Abstract: This purpose of this report is to approve and adopt the TAYplan Record of Habitats Regulations Appraisal (including Appropriate Assessment) which accompanies the TAYplan Proposed Strategic Development Plan.

1 RECOMMENDATION

1.1 It is recommended that the Committee:

1. Approve and adopt the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) (October 2011) relating to the TAYplan Proposed Strategic Development Plan.

2 INTRODUCTION

2.1 The TAYplan Joint Committee at their meeting of 25 October 2011 agreed to approve the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) (October, 2011) and to request the four constituent Councils to approve and adopt this decision.

2.2 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 approval and adoption of the Record of Habitats Regulations Appraisal by all four constituent Councils. The submission date is anticipated on 30 November 2011. Should any changes be sought by any of the four constituent Councils this will delay submission of the Proposed Plan and associated documents to Scottish Ministers.

2.3 This report seeks ratification of the decision by the SDPA Joint Committee and approval of the TAYplan Record of Habitats Regulations Appraisal. A copy of the document and Report SDPA09-2011 is available to view in the Members’ Lounge, The Cross, Forfar.

3 THE RECORD OF HABITATS REGULATIONS (INCLUDING APPROPRIATE ASSESSMENT) (OCTOBER 2011)

3.1 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 Appraisal identifies mitigation, and this has been incorporated into the Proposed Strategic Development Plan earlier this year.

3.2 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 Assessment to Scottish Ministers.

4 RISK

4.1 The risk to the Council of the Committee not ratifying the decision of the SDPA Joint Committee and therefore not approving and adopting the TAYplan Habitats Regulations Appraisal (including Appropriate Assessment) is that the Strategic Development Plan Authority would not be able to submit Proposed Plan and associated documents to Scottish Ministers on time. Angus Council would also require to justify why support had not been given.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly as a result of the recommendation contained in this report.

6 HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications arising directly from this report.

7 EQUALITIES IMPLICATIONS

7.1 The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

7.2 It should however be noted that an equalities impact assessment has been undertaken by TAYplan SDPA.

8 ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

8.1 This contributes directly to the following local outcome(s) contained within the Single Outcome Agreement for Angus.

1. We have a sustainable economy with good employment opportunities;
10. Our communities are developed in a sustainable manner;
11. Our natural and built environment is protected and enjoyed;
12. Our carbon footprint is reduced.
9 CONSULTATION

9.1 The Chief Executive, Director of Corporate Services, Head of Law & Administration and the Head of Finance have been consulted in the preparation of this report.

10 CONCLUSION

10.1 Approval of the TAYplan Habitats Regulations Appraisal is an essential part of the process to enable the Proposed Strategic Development Plan and associated documents to be submitted timeously to the Scottish Government. This will allow the programme for any Examination in Public to be established and ultimately the process of adopting the first new style Strategic Development Plan for the TAYplan area.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

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.

- TAYplan Proposed Strategic Development Plan (June 2011).

P&T/GWC/GDP/KW
28 October 2011