

REPORT TO: CITY DEVELOPMENT COMMITTEE - 31 OCTOBER 2011

REPORT ON: TAYPLAN STRATEGIC DEVELOPMENT PLAN - HABITATS REGULATION APPRAISAL

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 467-2011

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval and adoption of the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) which accompanies the TAYplan Proposed Strategic Development Plan.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approve and adopt the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) which accompanies the TAYplan Proposed Strategic Development Plan. A copy of the Habitats Regulation Appraisal has been circulated to the Lord Provost, Depute Lord Provost and all Group Secretaries.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 BACKGROUND

- 4.1 The TAYplan Joint Committee at its meeting on 25 October 2011 agreed to approve the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) (October, 2011) and to request the 4 constituent Councils to ratify this decision.
- 4.2 The Joint Committee agreed under delegated powers not to modify the Proposed Strategic Development Plan (June, 2011) taking account of the representations made to the Plan. The Joint Committee approved all related documents and agreed to delegate to the TAYplan Manager submission of the Proposed Strategic Development Plan and other required documents to the Scottish Ministers for examination. The Plan etc. will be submitted following ratification of the Record of Habitats Regulations Appraisal by all 4 constituent Councils. The submission date is anticipated on 30 November 2011. Should any changes be sought by any of the 4 Councils this will delay submission to Ministers.

5 THE RECORD OF HABITATS REGULATIONS (INCLUDING THE APPROPRAITE ASSESSMENT) (OCTOBER, 2011)

- 5.1 A Habitat Regulations Appraisal is mandatory under the Habitats Directive which, in Scotland, is governed by The Conservation (Natural Habitats, & c.) Regulations 1994. The purpose of the Habitat Regulations Appraisal is to screen what policies or proposals may have an impact, and for those screened in, undertake an Appropriate Assessment. This assesses the impacts of the Plan against the conservation objectives and qualifying features of the relevant wildlife sites with European protection. The Assessment identifies mitigation, and this has been incorporated into the Proposed Strategic Development Plan earlier this year.

- 5.2 This work has been undertaken in close consultation with Scottish Natural Heritage whom were formally consulted in parallel with the Proposed Plan period of representations (6 June-1 August 2011). A small number of changes have been made to the appraisal and Scottish Natural Heritage has confirmed in writing that they welcome the amendments made and are content with the Record of Habitats Regulations Appraisal. This letter will be submitted alongside the appraisal to Scottish Ministers.

6 POLICY IMPLICATIONS

- 6.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services) and Director of Finance have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 TAYplan Proposed Strategic Development Plan (June, 2011).
- 8.2 TAYplan Joint Committee Report: 'SDPA09-2011 Proposed Strategic Development Plan: Submission to the Scottish Ministers', 25 October 2011.
www.tayplan-sdpa.gov.uk
- 8.3 TAYplan Proposed Strategic Development Plan: Record of Habitats Regulations Appraisal.
- 8.4 Circular1/2009: Development Planning, Scottish Government.
<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>
- 8.5 Planning etc. (Scotland) Act 2006.
http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf
- 8.6 The Town and Country Planning (Scotland) Act 1997.
- 8.7 Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

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20 October 2011

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