

Alteration to the East Ayrshire Local Plan

Finalised Draft : December 2007



Appropriate Assessment

**An Assessment of the Impact of
the Provisions of the Alteration
to the East Ayrshire Local Plan
on Natura 2000 Sites**



East Ayrshire
COUNCIL

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1 INTRODUCTION

1.1 Following a ruling by the European Court of Justice in October 2005, all land use plans, including development plans, require to be assessed under Articles 6(3) and 6(4) of the Habitats Directive. In this regard, any plan or project that is likely to have a significant effect on any Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site can only be approved or adopted after:

- (i) there has been a determination by the planning authority, based on objective information, that the provisions of the plan are not likely to have a significant effect on any European site; or
- (ii) an appropriate assessment has been carried out in respect of the provisions of the plan in line with the requirements of Article 6.3 and 6.4 of the Habitats Directive.

1.2 It has been determined by Scottish Natural Heritage (SNH) that an Appropriate Assessment in terms of paragraph 1.1(ii) above is required to support the Strategic Environmental Assessment which has been prepared in respect of the Alteration to the East Ayrshire Local Plan. This report details the steps taken by the Council in carrying out this Appropriate Assessment and the conclusions reached.

2. BACKGROUND INFORMATION

Natura 2000 Sites in East Ayrshire

2.1 East Ayrshire Council contains two Special Areas of Conservation (SAC's) and one Special Protection Area (SPA) within its boundaries, these comprising the Airds Moss Special Area of Conservation, the Merrick Kells Special Area of Conservation and the Muirkirk and Northern Lowther Uplands Special Protection Area. There are no Ramsar sites within East Ayrshire.

2.2 The Muirkirk and Northern Lowther Uplands SPA, the East Ayrshire portion of which extends to some 16,603 hectares, is of exceptional interest due to its variety of blanket bog, wet and dry heaths and upland grasslands and was designated specifically because of its international importance for the breeding of hen harrier, short eared owls, merlin, peregrine and golden plovers. The Airds Moss SAC, which extends to some 1,361 hectares, has been designated because of its extensive area of blanket bog. The Merrick Kells SAC, which straddles the boundary of East Ayrshire and Dumfries and Galloway, covers some 1,378 hectares of East Ayrshire, was designated as an SAC as it contains several vegetation community types such as dry heaths, wet heathland with cross-leaved heath, montane acid grasslands and blanket bog. The area

also contains acid, peat stained lakes and ponds, clear water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels and is a natural habitat for otters.

Background to the Appropriate Assessment Process

2.3 In line with the ruling of the European Court of Justice, the provisions of Article 6.3 and 6.4 of the Habitats Directive and the advice contained within the Scottish Executive Development Department's 'Assessing Development Plans in Terms of the Need for Appropriate Assessment Interim Guidance', East Ayrshire Council determined, as detailed in paragraph 1.2(i) above, that the Consultative Draft Local Plan Alteration was not likely to have a significant effect on the SAC's or the SPA within East Ayrshire, and would subsequently not require an Appropriate Assessment for the following reasons:

- (i) the Local Plan Alteration contains specific policies which are intended to protect the integrity and conservation interests of internationally designated sites. Policies SD1, ENV2 and ENV13, in particular, protect these sites from development in line with the requirements of the Habitats Directive and 1994 Regulations.
- (ii) none of the development opportunity sites identified in the plan are located on, or are in close proximity to, any of the Natura 2000 sites in the area; and
- (iii) the Strategic Environmental Assessment process carried out in respect of aims, strategies and policies contained in the local plan alteration concluded that none of these particular provisions of the local plan were likely to have any significant adverse effects on the area's SPA's and SAC's.
- (iv) an appraisal of the site specific proposals identified in the local plan alteration indicated that none of these proposals will physically impact, either directly or indirectly, on the nature conservation interests of the Natura 2000 sites in the area.

2.4 Notwithstanding this determination, Scottish Natural Heritage (SNH), on 10 November 2006 submitted their comments on the Environmental Report accompanying the consultative draft version of the Alteration to the East Ayrshire Local Plan, to the Council for consideration. These comments included SNH's observations on the conclusions reached by the Council in relation to the Habitats Directive and the 1994 Regulations. In this regard, SNH stated:

“ Whilst it can be determined that the policies whose influence is locationally rooted will not have an effect on Natura interests, many policies, strategies and proposals in the Local Plan Alteration are not set in a clear location and for these SNH believe more is required by way of reasoned determination to support the conclusion described in para 4.7 [of the draft Environmental Report].

As an example of our concerns we note Policy SD5 deals with development proposals outwith settlement boundaries and lists criteria under which such development would be acceptable. We find no evidence to suggest that this policy could not avoid the likelihood of significant effect on a Natura site. Under such circumstances, this and similar strategic or non-locally based policies or proposals should be subject to appropriate assessment. It may be the case that no significant effect on the Natura sites is likely because development of sites would be further subject to the existing policies in the Local Plan which protect Natura sites, but this cross referencing should be part of the appropriate assessment.”

2.5 In light of the above comments, it was agreed by the Council that an appropriate assessment of the local plan alteration should be carried out in terms of paragraph 1.2 (ii) above. The findings of this assessment are detailed in the remainder of this appropriate assessment report.

3 PROTECTION OF NATURA 2000 SITES IN THE LOCAL PLAN ALTERATION.

3.1 The Alteration to the East Ayrshire Local Plan seeks to ensure that new development does not have an adverse impact on the environment, in particular the natural environment and areas of natural heritage importance, which include SAC's and SPA's. This is reflected in one of the key aims of the Local Plan Alteration, which is:

“to protect, conserve and enhance the character, appearance and amenity of East Ayrshire, especially as regards its landscape quality, the built and natural environment and areas of natural heritage and built heritage importance.”

3.2 This key aim is further reflected in General Development Strategy (vii) of the local plan alteration which:

“safeguards and protects sensitive rural areas from inappropriate development”.

3.3 In support of the above aim and strategy, the Local Plan Alteration contains two strategic policies that seek to protect and preserve the natural environment, these being:

Strategic Policy SD 1 which states that:

“The Council will adhere to the principals of sustainability in its consideration of all development proposals and will seek to ensure that all new development contributes positively to the environmental quality of the area. In this regard, the Council will ensure that all new development does not impact adversely upon:

- (i) the character and appearance of the particular location in which it is proposed;**
- (ii) the environment and amenity of local communities and residents of the area;**
- (iii) landscape character and quality; and**
- (iv) natural or built heritage resources.**

Any development that does not meet these requirements will not receive Council support. “

and Strategic Policy ENV 2 which states that:

“The Council will seek to protect, preserve and enhance all natural heritage resources requiring conservation including Special Protection Areas, Special Areas for Conservation, Sites of Special Scientific Interest, Confirmed or Provisional Wildlife Sites and Local Nature Reserves.”

3.4 These strategic policies are further supplemented by Policy ENV 13(i) of the local plan which states that:

“The protection and enhancement of areas of nature conservation interest within the local plan area will be achieved as follows:

- (i) there will be an overriding presumption against development which could adversely affect sites designated or proposed for designation as Special Protection Areas and Special Areas for Conservation. Development will only be permitted where an assessment of the proposal indicates that it will not adversely affect the integrity of the site, that there are no alternative solutions and that there are reasons of over-riding public interest, including those of a social or economic nature.”**

3.5 All development proposals, whether or not they relate to specific development opportunity sites identified in the local plan or to other locations are required to comply with the above mentioned policies. In addition, they are also required to comply with all other relevant local plan policies, many of which contain criteria protecting natural heritage

resources and the natural environment from inappropriate development.

3.6 In cases where any development proposals are considered to adversely affect the integrity of an SAC or SPA and where imperative reasons of overriding public interest have not been agreed with the Scottish Executive which would allow these proposals to go ahead, those proposals would be deemed not to comply with the provisions of the local plan.

4 ASSESSMENT METHODOLOGY

4.1 The potential environmental impacts of the various provisions of the Alteration to the East Ayrshire Local Plan on the SAC's and SPA located within the East Ayrshire boundary have been fully assessed by the Council, the assessment procedure being as follows:

(i) All of the various aims, strategies, policies, proposals, recommendations and development opportunity sites contained in the local plan alteration were individually assessed to ascertain whether they would be likely to have any significant effect on the SAC's or SPA located in the area. It was determined that none of the site specific provisions of the alteration would have any adverse impact on these areas and that only those non site specific provisions of the local plan could potentially have any adverse impact on the SAC's and SPA. Consequently, it is only those particular non site specific provisions of the plan that have been taken forward for further examination in the appropriate assessment process.

(ii) If a non site specific provision of the local plan alteration was considered to have a potentially adverse impact on the SAC's or the SPA, the potential impact was examined in greater depth to determine whether it could be avoided through the application of other provisions of the alteration. If, for example, the assessment of an individual non site specific policy were to demonstrate that it may have an negative impact on an SAC or SPA but another policy (eg Policy ENV 13 (i) which presumes against development on SAC's or SPA's), would guard against this impact taking effect, then the policy being assessed would not be regarded as having an adverse impact on the SAC or SPA in question.

(iii) If, having gone through the two assessment processes detailed in (i) and (ii) above, a non site specific provision of the local plan alteration was considered to have a potentially adverse impact on an SAC or SPA which could not be avoided through the application of other policies, then a more detailed assessment as to how that SAC or SPA would be affected by that provision has been undertaken.

4.2 The potential impacts of all non site specific provisions of the local plan alteration have been

assessed as shown in the Assessment Table detailed in Appendix 1 of this report. Many of these provisions do not have any impact on the SPA or the SAC's and are denoted in the Assessment Table by a 'o'. Where a local plan provision is likely to have a positive or negative impact on the SPA or an SAC, this is indicated in the Assessment Table by a '+' or '-', as appropriate. In some cases, the assessment process identifies a local plan provision as having an unknown or unclear impact and this provision has been identified with a '?'. Where a '?' occurs, the assessment table indicates if the potential impact of that provision on the SPA or SAC in question can be avoided or mitigated through the application of other provisions / policies of the local plan and details which particular provisions / policies of the local plan are applicable.

4.3 Where there is any uncertainty as to whether the impacts of a provision of the plan on the SPA or an SAC can be adequately mitigated or avoided in the context of other supporting provisions / policies contained within the local plan alteration, these particular provisions have been identified with a '??'

5 FINDINGS

5.1 The appropriate assessment process indicates that a number of local plan provisions, when looked at in isolation, have the potential to impact upon one or more of the three Natura 2000 sites located within East Ayrshire. A summary of the nature of the impacts identified through the appropriate assessment process is provided in Table 1 below:

Table 1: Summary of Impacts Identified

Local Plan Provision	Nature of Impact				
	o	-	+	?	??
Aims	2	0	2	5	0
Strategies	29	0	4	18	0
Policies	48	0	27	47	0
Proposals	18	0	0	4	0
Recommendations	7	0	0	0	0
Total	105	0	33	72	0

5.2 The main findings of the appropriate assessment exercise that has been carried out are as follows:

Site Specific Provisions of the Local Plan

(i) None of the site specific provisions of the local plan alteration, comprising 24 strategies, 27 policies, 49 proposals and 3

recommendations, relate to the either of the SAC's or the SPA located within East Ayrshire (See Appendix 2 below);

- (ii) None of the various development opportunity sites identified in the local plan relate to, or impact directly on either of the SAC's or the SPA located within East Ayrshire. (This is acknowledged by Scottish Natural Heritage in its response to the Consultative Draft Environmental Report as highlighted in paragraph 2.2 above)

Non Site Specific Provisions of the Local Plan

- (i) Of the 210 aims, strategies, policies, proposals and recommendations that were made the subject of the Appropriate Assessment, 105 have no impact on the SPA / SAC's within East Ayrshire, 33 have a positive impact on these designations and 72 have an unknown or unclear impact. With respect to the 72 provisions with an unknown or unclear impact, in all cases, any adverse impacts could be avoided as a result of the application of other supporting provisions / policies of the local plan alteration.
- (ii) None of the provisions of the local plan that were assessed were identified as having any negative impacts on either of the SAC's or the SPA in East Ayrshire or any unknown / unclear impacts that could not be avoided as a result of the application of other supporting provisions / policies of the local plan alteration.
- (iii) Where a local plan provision was shown as having an impact on one of the Natura 2000 sites, the assessment has indicated that the same impact was experienced on the other two sites. This was the case in respect of 208 of the 210 local plan provisions with the exception of strategy DS63 and proposal PROP 13 both of which, while having no impact in relation to the Merrick Kells SAC, had unknown or unclear impacts in relation to the SPA and the Airds Moss SAC.

5.3 The appropriate assessment that has been carried out pertains solely to the provisions of the Alteration to the East Ayrshire Local Plan. However, it may well be the case that more detailed assessments will require to be carried out with regard to certain developments that may be proposed during the life time of the local plan alteration and which may not be in conformity with the provisions of the local plan alteration and also with regard to the provisions of other appropriate strategies of the Council, such as the Local Transport Strategy, the Outdoor Access Strategy etc. Any development proposals which require

further assessment, with regard to their potential impact on an SPA or SAC, will only be fully compliant with the local plan

- (i) where it can be demonstrated, following further detailed assessment, that they will not adversely affect the integrity of the SPA or SAC in question; or
- (ii) where in exceptional circumstances, Imperative Reasons of Overriding Public Interest (IROPI) have been agreed with the Scottish Executive.

6 CONCLUSIONS

6.1 It is concluded that implementation of the provisions of the Alteration to the East Ayrshire Local Plan will have no adverse impact upon the conservation objectives of the three Natura 2000 sites within East Ayrshire. The appropriate assessment demonstrates that the necessary safeguards have been built into the plan to ensure that any potentially adverse effects on the area's SPA and SAC's will be avoided.

APPENDIX 1: ASSESSMENT OF THE NON SITE SPECIFIC PROVISIONS OF THE LOCAL PLAN ALTERATION

Local Plan Provision	Likely Impact			Comments and Recommendations
	SPA	SAC 1	SAC 2	
AIMS				
AIM 1	o	o	o	No impact identified.
AIM 2	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA/SAC for any development which could adversely impact on it.
AIM 3	?	?	?	Policies SD 1 (iv), IND 7 (v), IND 8 (iii), ENV 2 and ENV 13 (i) protect the SPA/SAC from any farm diversification proposals that could have an adverse impact.
AIM 4	+	+	+	This particular aim of the Local Plan will have a positive impact on the character and appearance of the SPA/SAC.
AIM 5	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA/SAC for any development which could adversely impact on it.
AIM 6	?	?	?	Policies SD 1 (iv), RES 15 (i), CS (iii), ENV 2 and ENV 13 (i) prevent residential, leisure, recreational, community and other facilities development on the SPA/SAC.
AIM 7	o	o	o	No impact identified.
AIM 8	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
AIM 9	+	+	+	This particular aim of the Local Plan will have a positive impact on the natural habitats that exist within the SPA/SAC as a result of the reduction in CO2 emissions. Policies SD 1 (iv), CS 11(i) ENV 2 and ENV 13(i) will ensure that renewable energy developments will not have an adverse impact on the SPA/SAC.
STRATEGIES				
DS 2	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA/SAC for any development which could adversely impact on it.
DS 3	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) prevent residential development on the SPA/SAC.

DS 4	o	o	o	No impact identified.
DS 5	o	o	o	No impact identified.
DS 7	o	o	o	No impact identified.
DS 8	o	o	o	No impact identified.
DS 9	o	o	o	No impact identified.
DS 10	o	o	o	No impact identified.
DS 11	o	o	o	No impact identified.
DS 16	?	?	?	Policies SD 1 (iv), IND 7 (v), IND 8 (iii), ENV 2 and ENV 13 (i) protect the SPA/SAC from any farm diversification proposals that could have an adverse impact.
DS 17	o	o	o	No impact identified.
DS 18	?	?	?	Policies SD1(iv), IND 7 (v) ENV 2 and ENV 13 (i) protect the SPA/SAC from any business and industrial development that could have an adverse impact on the SPA/SAC.
DS 19	?	?	?	Policies SD 1 (iv), TOUR 4 (ii), ENV 2 and ENV 13 (i) protect the SPA/SAC from tourism development (including tourist accommodation facilities) that could have an adverse impact on the SPA/SAC.
DS 22	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protects the SPA from green tourism developments that could have an adverse impact on the SPA/SAC.
DS 23	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protects the SPA from adverse impacts that cycle paths and footpaths could have on the SPA/SAC.
DS 24	o	o	o	No impact identified.
DS 25	o	o	o	No impact identified.
DS 26	+	+	+	The Strategy has a positive impact on the SPA/SAC by prohibiting commercial exploitation of peat reserves. Policies SD 1 (iv), ENV 2 and ENV 13 (i) also protect the SPA/SAC from any other type of extraction/removal of peat within or near to its boundaries.
DS 27	?	?	?	Policies SD 1 (iv), M4 (ii), ENV 2 and ENV 13 (i) protect the SPA/SAC from mineral developments that may have an adverse impact.
DS 28	o	o	o	No impact identified.
DS 29	o	o	o	No impact identified.
DS 37	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) prevent residential development on the SPA/SAC.

DS 38	?	?	?	Policies SD 1 (iv), RES 2 (vi), RES 15 (i), ENV 2 and ENV 13 (i) prevent the release of additional residential sites over and above the sites identified in the plan, from being built on are having an adverse impact on the SPA/SAC.
DS 40	o	o	o	No impact identified.
DS 41	o	o	o	No impact identified
DS 45	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) prevent sui-generis retail uses on the SPA/SAC.
DS 49	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA/SAC from any service infrastructure development that may have an adverse impact on its sensitivities.
DS 50	?	?	?	Policies SD 1 (iv), CS 3(iii), ENV 2 and ENV 13 (i) will protect the SPA/SAC from any community, education, cultural and leisure facility provision which is required to meet future demand.
DS 51	+	+	+	The Strategy will have a positive impact as it seeks to protect the SPA/SAC for the community and as an educational resource.
DS 52	?	?	?	Policies SD 1 (iv), CS 11 (i), CS 14(i), ENV 2 and ENV 13 (i) protect the SPA/SAC from renewable energy development that may have an adverse impact on its sensitivities.
DS 53	?	?	?	Policies SD 1 (iv), CS 9 (i), ENV 2 and ENV 13 (i) protect the SPA/SAC from telecommunications development.
DS 54	o	o	o	No impact identified.
DS 55	o	o	o	No impact identified.
DS 56	o	o	o	No impact identified.
DS 57	o	o	o	No impact identified.
DS 58	o	o	o	No impact identified.
DS 59	o	o	o	No impact identified.
DS 60	?	?	?	Policy WM12 requires secondary industries and businesses associated with an established waste management facility to be an integral part of, or in close proximity, to the waste management facility. Policies SD 1 (iv), IND 5 (v), IND 7(v) ENV 2, and ENV 13 (i) protect the SPA/SAC from this particular kind of development.

DS 63	?	?	o	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA and the Airids Moss SAC from any adverse impacts associated with improvements to the A70. There are no impacts to the Merrick Kells SAC as a result of improvements to the A70. No impacts for either the SPA or the SAC's are identified with regard to improvements to the A71.
DS 65	o	o	o	No impact identified.
DS 66	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA/SAC from any adverse impacts associated with the development of local cycle and footpath networks and the creation of improved and further links with the national cycle and footpath routes.
DS 67	o	o	o	No impact identified.
DS 68	o	o	o	No impact identified.
DS 69	+	+	+	The Strategy will have a positive impact as it seeks to protect, preserve and where appropriate enhance the SPA/SAC.
DS 70	+	+	+	The Strategy seeks to protect, preserve and enhance the landscape character and appearance of the area and this will have a positive impact on the SPA/SAC in terms of landscape character.
DS 73	o	o	o	No impact identified.
DS 74	o	o	o	No impact identified.
DS 75	o	o	o	No impact identified.
DS 76	o	o	o	No impact identified.
DS 78	o	o	o	No impact identified.
POLICIES				
SD 1	+	+	+	The policy ensures that new development will not have an unacceptable impact on the SPA/SAC.
SD 2	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
SD 3	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) prevent residential development on the SPA/SAC.
SD 4	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.

SD 5	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
SD 6	o	o	o	No impact identified.
SD 7	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
SD 8	o	o	o	No impact identified.
IND 6	?	?	?	Policies SD 1(iv), IND 7(v), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
IND 7	+	+	+	Criterion (v) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
IND 8	+	+	+	Criterion (iii) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
IND 9	+	+	+	Criterion (vi) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
IND 10	?	?	?	Policies SD 1 (iv), IND 7 (v), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC.
IND 11	o	o	o	No impact identified.
IND 12	o	o	o	No impact identified.
TOUR 1	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that new development could have on the SPA/SAC. There may be criterion within other applicable Local Plan policies which will prevent any adverse impacts on the SPA/SAC.
TOUR 2	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i), in particular, will prevent any adverse impact that new development could have on the SPA/SAC.

TOUR 3	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13(i) will prevent any adverse impact that Policy TOUR 3 could have on the SPA/SAC.
TOUR 4	+	+	+	Criterion (ii) of this Policy seeks to protect the SPA from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
TOUR 5	?	?	?	Policies SD 1 (iv), IND 7 (v), TOUR 4 (ii), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
TOUR 6	+	+	+	Criterion (iii) of this Policy seeks to protect the SPA from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M 1	?	?	?	Policies SD 1(iv), M4 (ii), ENV 2 and ENV 13(i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M 2	o	o	o	No impact identified.
M 3	?	?	?	Policies SD 1(iv), M4 (ii), ENV 2 and ENV 13(i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M 4	+	+	+	Criterion (ii) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M6	+	+	+	The policy has a positive impact on the SPA/SAC by prohibiting commercial exploitation of peat reserves. Policies SD 1(iv), M4 (ii), ENV 2 and ENV 13(i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M 7	?	?	?	Policies SD 1(iv), M4 (ii), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
M8	o	o	o	No impact identified.
RES 2	+	+	+	Criterion (vi) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 6	o	o	o	No impact identified.
RES 7	o	o	o	No impact identified.
RES 8	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.

RES 9	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 10	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 11	o	o	o	No impact identified.
RES 12	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 13	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 14	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 15	+	+	+	Criterion (i) of this Policy seeks to protect the SPA/SAC from any adverse impact.
RES 16	?	?	?	Policies SD 1 (iv), RES 15 (i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 17	o	o	o	No impact identified.
RES 18	?	?	?	Policies SD 1 (iv), IND 7 (v), RES 15(i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 20	o	o	o	No impact identified.
RES 21	o	o	o	No impact identified.
RES 22	o	o	o	No impact identified.
RES 23	o	o	o	No impact identified.
RES 24	o	o	o	No impact identified.
RES 25	o	o	o	No impact identified.
RES 29	?	?	?	Policies SD 1 (iv), IND 7 (v), RES 15(i), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RES 30	+	+	+	Criterion (ii) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 1	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.

RTC 7	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 8	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 9	o	o	o	No impact identified.
RTC 10	o	o	o	No impact identified.
RTC 11	o	o	o	No impact identified.
RTC 14	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 16	o	o	o	No impact identified.
RTC 17	?	?	?	Policies SD 1 (iv), IND 7 (v), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 18	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
RTC 20	?	?	?	Policies SD 1 (iv), IND 7 (v), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 1	o	o	o	No impact identified.
CS 2	o	o	o	No impact identified.
CS 3	+	+	+	Criterion (iv) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 4	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will help to ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 7	?	?	?	Policies SD 1 (iv), CS9 (i), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 8	?	?	?	Policies SD 1 (iv), CS9 (i), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 9	+	+	+	Criterion (i) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA as a result of this policy.
CS 10	?	?	?	Policies SD 1 (iv), CS 11 (i), CS 14 (i), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.

CS 11	+	+	+	Criterion (i) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), CS 14 (i), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA as a result of this policy.
CS 12	?	?	?	Policies SD 1 (iv), CS9 (i), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 13	+	+	+	This Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
CS 14	o	o	o	No impact identified.
CS 15	o	o	o	No impact identified.
CS 16	o	o	o	No impact identified.
WM 1	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 2	o	o	o	No impact identified.
WM 3	o	o	o	No impact identified.
WM 5	+	+	+	Criterion (x) of this Policy seeks to protect the SPA/SAC from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 6	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 7	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 8	?	?	?	Policies SD 1 (iv), WM 5 (x) ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 10	o	o	o	No impact identified.
WM 11	?	?	?	Policies SD 1 (iv), WM 5 (x), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 12	?	?	?	Policies SD 1 (iv), IND 7 (v), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
WM 13	o	o	o	No impact identified.
WM 14	o	o	o	No impact identified.
T 1	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the

				SPA/SAC as a result of this policy.
T 2	o	o	o	No impact identified.
T 3	o	o	o	No impact identified.
T 4	o	o	o	No impact identified.
T5	o	o	o	No impact identified.
T6	o	o	o	No impact identified.
T 7	+	+	+	Criterion (ii) of this Policy seeks to protect the SPA from any adverse impact. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC as a result of this policy.
T 8	o	o	o	No impact identified.
T 9	o	o	o	No impact identified.
ENV 1	o	o	o	No impact identified.
ENV 2	+	+	+	The Policy will protect, preserve and where appropriate, enhance the SPA/SAC.
ENV 3	+	+	+	The policy will help to protect the landscape setting of the SPA. Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC.
ENV 4	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC.
ENV 5	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC.
ENV 6	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will also ensure that there is no adverse impact on the SPA/SAC.
ENV 7	o	o	o	No impact identified.
ENV 8	o	o	o	No impact identified.
ENV 9	o	o	o	No impact identified.
ENV 10	o	o	o	No impact identified.
ENV 11	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC.
ENV 12	o	o	o	No impact identified.
ENV 13	+	+	+	Criterion (i) of this Policy seeks to protect the SPA/SAC from any adverse impact.
ENV 14	+	+	+	The Policy will protect SPA/SAC from potentially significant irreversible damage.

ENV 15	+	+	+	The policy will protect the landscape character and quality of the SPA/SAC.
ENV 16	+	+	+	The policy will protect the landscape character and quality of the SPA/SAC.
ENV 17	+	+	+	Criterion (iii) of this Policy seeks to protect the SPA/SAC from any adverse impact.
ENV 18	+	+	+	The policy will protect any trees woodland and forestry areas within SPA/SAC.
ENV 19	+	+	+	The policy will protect any trees woodland and forestry areas within SPA/SAC by ensuring that any new planting is of the appropriate species mix.
ENV 20	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC.
ENV 21	o	o	o	No impact identified.
ENV 22	o	o	o	No impact identified.
ENV 23	o	o	o	No impact identified.
ENV 24	+	+	+	The policy will preserve and protect the SPA/SAC's quality, landscape and watercourses.
ENV 25	o	o	o	No impact identified.
ENV 26	o	o	o	No impact identified.
PROPOSALS				
PROP 2	o	o	o	No impact identified.
PROP 3	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there is no adverse impact on the SPA/SAC.
PROP 4	o	o	o	No impact identified.
PROP 5	o	o	o	No impact identified.
PROP 7	o	o	o	No impact identified.
PROP 8	?	?	?	Policies SD 1 (iv), CS (iii), ENV 2 and ENV 13 (i) will ensure that any additional community, educational, leisure, recreational and sporting facilities will have no adverse impact on the SPA/SAC.
PROP 10	o	o	o	No impact identified.
PROP 11	o	o	o	No impact identified.
PROP 12	o	o	o	No impact identified.
PROP 13	?	?	o	Policies SD 1 (iv), ENV 2 and ENV 13 (i) protect the SPA and the Airds Moss SAC from any

				adverse impacts associated with improvements to the A70. There are no impacts to the Merrick Kells SAC as a result of improvements to the A70. No impacts for either the SPA or the SAC's are identified with regard to improvements to the A71.
PROP 14	o	o	o	No impact identified.
PROP 17	o	o	o	No impact identified.
PROP 18	o	o	o	No impact identified.
PROP 20	o	o	o	No impact identified.
PROP 21	o	o	o	No impact identified.
PROP 22	o	o	o	No impact identified.
PROP 23	?	?	?	Policies SD 1 (iv), ENV 2 and ENV 13 (i) will ensure that there are no adverse impacts on the SPA/SAC.
PROP 24	o	o	o	No impact identified.
PROP 25	o	o	o	No impact identified.
PROP 26	o	o	o	No impact identified.
PROP 27	o	o	o	No impact identified.
PROP 28	o	o	o	No impact identified.
RECOMENDATIONS				
REC 1	o	o	o	No impact identified.
REC 2	o	o	o	No impact identified.
REC 3	o	o	o	No impact identified.
REC 4	o	o	o	No impact identified.
REC 5	o	o	o	No impact identified.
REC 9	o	o	o	No impact identified.
REC10	o	o	o	No impact identified.

Assessment Key

Symbol	Nature of Impact
+	The local plan provision is likely to have a positive impact on the SPA/SAC
-	The local plan provision is likely to have a negative impact on the SPA/SAC
o	The local plan provision will not have an impact on the SPA/SAC
?	The impact of the local plan provision on the SPA/SAC is unknown or unclear
??	There is uncertainty over whether the impacts of the policy can be fully mitigated or

	avoided in the context of other policies contained within the Alteration to the East Ayrshire Local Plan.
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Note

SPA refers to the Murikirk and Northern Lowther Uplands Special Protection Area

SAC 1 refers to the Airds Moss Special Area of Conservation

SAC 2 refers to the Merrick Kells Special Area of Conservation

APPENDIX 2: SITE SPECIFIC PROVISIONS OF THE LOCAL PLAN ALTERATION NOT ASSESSED IN THE APPROPRIATE ASSESSMENT

Local Plan Provisions	Reference
Aims	None
Strategies	DS1, DS6, DS12, DS13, DS14, DS15, DS30, DS31, DS32, DS33, DS34, DS35, DS36, DS42, DS43, DS44, DS46, DS47, DS48, DS61, DS62, DS64, DS71, DS72
Policies	IND1, IND 2, IND3, IND 4, IND5, RES1, RES3, RES4, RES5, RES26, RES27, RES28, RTC2, RTC3, RTC4, RTC5, RTC6, RTC12, RTC13, RTC15, RTC19, RTC21, CS5, CS6, WM4, WM9
Proposals	PROP 1, PROP 6, PROP 9, PROP 15, PROP 16, PROP 19, PROP 29 – 65
Recommendations	REC 6, REC 7, REC 8



Appropriate Assessment

Alteration to the East Ayrshire Local Plan FINALISED VERSION : December 2007

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