary; DG Economy; Director of Environment & Forestry; Campbell B (Bridget); Chief Planner; [REDACTED]; [REDACTED] Maclean C (Catriona); [REDACTED] Miller D (David); Higgins K (Kate); Campbell J (Jeanette); Cabinet Secretary for Culture, Tourism and External Affairs; Cabinet Secretary for the Rural Economy and Connectivity; Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: COUL LINKS GOLF DEVELOPMENT - UPDATE

Keith,

Mr Ewing has noted for his interests.

Thanks

[REDACTED]
[REDACTED] | Deputy Private Secretary to the Cabinet Secretary for the Rural Economy and Connectivity | 2N.11 | St Andrews House, Regent Road, Edinburgh EH1 3DG | T: [REDACTED] | Blackberry [REDACTED]

From: Connal K (Keith)
Sent: 29 September 2017 16:19
To: Cabinet Secretary for the Rural Economy and Connectivity; Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for Communities, Social Security and Equalities; Minister for Local Government and Housing; Permanent Secretary; DG Economy; Director of Environment & Forestry; Campbell B (Bridget); Chief Planner; [REDACTED]; [REDACTED]; Maclean C (Catriona); [REDACTED] Miller D (David); Higgins K (Kate); Campbell J (Jeanette); Cabinet Secretary for Culture, Tourism and External Affairs
Subject: COUL LINKS GOLF DEVELOPMENT - UPDATE

(apologies again for Outlook glitch, please use this email when replying)

OFFICIAL-SENSITIVE

Cabinet Secretary for the Rural Economy and Connectivity
Cabinet Secretary for Environment, Climate Change and Land Reform

COUL LINKS GOLF DEVELOPMENT - UPDATE

Purpose

1. To advise Ministers that 'Coul Links' have issued a news release to announce the submission of a planning application to the Highland Council for the construction of an 18-hole golf course at Coul Links, north of Embo in Sutherland. No action is required by Ministers.

Priority

2. Routine.

Background

3. You are aware of the background to this proposed development. A copy of the developer’s news release is attached for your information. This refers to the application being submitted by golf course developer Mike Keiser, entrepreneur Todd Warnock, land owner Abel Smith and the Embo Trust.

4. As advised before, Highland Council will be the principal decision maker although there may be circumstances in which Scottish Ministers have a future role. For example, if the application was refused, the applicant could appeal to the Planning and Environmental Appeals Division (DPEA) and Ministers could consider recall. Alternatively, should the local authority propose to grant planning permission in the face of an objection by a statutory consultee such as Scottish Natural Heritage (SNH), the local authority is required to notify Ministers who have the facility to call-in the application. The SNH position will be determined when they assess the submitted application but we anticipate that they will object on the impact on dune heath habitat within the Site of Special Scientific Interest. Ministers could also directly call-in the application at any time before it is determined. Given this possible future role, Ministers and officials should remain impartial and refrain from commenting on the merits of the submitted application.

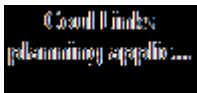
Recommendation

5. That you note this update.

Keith Connal
Deputy Director
Natural Resources Division, Directorate for Environment & Forestry
T: [REDACTED]
M: [REDACTED]

From: [REDACTED]
Sent: 30 November 2017 19:15
To: Cabinet Secretary for the Rural Economy and Connectivity; Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for Communities, Social Security and Equalities; Minister for Local Government and Housing; Permanent Secretary; DG Economy; Director of Environment & Forestry; Campbell B (Bridget); Chief Planner; [REDACTED]; [REDACTED]; Maclean C (Catriona); Miller D (David); Higgins K (Kate); Campbell J (Jeanette); Cabinet Secretary for Culture, Tourism and External Affairs; Connal K (Keith)
Subject: RE: COUL LINKS GOLF DEVELOPMENT - FURTHER UPDATE

For information, the SNH response to the Coul Links planning application (submitted to Highland Council 24 Nov) is attached.



SNH's accompanying press release is available here : <https://www.snhpresscentre.com/news/snh>

[REDACTED]

Natural Resources Division | Directorate for Environment and Forestry

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



From: Connal K (Keith)
Sent: 29 September 2017 16:19
To: Cabinet Secretary for the Rural Economy and Connectivity; Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for Communities, Social Security and Equalities; Minister for Local Government and Housing; Permanent Secretary; DG Economy; Director of Environment & Forestry; Campbell B (Bridget); Chief Planner; [REDACTED]; [REDACTED]; Maclean C (Catriona); [REDACTED]; Miller D (David); Higgins K (Kate); Campbell J (Jeanette); Cabinet Secretary for Culture, Tourism and External Affairs
Subject: COUL LINKS GOLF DEVELOPMENT - UPDATE

(apologies again for Outlook glitch, please use this email when replying)

OFFICIAL-SENSITIVE

Cabinet Secretary for the Rural Economy and Connectivity
Cabinet Secretary for Environment, Climate Change and Land Reform

COUL LINKS GOLF DEVELOPMENT - UPDATE

Purpose

1. To advise Ministers that 'Coul Links' have issued a news release to announce the submission of a planning application to the Highland Council for the construction of an 18-hole golf course at Coul Links, north of Embo in Sutherland. No action is required by Ministers.

Priority

2. Routine.

Background

3. You are aware of the background to this proposed development. A copy of the developer's news release is attached for your information. This refers to the application being submitted by golf course developer Mike Keiser, entrepreneur Todd Warnock, land owner Abel Smith and the Embo Trust.

4. As advised before, Highland Council will be the principal decision maker although there may be circumstances in which Scottish Ministers have a future role. For example, if the application was refused, the applicant could appeal to the Planning and Environmental Appeals Division (DPEA) and Ministers could consider recall. Alternatively, should the local authority propose to grant planning permission in the face of an objection by a statutory consultee such as Scottish Natural Heritage (SNH), the local authority is required to notify Ministers who have the facility to call-in the application. The SNH position will be determined when they assess the submitted application but we anticipate that they will object on the impact on dune heath habitat within the Site of Special Scientific Interest. Ministers could also directly call-in the application at any time before it is determined. Given this possible future role, Ministers and officials should remain impartial and refrain from commenting on the merits of the submitted application.

Recommendation

5. That you note this update.

Keith Connal
Deputy Director
Natural Resources Division, Directorate for Environment & Forestry
T: [REDACTED]
M: [REDACTED]



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

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

24 November 2017

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

Dear Ms Webster,

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

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

1. Summary

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

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

Loch Fleet Site of Special Scientific Interest (SSSI)

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

Special Protection Areas (SPAs)

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

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

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

2. Background

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

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

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

3. Appraisal of impacts and advice

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

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

Sand dune (SSSI & Ramsar)

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

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

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

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

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

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

Breeding birds (SSSI)

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

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

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

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

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

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

3.2 Dornoch Firth & Loch Fleet SPA & Ramsar Site

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

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

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

Waders and Waterfowl Assemblage

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

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

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

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

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

Teal and Wigeon

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

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

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

3.3 Moray Firth pSPA

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

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

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

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

3.4 European Protected Species

Bats

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

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

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

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

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

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

Otters

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

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

3.5 Other protected species

Pine marten & badger

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

4. Concluding comments

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

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

Yours sincerely,

Nick Halfhide

Director of Operations

Annex A – Detailed advice on SSSI sand dune habitat

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

Magnitude of direct impacts to sand dune habitats

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

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

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

Effects on dune slack³ & hydrology

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

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

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

Effects on dune grasslands

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

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

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

³ This habitat may also support Ramsar wetland invertebrates.

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

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

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

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

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

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

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

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

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

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

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

Translocation of dune heath

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

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

Long-term course management, coastal geomorphology and climate change

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

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

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