

Golf & Leisure Resort

Menie Estate, Balmedie, Aberdeenshire



Written Statement - Appropriate Assessment

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Figure 1.1 TIGLS Development, SPA Location and Waymarked Routes

1.0 PURPOSE AND STRUCTURE OF THE WRITTEN SUBMISSION

The purpose of this Written Submission is to summarise the Appropriate Assessment Report submitted to Scottish Ministers and SNH. The submission addresses the impact of the proposed golf and leisure resort development on the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (hereafter called the SPA).

SNH have submitted the following paragraph as part of their Statement of Case:

'SNH has advised Aberdeenshire Council (letter of 12 November 2007) and DPEA (letter of 25 January 2008) that there is likely to be a significant effect on the qualifying interests of the SPA and that in consequence an appropriate assessment is necessary under the provisions of Regulation 48 of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). A revised draft appropriate assessment appraisal report prepared on behalf of TIGLS has been recently submitted to SNH for its consideration. Without anticipating the final decision, there is a reasonable expectation that SNH will be able to advise Scottish Ministers that if certain conditions/legal agreement are imposed, there will be no adverse effect on the integrity of the SPA'

The Final TIGLS AA Report was submitted to Scottish Ministers on the 12 May 2008. This final report addresses all SNH's outstanding issues and will provide the basis to allow SNH to advise Scottish Ministers on the potential for impacts to the integrity of the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) as shown on Figure 1.1.

2.0 QUALIFYING SPECIES AND CONSERVATION OBJECTIVES – SCOPE OF AA

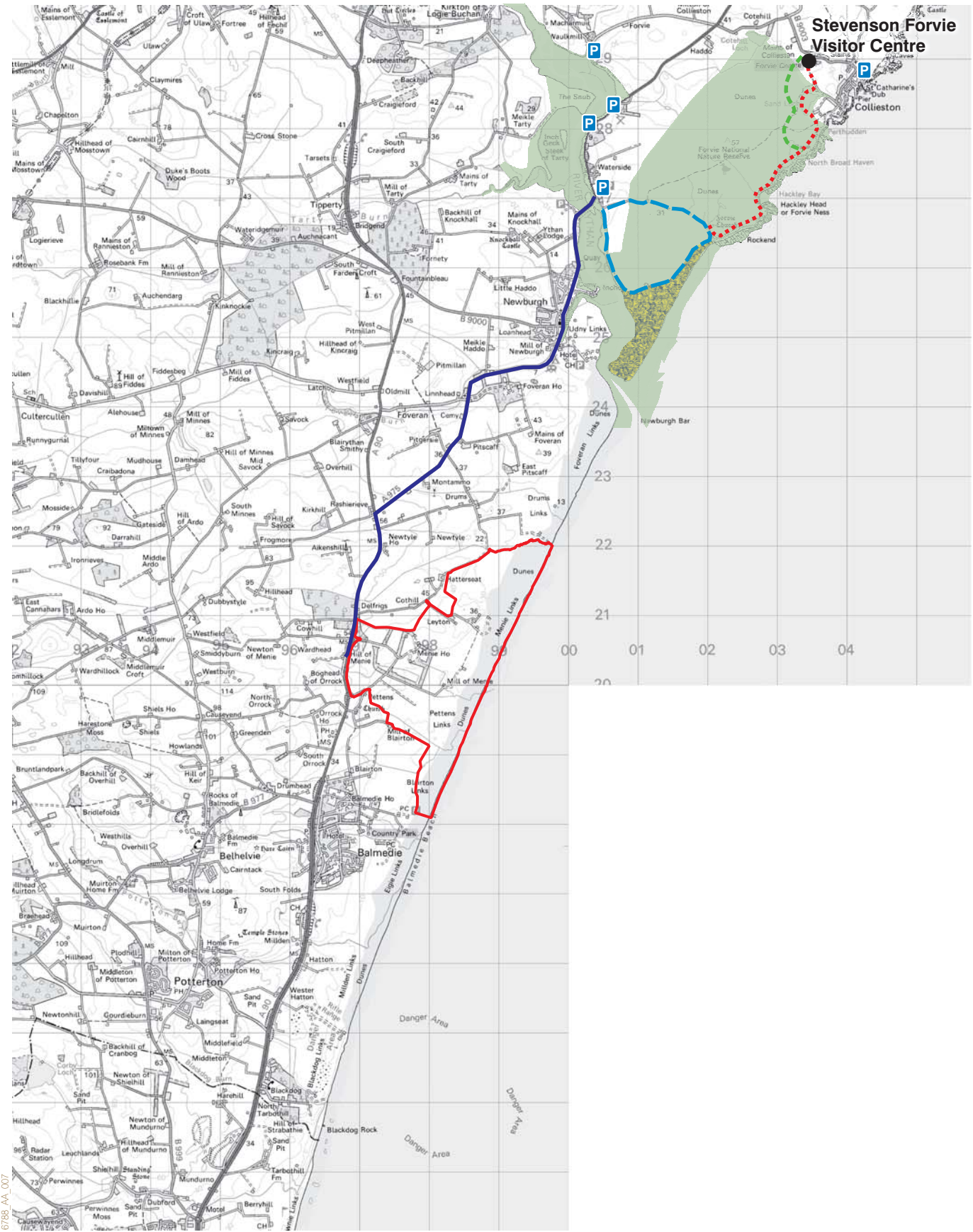
The qualifying interests of the SPA are those that the Scottish Ministers classified the site to protect and SNH, with the endorsement of the Scottish Government, produce the Conservation Objectives. Competent authorities are required to assess the plan or project against the qualifying interests and their conservation objectives, to inform an appropriate assessment.

The qualifying species of the SPA are:

- Common Tern
- Eider
- Lapwing
- Little Tern
- Pink-footed Goose
- Redshank
- Sandwich Tern
- Waterfowl assemblage of more than 20,000 birds.









It was agreed with SNH that the AA scope could be reduced to consider only two of the components of the Conservation Objectives:

- The Population of the species (Pink footed geese) as a viable component of the site
- No significant disturbance of the species



Stevenson Forvie Visitor Centre

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-  TIGLS Site Boundary
-  Forvie NNR Green Route
-  Ythan Estuary Sands of Forvie & Miekie Loch SPA / SSSI and Forvie NNR
-  Forvie NNR Red Route
-  Route from TIGLS Development to SPA (5.7miles)
-  Forvie NNR Blue Route
-  Parking
-  Ternery

Frump International Golf Links
SCOTLAND



Figure 1.1
TIGLS Development, SPA Location
and Waymarked Routes

3.0 AA CONSERVATION OBJECTIVE 1 POPULATION OF THE SPECIES (PINK FOOTED GEESE) AS A VIABLE COMPONENT OF THE SITE

3.1 Introduction

An assessment of the effects of the proposed development on Pink-footed Geese, one of the qualifying species for the nearby Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area was undertaken by Dr Ian Patterson in consultation with SNH.

3.2 Current Use of Site by Pink-footed Geese

Surveys for geese using the Menie Estate during the day for feeding and for roosting were undertaken in 2006/2007 and spring 2008. The assessment concluded that the a combination of low proportion of the Ythan/Meikle Loch goose population using the Menie site and the considerable mobility of Pink-footed Geese between feeding areas and between roosts, made it very unlikely that there would be any reduction in the total goose population using the Ythan Special Protection Area as a result of the proposed development. Consequently, the impact of the proposed development on the total goose population using the SPA is assessed as low.

3.3 Impact of the Proposed Development

The impacts identified are as follows:

- loss of the main feeding and roosting field
- increased human disturbance of a roost pool

The important question for the Appropriate Assessment is the predicted impact on the Pink-footed Goose population using the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area, in terms of possible reduction of that population.

Since the effects of the proposed development are local to the Menie site, the significance of the impact is assessed as very low. It is therefore concluded that in relation to Pink-footed Geese, the proposed development will have a negligible impact on the integrity of the SPA.

3.4 Mitigation

Even though it is concluded that the proposed development at Menie would have a negligible impact on the integrity of the Special Protection Area, it may be considered that mitigation or compensation would be desirable, to avoid any possibility of an impact and also to preserve the amenity of wild geese feeding and roosting close to the development. Possible mitigation/compensation measures could include:

- Provision of feeding fields outside the development area, either by purchase or by entering into management agreements with neighbouring farmers. Such fields could be made attractive to geese by maintaining short swards and by fertiliser

application, as is done in the Loch of Strathbeg Goose Management Scheme, operated by SNH;

- Screening of the retained flight pool by hedging or shrubs (around 2m tall) and the maintenance of a buffer zone of 200m around the pool, to reduce human disturbance; and
- Creation of an additional roost pool outside the proposed development area.

Further mitigation measures will be addressed as part of the detailed planning application procedure and will be discussed and agreed with SNH.

Implementation of these mitigation/compensation measures should ensure that there would be no residual impact of the proposed development on the population of Pink-footed Geese and no residual impact on the integrity of the Special Protection Area.

4.0 AA CONSERVATION OBJECTIVE NO SIGNIFICANT DISTURBANCE OF THE SPECIES

4.1 Context

The second potential impact scoped as part of the AA was the potential for recreational disturbance to the species on the Ythan Estuary SPA. TIGLS consulted with SNH on the methodology throughout the assessment process.

4.2 Forvie National Nature Reserve, Environmental Designations & Current Use

Forvie National Nature Reserve (NNR) covers an area of approximately 1,000ha of sand dunes and dune heath on the coast between the North Sea and the estuary of the River Ythan. The site was established as an NNR in 1959 and is well known for the bird population it supports as well as the range of habitats.

Forvie NNR receives 15-20,000 visitors per year including bird watchers, use for exercise (running and walking), local people out for a day trip or a walk along the beach and tourists. The Reserve is also well used by educational groups, natural history groups, walking and hiking groups, and scout, beaver and guide groups.

There are three main waymarked trails within the NNR Boundary, as shown on Figure 1.1:

- Coastal Trail – Red Route
- Estuary Trail – Blue Route
- Moorland Trail – Green Route

The Estuary Trail or Blue Route brings recreational users of the SPA closest to the sensitive species of the SPA.

The AA seeks to address the concern that recreational pressure would have an adverse impact on the SPA and in particular on the Conservation Objective 'No significant disturbance of the species'.

4.3 Species at Risk from Disturbance at SPA

The following are bird species known to SNH to experience existing forms of recreational disturbance at the Ythan Estuary, Sands of Forvie and Meikle Loch SPA:

Eider duck

- Resident at Forvie all year round, using the Ythan Estuary for feeding and shelter in the winter (October to March) and for breeding/nesting between April and September.
- Largest breeding colony in Britain
- Disturbance of birds on the nest can cause birds to temporarily leave the nest resulting in increased rate of predation. Disturbance of crèches of ducklings can separate the crèche and result in increased predation.

Little Tern

- Little terns nest in 2-4 areas that change year to year according to local conditions.
- Common terns nest in a separate area in a dispersed pattern, whereas sandwich terns also nest in a separate area but as a single colony.
- The breeding season for all terns on the SPA is April to September.

Over Wintering Wader and Wildfowl

- Over winter, the area regularly supports 51,265 individual waterfowl (5 year peak mean 1991/2–1995/6) including: redshank, lapwing, eider and pink-footed goose
- Over wintering wader and wildfowl generally feed and or roost on the mudflats when the tide is out. When the tide is in, they will roost on nearby areas such as salt marsh above the high water mark.

4.4 Assessment of Likely Visitor Numbers to SPA from TIGLS development

The assessment of likely visitor numbers has been based on the Scottish Recreational Survey (2005). Local recreational trends taken from the NNR surveys conducted by SNH have been considered to ensure the National statistics can be applied at the local level.

- Patterns of recreational use of the NNR shown by SNH visitor surveys
- Patterns of recreational visits to the Scottish Outdoors from the SRS (2005)

The findings of the SRS (2005) survey are assumed to be representative of the visitor trends to the Outdoors in Scotland. The assessment assumes that the TIGLS resident and non-resident population would provide similar answers to the questions asked to allow extrapolation of potential numbers of visitors to the NNR.

4.5 Population of TIGLS Development and Potential Numbers of Visitors

It is estimated that the combined permanent and temporary population of the proposed development will be in the region of:

-
- **4971** (1565 residents +3406 non-residents) during April-September i.e. peak tourist season.
 - **4850** (1565 residents +3285 non-residents) during October-March

October to March occupancy is more likely to include business travellers and the conference market rather than tourists. Travellers from the business/conference market are less likely to undertake an outdoor offsite recreational visit during the winter period. As a result, the assessment of visitor numbers from the TIGLS development during winter months will be an overestimate.

The findings of the SRS under the following headings were applied to the estimated total population at the TIGLS development:

- Frequency of Visits to the Outdoors
- Timing of Visit
- Repeat Visits
- Distance Travelled by Residents and Visitors from the TIGLS Resort
- Types of destinations visited by residents and visitors from the TIGLS Resort
- Likely numbers of visits to the SPA accompanied by a Dog.

Using the trends and results of the SRS 2005 to extrapolate the likely number of potential visitors to the SPA from the TIGLS over a **12 month period**:

Total (12 month period) – 2106 additional visitors/visits

The SRS (2005) states that between the 2004 recreational survey and the 2005 survey, there was a 19% increase to visits to the seaside. If we use this percentage change to factor the likely visitor increase between 2005 and 2008:

2007-2008 – 19% change = 3549 additional visitors/visits per year

Based on the estimate of total number of visitors to the NNR and therefore the SPA from SNH (15,000 to 20,000), the TIGLS development **could** increase visitor numbers by between 18% and 23% based on 2008 figures.

4.6 Factors affecting Visitor Numbers and Types of Visits

It is evident from the current numbers visiting Forvie that some visitors to the TIGLS development would be expected to visit Forvie NNR during their trip, the numbers of visitors doing so will be affected by a number of factors:

- Accessibility and promotion of the reserve
- Type of visitor and activities on offer
- Availability of other visitor attractions
- Scottish weather and preference for indoor recreation if weather poor on non-golfing days
- Seasonality of visits

It is difficult to assess the impact that these variables have on actual visitor numbers to Forvie i.e. whether the estimate of 3549 additional visitors is an under or over estimate. It is clear, that of the visitors that do choose to visit the SPA, the majority will do so during the most sensitive period i.e. April to September for the breeding bird populations.

4.7 Existing Recreational Pressure



Plate 1: Tern Warden Post (SNH, *Forvie: The Reserve Story*)

The evidence from SNH tern warden reports/NNR management documents suggests that:

- The protective measures in place on the SPA to reduce the human disturbance to the breeding bird populations including improved signage and a 'barrier fence' have been successful in reducing the incidences of disturbance recorded.
- Most of the visitors to the reserve are respectful of the ternery restriction zone and do not stray from the designated paths provided, keep dogs on leads etc
- Those visitors noted to have caused a disturbance have generally not been aware they were in a restricted area.
- The new leaflets and Code of Conduct such as the example provided by SNH to anglers should ensure that future disturbance is minimised.

4.8 Current and Proposed Mitigation

Even though the likely recreational impact on the SPA is considered to be low, existing and proposed mitigation should be integral to the management of the SPA by SNH and the TIGLS resort development by TIGLS to ensure that the .

There are potentially two types of mitigation to address the potential for recreational impacts on the SPA:

1 TIGLS controlled mitigation i.e. within the boundary of Menie Estate and focussed on residents and visitors to the TIGLS proposed development:

- Location of the TIGLS Development
- Provision of Open Space within TIGLS Development
- TIGLS Code of Conduct - Provision of Information Packs/Home-owners Packs
- Improve the Access Provision on the TIGLS Development Site
- Improving attractiveness and capacity of existing semi-natural open space

2 SNH promoted mitigation focussing on measures employed within the SPA:

- Existing Management providing Mitigation
- Advise to Windsurfers

- Alternative Signage
- Further Electric Fencing
- Anglers – Advise and screening of beats near to areas used by birds
- Wildfowling - Draft Code of Conduct

Based on the levels of existing recreational pressure, and the measures in place and proposed to reduce human disturbance to sensitive species of the SPA it would be reasonable to assume that the impacts of additional visitors from the TIGLS development to the NNR and therefore the SPA will be slight. Implementation of these mitigation/compensation measures should ensure that there would be no residual impact of the proposed development on the bird populations and no residual impact on the integrity of the Special Protection Area.

5.0 IN-COMBINATION IMPACTS

Assessment of in-combination impacts considers the impacts on the SPA of all proposed and existing development pressures in the vicinity of the SPA. This will seek to ensure that the impact of the TIGLS development 'in-combination' with other developments does not have significant impact on the SPA.

At present there are no other known developments that are likely to have an impact on the SPA either alone or in combination with the proposed development at Menie Estate. Major developments within the vicinity of the SPA and the TIGLS development include;

- Aberdeen Renewable Energy Group (AREG) Offshore Windfarm
- A90 Balmedie to Tippetty Upgrade
- Quarry proposals at South Orrock

Mitigation in the form of planning conditions and habitat enhancement for projects that are consented/could be consented will ensure that impacts of individual projects and therefore combined impacts will not be significant.

6.0 CONCLUSION

Assessment of the potential impact of the proposed development at Menie Estate against the Conservation Objectives:

- Population (Pink- Footed Geese) as a Viable Component of the Site
- Potential for Disturbance of the Species

The assessment concludes the following:

1. The residual impact on qualifying species, for both the SPA and Ramsar sites, is reasonably argued as slight.
2. The TIGLS development is not a threat to the Conservation Objectives of the SPA as all populations will be sustained, albeit with a local reduction in numbers at Menie, with no likely change to population in the north east of Scotland or at European sites.
3. The integrity of the SPA and Ramsar Site would be maintained and the conservation objectives sustained.