

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

14 OCTOBER 1999

SUBJECT: FIRTH OF TAY AND EDEN ESTUARY
POTENTIAL SPECIAL PROTECTION AREA AND RAMSAR SITE

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report comments on the proposal by Scottish Natural Heritage to designate part of the coastal area of Angus, including Monifieth Bay and Barry Links, within a wider Special Protection Area and Ramsar Site in order to increase the protection afforded to rare or vulnerable wild birds and their habitats.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the terms of Scottish Natural Heritage's proposals for the classification and potential designation of a Special Protection Area and Ramsar Site covering the Firth of Tay and Eden Estuary, including component parts of Monifieth Bay and Barry Links on the Angus coast;
2. agree to advise Scottish Natural Heritage that Angus Council raises no objection to the proposed designations and welcomes the commitment given by Scottish Natural Heritage to provide advice on:-
 - (i) the likely implications of proposed developments within or likely to affect Special Protection Areas and Ramsar Sites;
 - (ii) the management of a site to maintain or improve its suitability for the important wild birds present;
3. agree, where appropriate, to take account of these proposed designations, together with views from Scottish Natural Heritage, in discharging various relevant planning, transport, roads and other responsibilities of the Council, including development control and development plan responsibilities, and coastal protection requirements and activities.

2 INTRODUCTION

- 2.1 Scottish Natural Heritage (SNH) is of the opinion that the Firth of Tay and Eden Estuary, including part of the coastal area of Angus encompassing Monifieth Bay and Barry Links, merits consideration for classification as a "Special Protection Area" (SPA) and Wetland of International Importance (also known as Ramsar Sites).
- 2.2 SNH are consulting widely on the proposed classification and potential designations and will refer any comments or concerns received to the First Minister who will take these into account in his decision on the designations.

3 BACKGROUND

- 3.1 The European Community Wild Birds Directive requires conservation sites which are especially valuable for birds to be classified as Special Protection Areas and Ramsar Sites. In Scotland, both Special Protection Areas and Ramsar Sites are classified by the First Minister, over and above their notification as Sites of Special Scientific Interest (SSSI's), following advice from SNH and consultation with owners, occupiers, Government Departments, Local Authorities, and other bodies with interests in the land.
- 3.2 The effect of the proposed designations would be to supplement and strengthen rather than replace the existing SSSI's in this area which will continue to make an important contribution to conserving important habitats and species.

Special Protection Areas for Birds

- 3.3 As a Member State of the European Community, the U.K. has agreed to, and is bound by the Wild Birds Directive, which requires that Member States take special measures to conserve the habitats of rare and migrating birds, including the classification of the most suitable areas for these birds as Special Protection Areas. Within these areas, Governments are required to take appropriate steps to avoid any significant deterioration of the habitat, or any significant disturbance to the birds for which the site is classified.
- 3.4 Classification as a Special Protection Area reinforces the statutory protection afforded to an SSSI.

Ramsar Sites

- 3.5 The U.K. is also a signatory to the Convention on Wetlands of International Importance Especially Waterfowl Habitat, an international treaty originally agreed at Ramsar in Iran in 1971, and now supported by over 60 countries across the world. Under this Convention, the U.K. has agreed to designate suitable Wetlands of International Importance, and to promote the conservation of these areas.
- 3.6 Ramsar Sites are protected through the planning system and by notification as SSSI's under the Wildlife and Countryside Act 1981 (as amended). The First Minister expects SNH, Planning Authorities and other agencies to look very carefully at all proposals affecting Ramsar Sites. Any proposal that might have a significant effect on the conservation interest is likely to be permitted only if it is deemed to be in the national interest.

4 SCOTTISH NATURAL HERITAGE PROPOSALS

- 4.1 The full extent of the Firth of Tay and Eden Estuary proposed Special Protection Areas/Ramsar boundary is indicated on Map 1 attached. The site boundary is the same for both the Firth of Tay and Eden Estuary potential SPA and Ramsar Site covering an area of over 10,200 hectares.
- 4.2 The proposed SPA/Ramsar Site is contained within the following SSSI's : Inner Tay Estuary (to be extended), Monifieth Bay; Barry Links; Tayport - Tentsmuir Coast (to be extended) and Eden Estuary.

- 4.3 The component parts of Barry Links and Monifieth Bay on the Angus coast are indicated on Map 2 attached.
- 4.4 Appendix 1 to this Report sets out a fuller description of the site and gives details of the notable bird species present within the Firth of Tay and Eden Estuary potential Special Protection Area/Ramsar Site.

5 DISCUSSION

- 5.1 Special Protection Areas form part of a network of protected areas across the E.C. known collectively as Natura 2000, which include two types of areas. Areas that support significant numbers of wild birds and their habitats may become Special Protection Areas, while areas that support rare, endangered or vulnerable natural habitats and species of plants or animals (other than birds) may be designated as Special Areas of Conservation (SAC's).
- 5.2 Currently within Angus Special Protection Areas and Ramsar Sites are designated at Loch of Kinnordy, Loch of Lintrathen and Montrose Basin. Special Protection Areas have also been proposed at Caenlochan and Dun's Dish. Barry Links is already designated as a Special Area of Conservation.
- 5.3 The importance of Special Protection Areas and Ramsar Sites in Angus is recognised in the Finalised Angus Local Plan. Appendix 2 to this Report contains an extract from the Finalised Angus Local Plan (Policy ENV 13) indicating the broad land use planning approach to development proposals affecting SPA's and Ramsar Sites.
- 5.4 Only those parts of the existing Monifieth Bay and Barry Links SSSI's on the seaward side of the Mean High Water Mark (Spring) are proposed for SPA/Ramsar designation. This includes Monifieth Sands and Barry Sands. However, development in a wider area, including Barry Links, Monifieth Links and indeed north of the East Coast Main Rail Line, could potentially have some effect on the area proposed for designation.
- 5.5 Operational procedures are already in place to enable examination of, and facilitate comment by SNH on, development proposals of potential nature conservation significance throughout Angus. This includes liaison arrangements as part of the development control process, which have been further endorsed via the Procedural Agreement for Planning Casework forming part of the Concordat between Angus Council and SNH.
- 5.6 The further confirmation from SNH, in correspondence accompanying the proposed designation, that they can provide advice on the likely implications of proposed developments within or likely to affect Special Protection Areas and Ramsar Sites is therefore welcomed. This should be actively implemented within the broad arrangements already in place for liaison. In addition to statutory land use planning requirements this includes input to relevant partnership arrangements in which both Angus Council and SNH are represented and which extend into adjoining Local Authority areas, particularly:-
- Tay Estuary Forum
 - Tayside Local Biodiversity Action Plan

5.7 There are a wide variety of possible developments or activities which potentially may require to have regard to the proposed SPA/Ramsar Site designation in the area. In addition to relevant policies and proposals in the Finalised Angus Local Plan covering Sustainable Development (S.I.), Environmental Quality (ENV1), Environmental Assessment (ENV2), SPA/Ramsar Sites (ENV13), Developed Coast (ENV55), Undeveloped Coast (ENV56), Defence Establishments (EMP11), Coastal Recreation (RT10), Coastal Path (RT15), this includes projects or proposals such as:-

- Protection works to address coastal erosion, including shoreline plans, particularly along the Monifieth waterfront (Mf/ENV2);
- Monifieth Sea Front environmental improvements (Report 983/99 and Mf/ENV1);
- Major recreational and leisure proposals in the Carnoustie to Monifieth A930 corridor (RT2).

5.8 In practice the increased protection afforded by SPA/Ramsar designation reinforces existing designations and policies for conserving important habitats and species already applying in this area rather than introducing a completely new set of considerations or controls. It is, however, worth noting that the Conservation Regulations make it a duty for all competent authorities to assess development proposals and ensure that those developments that might have an adverse affect on SPA's are allowed to go ahead only in exceptional circumstances.

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this Report.

7 CONSULTATION

7.1 The Chief Executive, Director of Finance, Director of Law & Administration, Director of Roads, Director of Recreation Services, and Director of Environmental & Consumer Protection have been consulted in the preparation of this report.

8 CONCLUSION

8.1 Scottish Natural Heritage has advised the Scottish Executive that the Firth of Tay and Eden Estuary, including part of the Angus Coast encompassing Monifieth Bay and Barry Sands, is of international importance for wild birds and wetland habitats. As such SNH is of the opinion that this area merits classification as a Special Protection Area under the E.C. Wild Birds Directive and a Ramsar Site under the Convention on Wetlands of International Importance.

8.2 The proposed designation will supplement, and not replace, the existing designations of Sites of Special Scientific Interest (SSSI) in this area identifying ornithological interests.

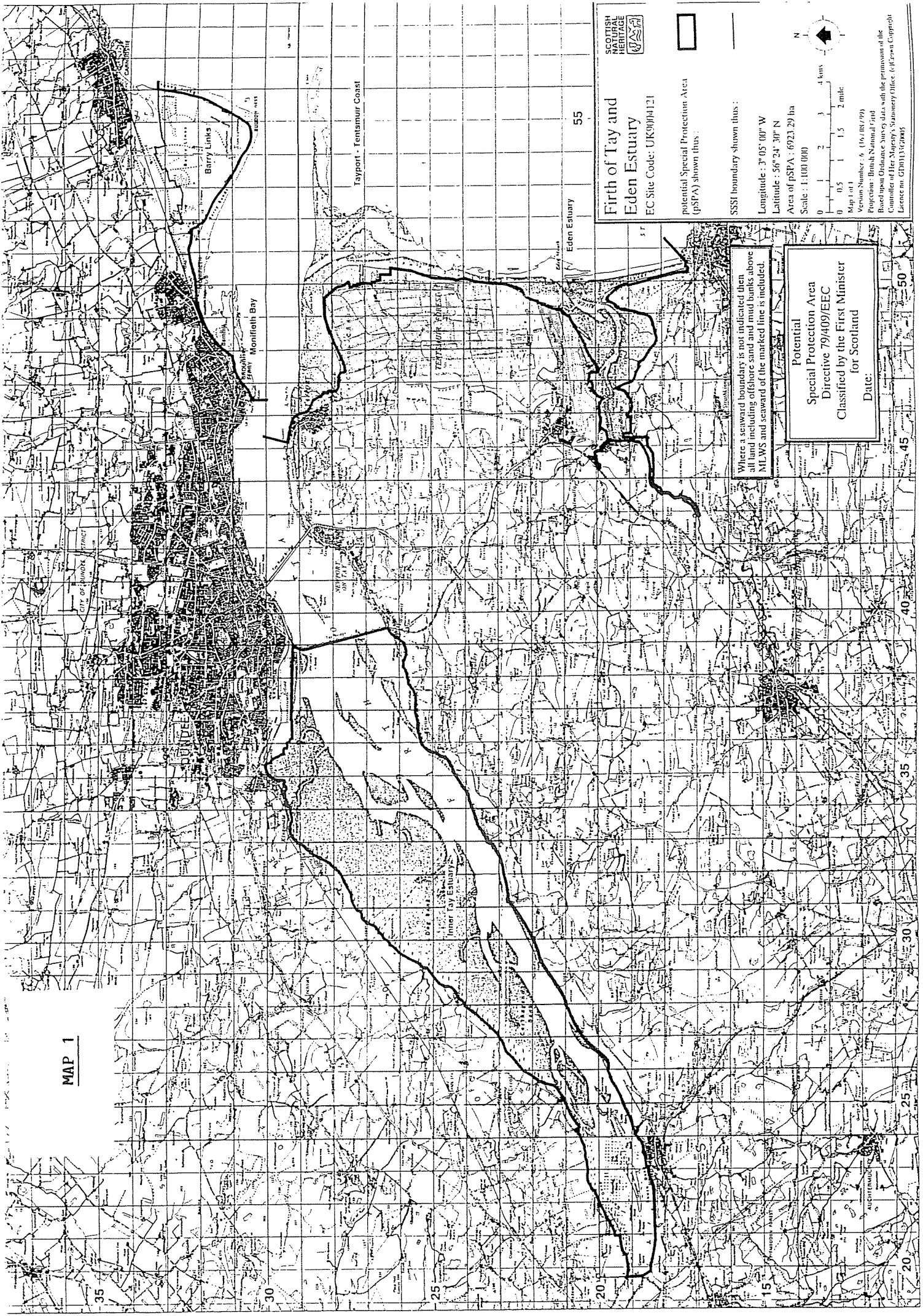
NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.


AA/CGR/KW
4 October 1999


Alex Anderson
Director of Planning and Transport

MAP 1



**Firth of Tay and
Eden Estuary**
EC Site Code: UK0004121

potential Special Protection Area
(pSPA) shown thus: 

SSSI boundary shown thus: 

Longitude : 3° 05' 00" W
Latitude : 56° 24' 30" N
Area of pSPA : 6923.29 ha
Scale : 1:100 000



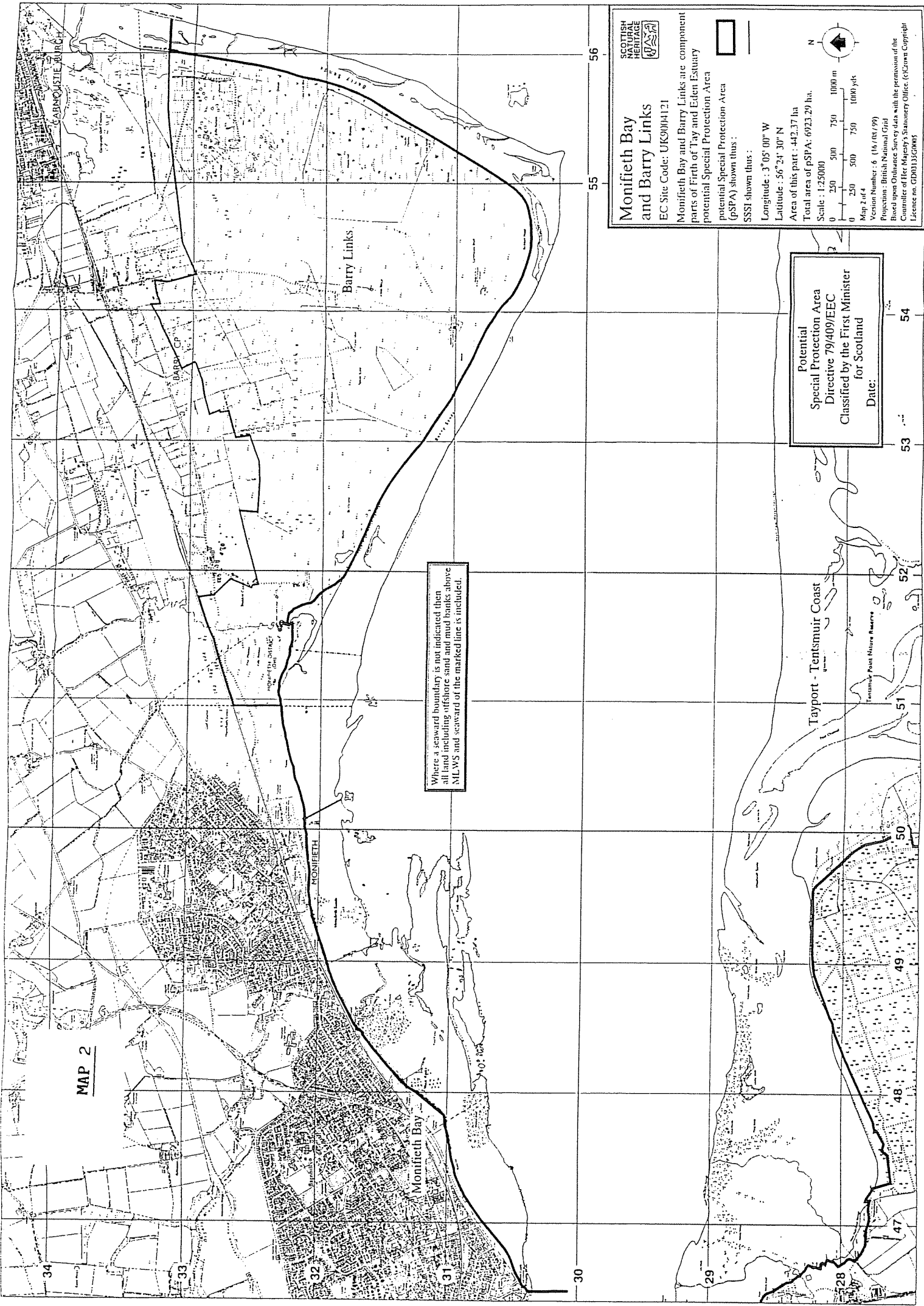
0 0.5 1 1.5 2 3 4 km
0 0.5 1 1.5 2 mile
Map of 1

Version Number: 6 (16/08/99)
Projection: British National Grid
Based upon Ordnance Survey data with the permission of the
Controller of Her Majesty's Stationery Office. © Crown Copyright
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Where a seaward boundary is not indicated then
all land including offshore sand and mud banks above
MLWS and seaward of the marked line is included.

Potential
Special Protection Area
Directive 79/409/EEC
Classified by the First Minister
for Scotland
Date:

20 25 30 35 40 45 50 55



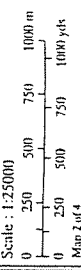
Monifieth Bay and Barry Links

EC Site Code: UK90004121

Monifieth Bay and Barry Links are component parts of Firth of Tay and Eden Estuary potential Special Protection Area (pSPA) shown thus:
 SSSI shown thus:



Longitude : 3° 05' 00" W
 Latitude : 56° 24' 30" N
 Total area of pSPA : 6923.29 ha.
 Scale : 1:25000



Map 2 of 4
 Version Number: 6 (16/03/99)
 Projection: British National Grid
 Based upon Ordnance Survey data with the permission of the Controller of Her Majesty's Stationery Office. (© Crown Copyright Licence no. GDB0113C0005)

Where a seaward boundary is not indicated then all land including offshore sand and mud banks above MLWS and seaward of the marked line is included.

Potential Special Protection Area
 Directive 79/409/EEC
 Classified by the First Minister
 for Scotland
 Date:

MAP 2

EC Directive 79/409 on the Conservation of Wild Birds

SPECIAL PROTECTION AREA (SPA) CITATION
FOR PUBLIC ISSUE

FIRTH OF TAY & EDEN ESTUARY (UK9004121)

Site description:

The Firth of Tay & Eden Estuary proposed SPA is a complex of estuarine and coastal habitats in eastern Scotland stretching from the mouth of the River Earn in the inner Firth of Tay east to Barry Sands on the Angus coast and St Andrews on the Fife Coast. The site includes extensive invertebrate-rich intertidal flats and areas of reedbed, saltmarsh and sand dune. The proposed SPA is contained within the following SSSIs: Inner Tay Estuary (to be extended), Monifieth Bay, Barry Links, Tayport-Tentsmuir Coast (to be extended) and Eden Estuary.

Qualifying interest:

The Firth of Tay & Eden Estuary pSPA qualifies under **Article 4.1** of the Birds Directive by regularly supporting nationally important breeding populations of the Annex I species marsh harrier *Circus aeruginosus* (average of 4 females in 1992-96, 3% of British population) and little tern *Sterna albifrons* (average of 25 pairs between 1993 and 1997, 1% of British); and an internationally important wintering population of the Annex I species bar-tailed godwit *Limosa lapponica* (2,400, 5% of GB and 2% of Western European).

The pSPA qualifies under **Article 4.2** by regularly supporting an internationally important wintering population of redshank *Tringa totanus* (1,800 individuals; 2% of GB and 1% of northwest European populations).

The pSPA qualifies under **Article 4.2** by regularly supporting in winter over 20,000 waterfowl with a 1990/91-94/95 winter peak mean of 48,000 waterfowl, comprising 28,000 wildfowl and 20,000 waders. This assemblage includes internationally important wintering populations (1990/91-94/95 winter peak means) of pink-footed goose *Anser brachyrhynchus* (2,800; 1% of GB and Icelandic/Greenlandic populations) and greylag goose *A. anser* (1,200; 1% of GB and Icelandic populations) and nationally important wintering populations of cormorant *Phalacrocorax carbo* (230, 2% of GB), shelduck *Tadorna tadorna* (1,200, 2% of GB), eider *Somateria mollissima* (13,800, 18% of GB), long-tailed duck *Clangula hyemalis* (560, 2% of GB), common scoter *Melanitta nigra* (3,100; 9% of GB), velvet scoter *Melanitta fusca* (730, 24% of GB), goldeneye *Bucephala clangula* (230, 1% of GB), red-breasted merganser *Mergus serrator* (470, 5% of GB), goosander *Mergus merganser* (220, 2% of GB), oystercatcher *Haematopus ostralegus* (5,100, 1% of GB), grey plover *Pluvialis squatarola* (920, 2% of GB), sanderling *Calidris alba* (220, 1% of GB), dunlin *Calidris alpina* (5,200, 1% of GB) and black-tailed godwit *Limosa limosa* (150, 2% of GB).

Area: 10,221.3 ha

National grid references: NO 280220, NO 485313, NO 548317, NO 500283, NO 475195
OS 1:50,000 sheet - 54, 58 & 59

June 1999

Natura 2000

Scottish Natural Heritage

"Ramsar" Convention on Wetlands of International
Importance Especially as Waterfowl Habitat

**RAMSAR CITATION
FOR PUBLIC ISSUE**

FIRTH OF TAY & EDEN ESTUARY (1??)

Site description:

The Firth of Tay & Eden Estuary proposed Ramsar site is a complex of estuarine and coastal habitats in eastern Scotland stretching from the mouth of the River Earn in the inner Firth of Tay east to Barry Sands on the Angus coast and St Andrews on the Fife Coast. The site includes extensive invertebrate-rich intertidal flats and areas of reedbed, saltmarsh and sand dune. The proposed site is contained within the following SSSIs: Inner Tay Estuary (to be extended), Monifieth Bay, Barry Links, Tayport-Tentsmuir Coast (to be extended) and Eden Estuary.

Qualifying interest:

The Firth of Tay & Eden Estuary proposed Ramsar site qualifies under **Criterion 3a** by regularly supporting in winter over 20,000 waterfowl with a 1990/91-94/95 winter peak mean of 48,000 waterfowl, comprising 28,000 wildfowl and 20,000 waders.

The site also qualifies under **Criterion 3c** by regularly supporting (1990/91-94/95 winter peak means) internationally important wintering populations of pink-footed goose *Anser brachyrhynchus* (2,800; 1% of GB and Icelandic/Greenlandic), greylag goose *A. anser* (1,200; 1% of GB and Icelandic), bar-tailed godwit *Limosa lapponica* (2,400; 4% of GB and 2% of W European) and redshank *Tringa totanus* (1,800; 2% of GB and 1% of NW European).

Area: 10.221.3 ha

National grid references: NO 280220, NO 485313, NO 548317, NO 500283, NO 475195
OS 1:50,000 sheet - 54, 58 & 59

June 1999

Natura 2000

Scottish Natural Heritage

Sites of Special Scientific Interest (SSSIs) by SNH under the Wildlife and Countryside Act 1981. These are also used as a basis for additional designations particularly in the international arena. Several of the sites have been specifically recognised as being of international importance and have been further labelled under national and international designations. These include Special Areas of Conservation (SAC) which support rare, endangered or vulnerable natural habitats and species of plants and animals; and Special Protection Areas (SPA) which support a significant number of wild birds in the habitats. These designations are made under European Directives and are collectively known as Natura 2000. In addition there are wetland sites of international importance which support migratory birds and these have been designated as RAMSAR sites. A full list of designations is given in Figure 3.2, page 28. In addition to these, locally important sites of interest, such as Local Nature Reserves and other areas of natural heritage interest are also significant for local reasons.

3.25 The importance of these sites is recognised by Angus Council and in policies established in the approved Tayside Structure Plan 1993 focus on their safeguard and management.

Policy ENV 13: Natura 2000 and RAMSAR Sites

Development likely to have a significant effect on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas), or RAMSAR site and not directly connected with or necessary to the conservation management of that site, must undergo an appropriate assessment as required by Regulation 48 of the Conservation (Natural Habitats etc.) Regulations 1994. The development will only be permitted exceptionally and where the appropriate assessment indicates that:-

- (a) it will not adversely affect the integrity of the site; or
- (b) there are no alternative solutions; and
- (c) there are imperative reasons of overriding public interest, including, for sites hosting non-priority habitat types or species, those of a social or economic nature. For sites hosting priority habitat types or species the only overriding

considerations are human health, public safety, primary environmental benefit or other reason subject to an opinion from the European Commission (requested by the Secretary of State under Regulation 49).

Policy ENV14: National Nature Reserves and Sites of Special Scientific Interest

Developments affecting National Nature Reserves and Sites of Special Scientific Interest will only be permitted exceptionally where it can be adequately demonstrated that either:-

- (a) the proposed development will not compromise, destroy or adversely affect the conservation objectives and or particular interest for which the site was notified; or
- (b) there is an overriding and proven public interest where social or economic considerations outweigh the need to safeguard the ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means.

Policy ENV 15: Sites of Local Nature Conservation Importance

Development affecting existing and proposed sites of local nature conservation importance will require to demonstrate that the retention of the interest for which the site is designated is maintained.

Policy ENV 16: Geological Interest Sites

Development affecting confirmed SSSIs designated for their geological interest will only be permitted where it can be adequately demonstrated that either:-

- (a) the proposed development will not compromise the objectives and overall integrity of the designated area; or
- (b) there is a proven public interest where social or economic considerations outweigh the geological and physiographical interest of the site and the need for the development cannot be met in less geologically damaging locations or by reasonable alternative means.

