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9 April 2023

Dear Gillian

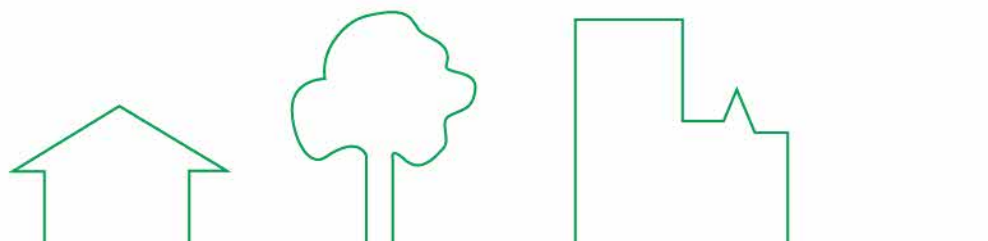
Planning application reference 23/00580/FUL
18 hole golf course and ancillary facilities on land 1700M NW of Embo Community Centre
Objection on behalf of Not Coul.

Not Coul is a local campaign group which was established in 2016, and has been actively working since then to protect the highly valued natural environment of Coul Links from development that would have a negative impact on it. To this end, Not Coul objects to planning application reference 23/00580/FUL for the reasons set out in this letter, namely that the proposed development would:

be contrary to Policy 10 (Coastal development) of the fourth National Planning Framework (NPF4), which only supports development in undeveloped coastal areas such as that in which the application site is located in very limited circumstances, none of which apply to the development proposed in this case;

have an unacceptable impact on the natural environment, contrary to Policy 4 (Natural places) of NPF4, with significant concerns about adverse impacts in particular on –

- the integrity of the Dornoch Firth and Loch Fleet Special Protection Area (SPA), with s48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations) requiring the application to be refused on this basis alone,



- the objectives of designation and the overall integrity of the Loch Fleet Site of Special Scientific Interest (SSSI), with the Council required to take reasonable steps to further the conservation of this, while part c) of Policy 4 makes it clear that the application can therefore only be approved if these impacts are clearly outweighed by social, environmental or economic benefits of national importance. There is though no evidence in the application documentation that any such benefits would be delivered,
- a number of protected species, with insufficient steps having been taken to establish the presence of these, or to factor their protection into the proposed golf course design, contrary to part f) of Policy 4, and
- Groundwater Dependent Terrestrial Ecosystems (GWDTE);

be contrary to other relevant Development Plan policies, including Policies 2 (Climate mitigation and adaptation), 3 (Biodiversity), 21 (Play, recreation and sport), 29 (Rural Development), and 30 (Tourism) of NPF4 and Policies 49 Coastal Development and 77 Public Access of the Highland Wide Local Development Plan (HWLDP); and

not be supported by relevant material considerations, in particular PAN 43 Golf Courses and Associated Development and the Dornoch Economic Masterplan.

Notably, many of the above issues (in particular the identified impacts on the SSSI and SPA) resulted in a previous application for a similar development in this location being refused by Scottish Ministers only three years ago (planning application reference 17/04601/FUL). In the absence of the Reasons for Refusal having been addressed in this application, or there having been any material change in circumstances, it requires to be refused for the same reasons.

The following paragraphs expand on each of these issues in turn.

In doing this, it should be noted that the regulatory regime within which the application requires to be assessed includes not only the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), but also the Nature Conservation (Scotland) Act 2004 (the 2004 Act), the Water Environment and Water Services (Scotland) Act 2003 (the 2003 Act), the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations), and the Ramsar Convention. Therefore, while the starting point is that the application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, it is also important to recognise that:

in exercising its decision-making powers, the Council is required to take reasonable steps to further the conservation and enhancement of the natural features specified in the Loch Fleet Site of Special Scientific Interest (SSSI) notification [2004 Act, s12], and to secure compliance with the Groundwater Directive [2003 Act, s2], which in turn requires GWDTE to be protected from significant damage;

the application must be refused unless an Appropriate Assessment adequately demonstrates that the proposed development will not adversely affect the integrity of the Dornoch Firth and Loch Fleet Special Protection Area (SPA) [Habitats Regulations, Regulation 48]; and

planning is to be formulated and implemented so as to promote the conservation of the Dornoch Firth and Loch Fleet Ramsar Site [Ramsar Convention, Article 3].

It should also be noted that, following the Scottish Government's adoption of the Fourth National Planning Framework (NPF4) on 13 February 2023, this now comprises part of the Development Plan along with the Caithness and Sutherland Local Development Plan 2018 (CaSPLAN), the Highland Wide Local Development Plan 2012 (HWLDP), and adopted supplementary guidance. Further, in cases of any conflict between the policies of these different elements of the Development Plan, the 1997 Act establishes that the provisions of the most recent document take precedence – that being NPF4 in this case. As such, it is the policies of NPF4 which are primarily of relevance to the determination of this application, as set out below, subject to some exceptions where the HWLDP covers policy areas which NPF4 does not.

The Planning Statement submitted with the application does not, however, acknowledge the status of NPF4 as part of the Development Plan, let alone the weight to be given to this relative to other Development Plan documents, thus raising questions about the robustness of its assessment of the proposed development as a whole.

Background

As acknowledged in the documentation submitted with this letter, planning application reference 23/00580/FUL followed the Scottish Ministers' decision to call-in and (following a Public Local Inquiry (PLI)) refuse planning application reference 17/04601/FUL for a golf course and associated development on broadly the same site, on the basis of the likely impacts of the proposed development on the site's national and international heritage interests. A summary of the reasons for which that application was refused is provided at Appendix One.

In considering the current application, the starting point is therefore whether the adverse environmental impacts and non-compliance with the relevant development plan policies, have been addressed. And, in the absence of that, or of any new benefits of national importance being delivered, this application requires to be refused for the same reasons as that application.

Nature of proposed development and the land affected by this

In the documents submitted with the application, the proposed development is described as “a revised and very different proposal from that previously determined”, with a table of the changes that have been made provided at page 45 of the applicant’s planning statement. However, analysis by Not Coul shows that the current proposal is in practice so close to planning application reference 17/04601/FUL in shape, location, nature and effect as to effectively be the same. A copy of the applicant’s table with an additional column of Not Coul’s comments in this respect is provided at Appendix Two to demonstrate this.

In particular, whereas the applicant seeks to distinguish the current proposal from the previous one by stating that the direct impact on the SSSI would be significantly reduced (and thus presumably also the direct impact on the SPA and RAMSAR sites, although less consideration has been given to these in the application documents, for reasons which are not clear), this is based on the premise that direct impacts would arise only where vegetation would be stripped and new grass seeded, and not where mowing would be used to create other elements of the course. However, Not Coul has identified a number of issues with this approach, a summary of which is provided at Appendix Three, in light of which it is submitted that it is necessary to assess the application on the basis of the potential impact of all activities associated with the proposed development, across the whole of the application site, as set out below.

Shortfall in documentation

In reviewing the application against the relevant development plan policy requirements, Not Coul has identified a number of shortfalls in the documentation submitted which means that the applicant has not evidenced its assertions with regard to the potential impacts of the proposed development, and the extent to which it complies with relevant policies, as set out below. In particular, and as set out in more detail in Not Coul's ecology submission, the EIA Report (EIAR) submitted with the application relies in large parts on data collated for the previous application, and does not take into account data which has become available since then. This is a significant lacuna in the EIAR, as a result of which it cannot be concluded that the proposed development complies either with the EIA Regulations or with relevant environment related policies, and the application should be refused on this basis alone, as well as for the reasons given below.

Grounds of objection

To inform the assessment of the application against the relevant development plan policies, and hence the content of this letter of objection, specialists engaged by Not Coul have carried out detailed assessments of the potential impacts of the proposed development on ecology, hydrology, and coastal erosion, and the economic benefits, each of which have identified a number of significant concerns. Their submissions should now be read alongside this letter to fully appreciate the issues which the proposed development gives rise to in these respects, with the following paragraphs focusing on the policy context within which these concerns need to be considered.

At the same time, it is also important to consider the following grounds for objection in the context of the findings of the PLI into planning application reference 17/04601/FUL, as set out in the Reporters' Report to the Scottish Ministers in respect of that application (the conclusions of which were accepted in full in deciding to refuse it), which is cross-referred to where relevant below.

Development Plan policies

Firstly, given the coastal location of the application site, the starting point for the assessment of the application is Policy 10 (Coastal development) of NPF4, and the restrictions it places on development in such areas. This has been omitted from the applicant's Planning Statement. Importantly, this Policy distinguishes between 'developed' and 'undeveloped' coast, with local planning authorities required to identify the boundaries of each and, in this case, the Highland Coastal Development Strategy shows the area within which the application site is located to be 'undeveloped' in nature. Policy 10 then establishes that development proposals in undeveloped coastal areas will only be supported where they:

are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site – none of which is the case in this instance;

do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems – in terms of which it should be noted that the proposed development is considered likely to have a significant adverse impact on the dune habitat at Coul Links, as well as being at risk of coastal erosion, as set out below; and

are anticipated to be supportable in the long-term, taking into account projected climate change – with regards to which, Not Coul has identified a significant risk of the proposed development being affected by future coastal erosion, and its long-term implications, with the application thus also being contrary to Policy 2 (Climate mitigation and adaptation) of NPF4 (which, as set in Not Coul’s coastal erosion submission, requires development proposals to be sited and designed to adapt to current and future risks for climate change) and Policy 49 Coastal Development of the HWLDP (which explicitly states that sites should not be at risk of coastal erosion if they are to be considered appropriate for development); or

are designed to have a very short lifespan – which is again not the case in this instance.

Taking the above into account, the application is clearly contrary to Policy 10 of NPF4, and should therefore be considered unacceptable in principle.

At the same time, the nature conservation interests present on the site require due consideration to be given to Policy 4 (Natural places) of NPF4, which sets sets out protections for both natural heritage in general, and for protected species and sites in particular. In doing so, it is highlighted that all Ramsar sites are also European sites (SPAs or SACs) and/or SSSIs, and are entitled to extended protection under the relevant statutory regimes. Of particular relevance to this application, the Policy stipulates that:

Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported – in terms of which, Not Coul has identified a number of impacts on the natural environment which are considered to be unacceptable, including impacts on designated sites and protected species as set out in more detail below, and on GWDTes . Each of these impacts require the application to be refused, with the potential impact on GWDTes also meaning that approval of the application would be contrary to the 2003 Act. Further, whereas it is noted that the Reporters’ Report does not reach a definitive conclusion on the whether there would be an effect on the groundwater levels within the dune system, but indicates that this would be regulated by SEPA through the CAR licensing regime, SEPA’s triage framework (version 3, December 2022) makes it clear that the technical information required for any SEPA consents should be submitted at the same time as the planning or similar application. The applicant should therefore be required to demonstrate that there would be no impact in this respect as part of this application and, in the absence of this being done, the application should again be refused.

Development proposals that are likely to have a significant effect on an existing or proposed SPA and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives – with the nature of the proposed

development meaning that it is clearly not directly connected with or necessary to the conservation management of the SPA. Indeed, the applicant has submitted a Shadow Habitats Regulations Appraisal (HRA) as part of their Recreational and Access Management Plan (RAMP) which, although having been prepared in connection with the previous application and thus out of date in some respects, confirms that this is the case. Consequently, an Appropriate Assessment (AA) is clearly required, and the application should be refused unless the AA adequately demonstrates that the proposed development will not adversely affect the integrity of the SPA. And, in carrying out the AA, it should be noted that:

- whereas the EIAR seeks to argue that the main impact on protected birds would be a beneficial one as a result of the cessation of wildfowl shooting, it was established during the PLI into planning application reference 17/04601/FUL that the intensity of shooting activities on the site currently appears to be very low, taking place on only 7 – 8 days per year, with this not being identified as a negative pressure affecting the protected interests of the site (see paragraph 6.156 of the Reporters' Report);
- rather, it is noted at paragraph 6.156 of the Reporters' Report that recreation is the most likely cause of disturbance to protected breeding birds and wintering bird populations. As the proposed development would inevitably increase the recreational use of the site in the same way as the previous proposal would have (this being something that will be unaffected by any changes to the detailed layout of the golf course), it would inevitably increase the potential disturbance to bird populations that such use causes in the same way that the previous proposal was considered likely to;
- in particular, and again as was the case in respect of the previous proposal, there is likely to be a significant negative impact during autumn and late spring when wintering birds are likely to visit the site, but this would not be closed (see paragraph 6.154 of the Reporters' Report in respect of planning application reference 17/04601/FUL, which confirms that wintering birds are likely to use the site from August to May, yet the EIAR indicates only that the site would be closed from November to April);
- taking the above into account, the closure of the golf course in winter and cessation of wildfowl shooting were not considered to be sufficient to reduce the previously identified impacts on protected bird features of the SPA to non-significant, and there is no reason to consider these to have any greater mitigatory effect now; and
- protected breeding birds and wintering bird populations are thus still likely to be disturbed by the proposed development, with the proposed mitigation measures still

being insufficient to reduce this to non-significant, and the impact that this is likely to have on the integrity of the SPA also requires this application to be refused (noting that this is required by Regulation 48 of the Habitats Regulations as set out above, with the Council having no discretion in this respect).

Development proposals that will affect a SSSI will only be supported where, either (i) the objectives of designation and the overall integrity of the areas will not be compromised, or (ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance – in considering which, it should be noted that the Reporters’ Report in respect of planning application reference 17/04601/FUL considered SNH’s (now NatureScot’s) Management and the Natural Heritage guidance to be highly relevant (paragraph 8.82), with this establishing that:

“All parts of a SSSI collectively assume ‘special interest’. This is why damage to one small bit of the site affects the site’s ‘integrity’ or ‘wholeness’. Damage to any one feature cannot rationally be justified by the survival of the larger fraction since, once begun, there are no logical stopping points. The setting of arbitrary limits to incursion would undermine the credible basis for SSSI selection.”

Taking this into account, it should then also be noted that Not Coul has identified a number of impacts on features referred to in the SSSI citation, which would result in the objectives of designation and the overall integrity of the site being compromised, including impacts on:

- dune slack, which has been identified on 15 fairways (holes 2, 3, 4, 6, 7, 10, 11, 13, 14, 15, 16, 17, 18), 6 tees (holes 8, 9, 15, 16,17) and one green (hole 13); and
- heath habitat, with the EIAR itself identifying a significant adverse effect on this, in addition to which the professional opinion Not Coul’s ecology expert (Dr Tom Dargie) is that the applicant’s proposal to mow the fairways, rather than strip them, combined with the proposal not to irrigate them, will effectively result in the habitat on these being destroyed in what he describes as a ‘doom loop’.

Consequently, the application can only be approved if these identified impacts are “clearly outweighed by social, environmental or economic benefits of national importance”. However, the PLI into planning application reference 17/04601/FUL concluded on the basis of all the evidence that was available then that development of the nature proposed would not have benefits of this scale, and Not Coul has not identified any reason as to why a different conclusion should be reached now. In particular in this respect, Not Coul highlights that:

Annexe F to the applicant's EIA does not take into account the information which was considered during the previous PLI (which, it should be noted, led to the Reporters concluding that the net impacts of the proposed development on a national (Scotland) scale are likely to be substantially lower than the BiGGAR analysis which has been updated in Annexe F predicts (see paragraph 11.191 of the Reporters' Report); and

while the development now proposed may attract more visitors than was previously anticipated, national and regional labour market trends mean that the theoretical increases in hospitality and related employment benefits that may be associated with this may not necessarily be achievable in full.

In addition, whereas much is made of the proposed golf course being a world class facility (ranked in the top 100), the Reporters' Report for planning application reference 17/04601/FUL makes it clear that the creation of a potentially 'world class' golf course was not considered to intrinsically be a development of national importance and that:

"There is no evidence that the nation's golf tourism industry is being held back through a lack of iconic golf courses, and there are already at least 84 links courses in Scotland. In short, there appears to be a generous supply of high-quality golf courses in Scotland, especially links courses, and while another world class course would be a positive addition to that supply, it would not qualify as nationally important on that count" [paragraph 11.195].

Taking the above into account, there is therefore no evidence that the proposed development would deliver any benefits of national importance that would justify the application being approved.

Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application – with the lacuna in the applicant's EIA identified above meaning that the applicant has failed to discharge the duty incumbent on it to properly establish the presence of relevant protected species, and to factor the level of protection such species require into the planning and design of the development. Of particular concern in this respect, Not Coul has identified likely adverse

effects on a number of protected species, the protection of which has not been factored into the proposed development design, including:

- red data list butterflies, with the golf course footprint seeming to significantly overlap with its food source;
- lichens which feature on the Scottish Biodiversity List, which have been identified in the location of the proposed second hole; and
- Annex 2 (Habitats Directive) fen habitat, which has been identified close to the proposed path between holes 13 and 14.

At the same time, Policy 4 also makes it clear that “the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance” and, if there is any uncertainty about the impacts on the designations, habitats and species identified above (which, given the lacuna in the applicant’s EIA, there inevitably is), this again requires the application to be refused.

Also related to the natural environment, Policy 3 (Biodiversity) of NPF4 stipulates that major development proposals will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. However, while the applicant’s EIA includes a Biodiversity Net Gain Assessment which seeks to establish that a net gain would be delivered, it should be noted that:

one of the fundamental principles in establishing biodiversity net gain is that “offsetting cannot compensate for the loss of irreplaceable habitats...” (NatureScot Developing with Nature guidance), with proposals to create new and restored areas of Dune Heath not therefore able to compensate for the significant adverse impact on this habitat which the applicant’s own EIA identifies, let alone the significant additional likely impact identified by Not Coul, as set out above; and

Not Coul has also identified significant concerns with how the applicant’s EIA characterises the baseline level of biodiversity across the site, with this also undermining the applicant’s assertion that there would be a net gain in this respect.

In light of the above, it is considered that the applicant has failed to properly discharge the requirements incumbent on them in terms of Policy 3, and the application thus also fails to comply with this policy as a result.

In addition, it is noted that Ramblers Scotland has raised concerns about the extent to which the proposed golf course would cross the John o'Groats Trail long-distance route (which is also designated as a core path by the Council), as well as impacts on wider access rights across the site as a whole, and Not Coul share those concerns. In particular, while there is no specific policy on public access in NPF4, Policy 77 Public Access of the HWLDP states that where a proposal affects a route included in a Core Paths Plan, or significantly affects wider access rights, the Council will require it to either:

retain the existing path or water access point while maintaining or enhancing its amenity value; or

ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

In this case however, the nature of the proposed development means that the relatively unrestricted public access that is currently enjoyed at Coul Links would be materially constrained if the golf course proposal were to proceed. Indeed, this was acknowledged in the Reporters' Report on planning application reference 17/04601/FUL [paragraph 9.48] and, while it was considered that the significance of this impact would be reduced by the low intensity of recreational use of Coul Links and local support for the proposed development, this is not relevant to the question of whether or not the application complies with Policy 77, as set out above. Rather, having concluded that public access would be impacted, it must also be concluded that the application is contrary to this Policy in principle.

Lastly in terms of the Development Plan, it is noted that the applicant's Planning Statement argues that the application should be supported as being in accordance with Policies 21 (Play, recreation and sport), 29 (Rural Development), and 30 (Tourism) of NPF4. However, in doing that, the Planning Statement ignores the requirement that NPF4 should be read and applied as a whole, and that:

in seeking to encourage, promote and facilitate spaces and opportunities for recreation and sport, one of the policy outcomes of Policy 21 is for natural environments to be improved, with the significant concerns about the environmental impacts of the development proposed in this case meaning that it would be contrary to the underlying purpose of the Policy in this respect;

support for rural development under Policy 29 needs to be read and applied in the context of Policy 10 (which, as set out above, establishes a presumption against development in the undeveloped coastal area in which the application site is located), and the significant concerns about the environmental impact of the proposal as set out

above as well, with these meaning that the proposed development is not suitable in terms of location or environmental impact as required by part c) iii) of the Policy, and does not comply with the Policy as a whole as result; and

under Policy 30, development proposals for new tourist facilities are only expressly supported in locations identified in the LDP, which the site to which this application relates is not. Further, even if the site were identified for development of this nature in the LDP, the Policy also requires such proposals to be compatible with the surrounding area in terms of the nature and scale of the activity and the impacts of increased visitors, with the impacts on the SPA that have been identified as likely to arise from increased visitor numbers in this case meaning that the proposed development is also contrary to Policy 30 in this respect.

Material considerations

As well as the Development Plan, consideration needs to be given to relevant material considerations, including:

PAN 43 Golf Courses and Associated Development – which makes it clear that any new golf related developments should not impact adversely on the natural heritage (see paragraphs 60/61), and does not identify any National Golf Study Priority Areas for Development in The Highland Council area (these being the Scottish Sports Council's (now Sport Scotland's) priority areas for developing additional provision in response to unmet demand from potential golfers); and

Dornoch Economic Masterplan (prepared on behalf of Highlands and Islands Enterprise) – which, while recognising the importance of encouraging golfers to base themselves within Dornoch, does not make any reference to the need for a new golf course in the area, with the focus instead being on building the Dornoch/Royal Dornoch brand and improving or upgrading existing facilities.

Combined, there is then no support for the proposed development in these documents that would outweigh the significant negative impacts and conflicts with the development plan identified above.

Conclusion

For the reasons given above, it is clear that the proposed development fails to comply with the Development Plan and, in the absence of any material considerations to indicate otherwise, the application requires to be refused.

Yours sincerely



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Appendix One

Summary of reasons for which planning application reference 17/04601/FUL was refused
As set out in the Reporters' Report to the Scottish Ministers in respect of planning application reference 17/04601/FUL (the conclusions of which were adopted in the decision to refuse that application), it was considered that development proposed in terms of this would:

be likely to have significant adverse effects on the breeding bird and sand dune habitats features of the SSSI, with those sand dune habitats and the plants they support also being protected under the Ramsar site designation, including likely significant adverse effects on -

- o dune juniper, dune heath, and the dune slack types present on the site, (all of which are also Annex 1 habitats under the Habitat Regulations), with this being the case both for dune heath and dune slack under the golf course itself and in the longer-cut rough at least, and
- o lichens, the effects on which can be considered as part of the overall effect on dune heath, although they could also be considered a receptor in their own right.

be contrary to the conservation objectives of the SPA, due to the potential loss of bird habitat and likely disturbance to bird species, with overwintering birds including wigeon and teal protected by the Ramsar site designation too; and

generate socio-economic benefits of local or regional significance only, with no benefits of national significance that would outweigh the impacts set out above, as would have been needed for that application to be approved.

At the same time, the Reporters' Report also concluded that the proposed development had the potential to have a significant adverse impact on the important invertebrate assemblage at Coul Links, including the globally endangered Fonseca's seed fly, Red Data list species of moths and butterflies, and other moth and butterfly species of conservation concern (with it noted that the site qualifies as a Ramsar site because of the extent to which it supports rare species such as these, and that the sand dune habitat which supports these species is also one of the notified features of the SSSI).

Appendix Two

Comparison with planning application reference 17/04601/FUL
(adopted from pp. 45-46 of the Planning Statement)

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Site boundary	317.7 hectares	328 hectares	3.2% reduction In area	Immaterial difference, so substantially the same
Course developed total site area	22.7 hectares (including roughs)	22.7 hectares (excluding roughs)	n/a	Similar
Area developed within SSSI involving stripped vegetation (direct impact)	Direct impact in SSSI is 1.5 ha	14.7 hectares of impact in SSS	90% reduction in the area developed or altered (direct impact) within the SSSI	It is impossible to use mowing to produce fairways without adverse direct impact. Fairway area has to be added to 1.5 ha. That outcome will be similar.
Areas of new grass seeding in SSSI	1.5 hectares	14.7 hectares	90% reduction in intervention and new seeding	ditto
Ground stripping in SSSI	1.5 hectares	14.7 hectares	90% reduction	As above, mown fairways have the same adverse effect as conventional fairways on biodiversity receptors. Fairway extent needs to be added to 1.5 hectares. The outcome is similar.

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Overall direct impact in SSSI	1.5 hectares	14.7 hectares	90% reduction	The same; fairway extent needs to be added to 1.5ha. The SSSI boundary is intended to be constant (or extendable, e.g. as a condition in the 2019 Inquiry planning conditions).
Outside SSSI direct impact	1.7 hectares	8.0 hectares	79% reduction	The fairway extent of Holes 14 and 15 need to be added to 1.7 hectares. There is no mention of the 14- hole par 3 course. That is outside the SSSI. Including that might increase the scale of negative impact. The outcome of direct impact adjustment is either similar or worse.

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Fertiliser use	Applied to tees and greens only	Previous use involved fairways, tees greens and paths	85% reduction	<p>Mowing Coul dune heath and dune grassland will not produce world-class playing surfaces. The course operators will have to replace poor fairways with conventional fairway construction. Those replaced fairways will require fertiliser.</p> <p>The outcome will be similar, not 85% reduction.</p>

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Irrigation requirement	Required for tees and greens only 10000m ³ annually during grow-in 5000m ³ annually during operation	Required for tees greens and all new seeded areas. 30000m ³ during grow-in 15000m ³ during operation	80% reduction in irrigation of golf course	<p>Climate change studies suggest that the world, including this part of Scotland, is moving towards more frequent and longer droughts. NatureScot work in 2022 presents this forecast with evidence.</p> <p>The course fairways will need watering, in the unlikely event that they can be established in the first case, just as the first proposal's fairways did. Dune heath has little or no grass as a response to mowing, only moss. Many dune grasslands have bunch grasses, not sod formers. At some stage the course will need to switch to installing conventional fairway grass species. They will need more irrigation.</p> <p>Net result is similar.</p>
Width of paths	1.5-1.8 metres	5 metres with excavation of ground and seeding required	70% reduction in width 100% reduction in intervention and adjusted ground levels	Similar adverse effects on biodiversity because path width is only one factor is impact assessment.

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Wildlife corridors for connectivity	Fairways designed with connectivity and broken up into sections to avoid fragmentation	Fairways designed with obvious connectivity and broken up into sections to avoid fragmentation	Extended fairways continuous[ly?] acting as potential barriers	Marginal difference to scale of adverse fairway impact on invertebrates in particular. Net result is similar.
Construction traffic	Reduced requirement for HGV traffic, generally limited to construction of the new access road, drainage and conversion of existing buildings	Construction traffic required for the golf course, ground stripping and imported material and removal of stripped vegetation	28% reduction due to the establishment methodology	The deforested enclosure will require removal of much timber brash, trunks and stumps. It will require much larger construction machinery and extended time to construct here - several holes are routed here. Net result will be similar.

Table 1 Topic	Proposed Course Layout	Original Course Layout	Percentage change	Similar or 'substantially the same'
Edge effect on fairways and paths	<p>Edge effect avoided and connectivity corridors created across mown areas including fairways and paths with reduced lengths of fairways and breaches between to preserve access across the site. Width reduction on paths to 1.8 metres limits fragmentation. Angled mowing provides a graded edge avoiding the barrier of a sharp boundary between mown and unmown vegetation.</p>	<p>All paths created and seeded with grass and mown. Paths up to 5 metres wide in places. Fairways soil stripped and sown with grass seed and mown and mown in part creating unnatural edges. Roughs had unnatural stepped edges. Fairways were extensive and acted as barriers to the movement of species. Detrimental to habitats and viability of the SSSI designations</p>	<p>100% reduction in edge effect throughout the course profile.</p>	<p>The microclimate difference either side of angle-mown habitats will remain a significant barrier to an unknown proportion of the Coul invertebrate population.</p> <p>The changes will adversely alter the distribution and movement of insects in particular, e.g. altering gene flow.</p> <p>These are many unknowns and the Precautionary Principle should be applied. The result for key receptors is similar.</p>

Appendix Three

Approach to assessing what land would be affected by the proposed development

In assessing what land would be affected by the proposed development, and in particular the extent to which there would be a direct impact on the designated sites within the application site, it should be noted that:

irrespective of the methods that would be used to create the proposed golf course, the overall site size and the percentage of this which constitutes part of the designated sites is broadly unchanged from what was proposed previously;

as highlighted in the Reporters' Report in respect of planning application reference 17/04601/FUL, potential adverse impacts of development of this nature are not restricted only to areas that would need to be stripped – for example, there would have been no stripping of the rough in that case, yet it was nonetheless concluded that the proposed management of this (in particular of the 'longer-cut' rough) would inevitably create a very different habitat to that on the site at present [5.398], with tramping of this resulting in further negative effects [5.403]; and

the proposed use of mowing to create fairways gives rise to potentially significant environmental impacts in its own right, as set out in the s39 application submitted by Not Coul, expanded on in Not Coul's ecology submission, and summarised in the main body of our objection above.

Consequently, it is clear that potential direct impacts arise not only in those areas where vegetation would be stripped, but across all of the land on which the golf course would be located, including roughs, as well as any land likely to be affected by tramping, and the application requires to be assessed accordingly.