

Habitats Regulations Appraisal Proforma

The purpose of this document is to provide an example of how to record a Habitats Regulations Appraisal (HRA). It is similar to a proforma used by NatureScot staff when NatureScot (SNH) is a competent authority and when NatureScot is providing advice to a competent authority.

Note: Summary guidance is included below for convenience. Further guidance is available on the NatureScot website on [how to carry out an HRA](#).

Appraisal in relation to regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (Habitats Regulations Appraisal)

(Or, where relevant, under regulation 61 of The Conservation of Habitats and Species Regulations 2010 as amended, or regulation 25 of The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 as amended).

EUROPEAN SITE DETAILS

Name of European site(s) potentially affected:

North Uist Machair & Islands SPA – Favourable condition

North Uist Machair SAC – Favourable condition

Name of component SSSI if relevant:

Machairs Robach & Newton

European site qualifying interest(s) & whether priority/non-priority:

SPA: Wintering Ringed Plover, Turnstone, Purple sandpiper and Barnacle geese

Breeding Ringed Plover, Dunlin, Oystercatcher, Redshank and Corncrake

SAC: Annual vegetation of Drift lines, Atlantic Salt Meadows, Fixed Dry Dune(priority), Humid Dune Slacks, Shifting Dunes, Shifting dunes with marram, Machair, Natural Eutrophic Lakes, Slender Naiad

Conservation objectives for qualifying interests:

North Uist Machair & Islands SPA:

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

North Uist Machair SAC:

To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site

- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

STAGE 1: WHAT IS THE PLAN OR PROJECT?

Proposal title: Erection of facilities building; installation of septic tank; and provision of additional pitches for motorhomes/caravans and tents

Name of competent authority: Comhairle nan Eilean Siar

Details of proposal (inc. location, timing, methods): The proposal involves the development of a new campsite to formalise the existing informal camping provision for 25 motorhome pitches, facilities building, septic tank, parking and development of new and improvement of existing tracks. Approx central grid ref: NF873767. The area of land within the red line boundary for the development is 10,600m² (this includes the existing track and areas of grassland that will not be developed). The area of undeveloped land that will be developed (green and orange areas, page 10 of planning application) is 3,815m².

STAGE 2: IS THE PLAN OR PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO SITE MANAGEMENT FOR NATURE CONSERVATION?

This test is to identify and remove from further assessment those proposals which are clearly necessary to, or of value to, or inevitable as part of, management of the site for its qualifying interests. For the majority of proposals competent authorities deal with the answer to stage 2 will be 'no'. However where it is thought this could be applicable the following points should be considered:

- i. Has the effect on all qualifying interests been considered?
- ii. Is the proposal part of a fully assessed and agreed management plan? If not, then further consideration or supporting information will be required.
- iii. Is there a clear rationale to justify the connection with the conservation objectives?
- iv. If there is a clear connection with the conservation objectives will any benefits arising from the proposal outweigh any negative effects?
- v. Have any alternative methods of implementing the proposal been explored, including building in any relevant mitigation, to demonstrate that this is the least damaging option?
- vi. Give a YES/NO conclusion in terms of whether the plan or project is considered directly connected with or necessary to site management for nature conservation.

- If **YES** for all elements of a plan or project, for all the European site qualifying interests (preferably as part of a fully assessed and agreed management plan), then consent can be issued. The rationale should be detailed below and no further appraisal is required (no need to proceed to stage 3 or 4).

- If **No** for one or more European site qualifying interests then proceed to stage 3.

- If a plan has multiple elements (e.g. a range of policies or management objectives), elements of the plan considered directly connected with or necessary to site management for nature conservation should be discussed below and a rationale given for this conclusion. No further appraisal is then required for those elements. All other elements of the plan must proceed to stage 3.

No

STAGE 3: IS THE PLAN OR PROJECT (EITHER ALONE OR IN COMBINATION WITH OTHER PLANS OR PROJECTS) LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE SITE?

The test of Likely Significant Effect (LSE) is a simple screening stage to determine whether or not an appropriate assessment is required. Each qualifying interest must be considered in relation to their conservation objectives. The following points should be considered:

- i. Briefly indicate which qualifying interest could be affected by the proposal and how; if none, provide a brief justification for this decision, and then proceed to v), otherwise continue;
- ii. consider whether there is connectivity between the proposal and each of the qualifying interests i.e. are there processes or pathways by which the proposal may influence the site's interests? Conclude no LSE only if there is no connection, or it is obvious that the proposal will not undermine the conservation objectives despite a connection. The potential for negative effects on the qualifying interests may be immediately obvious, in which case conclude likely significant effect and move straight to the next step.
- iii. consider the nature, scale, location, longevity, and reversibility of effects;
- iv. consider whether the proposal contributes to cumulative or incremental impacts in combination with other plans or projects completed, underway or proposed;
- v. Where the impacts of a proposal are the same for different qualifying interests these can be considered together however a clear conclusion should be given for each interest.
- vi. give Yes/No conclusion for each interest.

- **If yes, or in cases of doubt**, continue to stage 4.

- **If no for all features**, a consent can be given and recorded below. There is no need to then proceed to stage 4.

Remember if mitigation is required to prevent there being an effect on qualifying interests then LSE must be concluded and an appropriate assessment (stage 4) must be conducted. Further guidance on [the handling of mitigation](#) can be found as part of the [European site Casework Guidance](#).

SPA:

Wintering ringed plover:

These species could be disturbed from winter feeding areas during the months of April/May and July –Sept when the campsite is in operation. These non-breeding birds will be primarily using the intertidal zone which is likely to be regularly accessed by campsite residents. This will cause disturbance and is likely to reduce the window of opportunity for feeding at low tide. **LSE**

Wintering purple sandpiper and turnstone

These species tend to occur more on rocky shores or where there are deposits of storm cast seaweed. These habitats do not tend to occur on the beaches adjacent to the proposal. **No LSE**

Wintering barnacle geese: These geese do not usually use this part of the site. The construction activities will be similar to normal crofting activities which the geese are habituated – in the unlikely scenario that geese are using this area and are disturbed the site holds many roosting and feeding habitats out with the areas of the proposed works. The works will also be temporary in nature. **No LSE**

Breeding oystercatcher (Favourable maintained 2014): BTO 2007, 2014 & 2022 show that no birds have breed within 150m of the red line boundary with the nearest bird nesting 164m in 2014. All recorded pairs are out of the line of sight on machair fields further back from the dune ridge. The red line area of the development and the immediate area beyond is not on breeding habitat as demonstrated by the BTO survey results but there is a risk of disturbance to breeding waders as a result of campsite users accessing breeding habitat during the breeding season. **LSE**

Breeding Redshank (Favourable maintained 2014) – BTO 2007, 2014 & 2022 show that no birds have breed within 150m of the red line boundary with the nearest bird nesting 227m in 2007. All recorded pairs are out

of the line of sight on wet machair grassland further back from the dune ridge. The red line area of the development and the immediate area beyond is not on breeding habitat as demonstrated by the BTO survey results but there is a risk of disturbance to breeding waders as a result of campsite users accessing breeding habitat during the breeding season. **LSE**

Breeding dunlin (Favourable declining 2014): - BTO 2007, 2014 & 2022 show that no birds have breed within 150m of the red line boundary with the nearest bird nesting 182m in 2007. All recorded pairs are out of the line of sight on wet machair grassland further back from the dune ridge. The red line area of the development and the immediate area beyond is not on breeding habitat as demonstrated by the BTO survey results but there is a risk of disturbance to breeding waders as a result of campsite users accessing breeding habitat during the breeding season. **LSE**

Breeding Ringed Plover (Unfavourable declining 2014): BTO 2007 – BTO 2007, 2014 & 2022 show that no birds have breed within 150m of the red line boundary with the nearest bird nesting 177m in 2022. All recorded pairs are out of the line of sight on machair fields further back from the dune ridge. The red line area of the development and the immediate area beyond is not on breeding habitat as demonstrated by the BTO survey results but there is a risk of disturbance to breeding waders as a result of campsite users accessing breeding habitat during the breeding season. **LSE**

Breeding Corncrake (favourable maintained 2015): Data from the last 5 years (2019-2023) shows that the nearest calling male has been more than 300m from the red line boundary. The development does not overlap with corncrake habitats and the locations where corncrake are located within the wider area mean that they are unlikely to be disturbed by users of the campsite. **No LSE**

SAC:

Machair: The proposal will result in the loss of a small area of machair grassland. **LSE**

Fixed Dry Dune(priority): The proposal will result in the loss of a small area of this habitat. **LSE**

Annual Vegetation of Drift lines: Feature lies out with the vicinity of development (i.e. coastline habitat). **No LSE**

Atlantic Salt Meadows: This feature is located out with the area in which the campsite is proposed. **No LSE**

Humid Dune Slacks: Not relevant, as these humid dune slack feature lies out with the location of the proposed campsite. **No LSE**

Shifting Dunes: Not relevant, as this dune feature lies out with the location of the proposed campsite. **No LSE**

Naturally nutrient-rich lakes or lochs which are often dominated by pondweed: Not relevant, as this feature lies out with the location of the proposed campsite. **No LSE**

Slender Naiad: Not relevant, as this feature lies out with the location of the proposed campsite. **No LSE**

STAGE 4: UNDERTAKE AN APPROPRIATE ASSESSMENT OF THE IMPLICATIONS FOR THE SITE IN VIEW OF ITS CONSERVATION OBJECTIVES

(It is the responsibility of the competent authority to carry out the appropriate assessment. The competent authority must consult SNH (NatureScot) on the appropriate assessment. NatureScot can provide advice on what issues should be considered in the appropriate assessment, what information is required to carry out the assessment, in some circumstances carry out an appraisal to inform an appropriate assessment and/or provide comments on an assessment carried out.)

An 'appropriate assessment' consists of two parts: a scientific, reasoned appraisal (stage 4) and a conclusion (stage 5). Consider the proposed plan/project, its impact on the qualifying interests assessed against their conservation objectives, and take account of any possible in combination effects with other plans or projects.

The following points should be considered:

- i. Describe for each qualifying interest the potential impacts of the proposal detailing which aspects or effects of the proposal could impact upon them and their conservation objectives.
- ii. Evaluate the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the site's conservation objectives. This should be in sufficient detail to ensure all impacts have been considered and sufficiently appraised. Record if additional survey information or specialist advice has been obtained.
- iii. Each conservation objective should be considered and a decision reached as to whether the proposal will affect achievement of this objective i.e. whether the conservation objective will be undermined if the proposal is consented to. Restore objectives may have been set where qualifying features of a site are in an unfavourable condition. In such cases the appropriate assessment should consider whether the plan or project would prevent the qualifying feature from being able to be restored.

SPA

Wintering Waders: Ringed Plover

Based on data from other campsites on Uist, the month of April campsites average occupancy is 50%. Occupancy tends to be full in May and July. In August campsites operate at a mean occupancy rate of 80%. Sept occupancy rates fall back to an average of 50%. In March the campsite may open when Easter occurs in this month, but occupancy is likely to be much lower and users are unlikely to spend long periods on the beach. Outwith these months this campsite is closed.

When the campsite operational period overlaps with wintering ringed plover, opportunities for ringed plover to feed will be good as day length will be significantly longer. Early morning and late evening will see less visitor activity and will ensure periods when birds can feed undisturbed. In addition, residents of the campsite are unlikely to spend all of this time in the designated site. The increase in visitor numbers associated with the formalisation of this site is unlikely to have an adverse impact on this feature for the reasons set out above and the fact that during the main wintering period the campsite will not be in operation.

While not stated within the application the applicant has agreed to providing signage to promote responsible access, raise awareness of disturbance and to encourage campsite users to explore other areas not used by wintering waders in the locale.

Breeding Waders:

There is inter-annual variation in breeding wader numbers due to weather/ground conditions/cropping rotation, however it is clear that the immediate area of the campsite is not used by breeding waders. This is likely to be mainly due to the topography and to a lesser degree the existing levels of human activity at this location. All 4 of the breeding waders' nest in the wider area as outlined in part 3 above.

Direct habitat loss has been ruled out but **Disturbance** as a result of human activity around the campsite and the wider designated site during the breeding season needs to be assessed.

Breeding Oystercatcher (draft condition status soon to be published – Favourable declining 2022)

As outlined above in section 3 the nearest oystercatcher pair to the red line boundary is 164m away.

It is also likely that, while Oystercatcher are perceived to be less sensitive to human activity. De Roos 1981 – demonstrated a depression in the breeding densities of oystercatcher and redshank due to the presence of tourists. Even though the site is already used by campers and day trippers the proposal is likely to result in an increase in the numbers of people accessing the wider area.

As outlined within the wintering wader assessment the proposed extension is likely to result in more visitors spending time in the wider area of the designated site. This is likely to increase current levels of disturbance particularly during the main breeding period April – June. This additional disturbance to the species more widely puts further pressure on the population.

Since the SPA was designated breeding pairs of oystercatcher were increasing but the most recent surveys show that the population is now decreasing but numbers are still above baseline figures.

To reduce the levels of disturbance to breeding waders, including oystercatcher, the applicant has agreed to the following which will need to be added as a condition to the planning consent:

1. The provision of signage raising awareness of potential disturbance impacts, requesting that dogs are kept under close control and directing walkers to stay on established tracks across the machair.
2. Face to face engagement with each campsite user at check in to raise awareness of disturbance issues and promote responsible access.

Considering the signage and face to face engagement put in place to reduce potential disturbance from existing levels of use and future increases this proposal will have no adverse impact on site integrity for oystercatcher.

Breeding Redshank (draft condition status **Favourable declining 2022 – soon to be published)**

As outlined above in section 3 the nearest redshank pair was 227m. Redshank have never been recorded within the vicinity of the proposal, as such loss of extent of habitat will not be considered any further.

The proposed extension will see higher numbers of people using the campsite during the breeding season. De Roos 1981 – demonstrated a depression in the breeding densities of oystercatcher and redshank due to the presence of tourists.

Since the 2014 survey numbers of redshank have decreased in the SPA and the condition status has now changed to favourable declining. The reasons for the decline are not fully understood but are likely to be down to a combination of reasons including but not limited to climate change, agricultural intensification, invasive non-native species and increased disturbance.

The accommodations agreed between NatureScot and the developer outlined above provide an opportunity to positively influence behaviours of those accessing the site to ensure disturbance is kept to a minimum. This will go some way to reducing the existing levels of disturbance and to help reduce future levels. The accommodations put in place will help to ensure that disturbance levels do not increase as a result of this development, as such we consider that the proposal will have no adverse impact on site integrity for redshank.

Breeding dunlin (draft condition status soon to be published - **unfavourable declining 2022):**

As outlined above in section 3 the nearest dunlin pair was 182m away in 2007. Dunlin have never been recorded within the vicinity of the proposal, as such loss of extent of habitat will not be considered any further.

Since the SPA was designated breeding pairs of dunlin have decreased in the SPA, however numbers have been stable since the last BTO breeding bird survey in 2014 and 2022. There are many potential factors that could influence the decline of the population but it cannot be ignored that increases in people accessing the site, in part as a result of the proposed campsite, will increase the risk of disturbance.

The accommodations agreed between NatureScot and the developer outlined above will go some way to reducing the level of disturbance generated by the campsite. We consider that the accommodations put in place will reduce the risk of additional disturbance to the extent that this proposal will have no adverse impact on site integrity for Dunlin.

Breeding Ringed Plover (draft condition status soon to be published - **Unfavourable declining 2022**)

As outlined above in section 3 the nearest ringer plover pair was 177m from the red line boundary of the development. Ringed plover have never been recorded within the vicinity of the proposal, as such loss of extent of habitat will not be considered any further.

Prater (1989) has noted that most of the remaining breeding population of Ringed Plovers in southern and eastern England are now restricted to areas such as nature reserves that are protected from human disturbance. The proposal will see higher numbers of people accessing the surrounding area and will increase the risk of disturbance to breeding waders including ringed plover. Breeding ringed plover tend to be distributed on the machair, rather than the beaches where the heaviest levels of access are likely to be. This will go some way to ensuring that breeding pairs are not disturbed.

Since the SPA was designated breeding pairs of ringed plover have continued to decline.

The accommodations agreed between NatureScot and the developer outlined above will go some way to reducing the level of disturbance generated by the campsite and in particular the proposed extension. Whilst ringed plover numbers have decreased overall in the SPA and quite significantly within Machairs Robach and Newton SSSI the cause of this decrease are likely to be complex and not specifically associated with human disturbance. We consider that the accommodations put in place will reduce the level of additional disturbance to the extent that this proposal will have no adverse impact on site integrity.

De Roos, G.T. 1981. The impact of tourism upon some breeding wader species on the Isle of Vileland in the Netherlands' Wadden Sea. Ph.D. Thesis, Medelingen Landbouwhogeschool Wageningen 81-14.

Prater, A.J. 1989. Ringed Plover Charadrius hiaticula breeding population of the United Kingdom in 1984. Bird Study 36: 154-159.

SAC

Machair & dune grassland (draft condition status for both features soon to be published - **Favourable maintained condition 2022**) –

The area of the proposed development is classed as a mixture of National vegetation classification (NVC) types SD8 and SD7 (Sand dune vegetation survey of Scotland: Western Isles, T. D. Dargie, 1998). There is some overlap with the habitats of these features. SD8 & SD7 would form part of the dune grassland and SD8 would form part of the machair.

Extent of habitat on site

The total red line area of the development is 10,600m². This area will be made up of existing track, areas that will remain as permanent grassland and newly developed areas. The newly developed areas are indicated on page 10 of the planning document as the green and orange shaded areas. It is these newly developed areas that will be the focus of the assessment of extent.

SD7 & SD8 is estimated to be equally distributed on the site based on [T. D. Dargie 1998 NVC polygons](#). With SD7 overlapping with the 10 most westerly pitches and the parking area and SD8 covering the facilities building and the remaining pitches.

The newly developed area is estimated to be 3,815m² (0.38 hectares) which would equate to 1,907.5m² (0.19 hectares) for SD7 & SD8 respectively. It is assumed that these areas will be permanently lost. Though it is worth pointing out that on the new tracks, pitches and parking area, a ground reinforcing mesh will be used, rather than aggregate. This will enable the grassland to be easily restored in the event of, for example, the site being decommissioned or reconfigured in the event of coastal retreat.

The North Uist machair data entry form estimates the total area of Machair habitat to be 56% of the site area. The site area is 3,046.68Ha, 56% of this is 1,706.14Ha.

0.19Ha as a percentage of 1,706.14Ha = 0.011%

The North Uist machair data entry form estimates the total area of Dune Grassland habitat to be 29.3% of the SAC area. The site area is 3,046.68Ha, 29.3% of this is 892.68Ha.

0.38Ha as a percentage of 892.68 = 0.043%.

In comparison to the overall resource the proportion of habitat lost for both the machair and the dune grassland features is very small at 0.011% and 0.043% respectively. In addition to this approximately half of the pitches and the proposed parking area and the facilities building have been regularly used by motorhomes and day trippers. This has resulted in compaction of the ground which has altered the grassland habitats and reduced their quality. Considering the small level of loss, the lower quality of the majority of the proposed area and the potential for compacted areas outwith this to recover, we consider that the proposal will not have an adverse affect the integrity of the machair and dune grassland features.

Structure and function of habitat:

While the remaining grassland within the development envelope will not be reseeded there is a fence proposed around the perimeter. For the remaining machair grassland and dune grassland to maintain its structure and function flowering plants would still need to be able to flower and set seed. This is usually achieved through grazing. If the grassland is managed through a regime of regular summer mowing then flowers will not be able to set seed.

The remaining grassland within the development envelope was calculated as 6,119.5m².

3,815m² (new pitches, new tracks & facilities building) + 665.5m² (existing track) = 4,480.5m².
10,600m² (total redline area) – 4,480.5 = 6119.5m².

The applicant has agreed to manage the remaining grassland area to enable flowering plants to flower and set seed by submitting a management plan as a condition of the planning application and to be agreed by NatureScot.

Given the very small scale of the area of each respective habitat, the fact that it will continue to be managed as species rich grassland we judge that there will be no adverse impact of the integrity of each of these features.

In terms of the conservation objectives the only SAC conservation objective that the proposal will contravene is 'extent of habitat on site'. Whilst this proposal would result in a permanent loss of extent, it is a very small percentage of the total area of this habitat. This is also balanced with the fact that the visitor pressures will be better managed allowing some of the tracking and compaction caused out with the redline boundary to recover.

T. Dargie, 1998. Sand dune vegetation survey of Scotland: Western Isles. Volume 2: Site reports.

It should also be noted that further development at this site could not be accommodated as it is highly likely to cumulatively have an adverse impact on site integrity.

STAGE 5: CAN IT BE ASCERTAINED THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE?

In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site. Conclusions should be reached beyond reasonable scientific doubt. If more than one SAC and/or SPA is involved, give separate conclusions. If mitigation or modifications are required, detail these below.

Yes

Modifications required to ensure adverse effects are avoided and reasons for these

Only list those modifications (i.e. further mitigation) that have been identified as being required to prevent there being an adverse effect on site integrity.

Do not include mitigation that has already been planned in the plan/project or best practice that is already being followed unless you believe these should be added as conditions to the permission given.

- Access plan to be submitted, including signage and face-to-face engagement with campsite users, promoting responsible access to the site, and in line with provisions of the Scottish Outdoor Access Code – leave no trace, wildlife disturbance, livestock etc
- *Reason: Primarily to influence campsite user behaviours to reduce risk of breeding bird disturbance*
- Grassland management plan – implement grazing/mowing regime to promote wild flowers
- *Reason: To ensure remaining machair and dune grassland is managed to ensure plants can flower and set seed*

ADVICE SOUGHT

Include here details of, or clear reference to, any advice sought. If an appropriate assessment has been carried out SNH (NatureScot) must be consulted.

NatureScot – advice reflects conclusions above.

CONCLUSION IN RELATION TO PLAN OR PROJECT

In view of the appraisal above select the appropriate response position and whether the plan or project can be consented/approved/undertaken. Note: this conclusion is just in relation to effects on a European site. There may be impacts to other natural heritage interests that also need to be considered.

Likely significant effect but appropriate assessment shows that the effect on integrity can be avoided with changes/ mitigation - consent/approval can be given with modifications

Comments: None

Appraised by: Anne Napier

Date: 26/03/2025