

Keith Dingwall
Principle Planner
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



15 January 2010

Dear Mr Dingwall,

Your Ref: 09/00364/FUL

Re: CREATION OF THREE NEW GOLF HOLES AT THE RENAISSANCE GOLF CLUB, COWDEN HILL DRIVE, DIRLETON

I write with reference to the planning application above, the Scottish Wildlife Trust (SWT) wishes to lodge an **OBJECTION** to the submission from James Clydesdale and Associates on behalf of Renaissance Golf Club for the creation of a 3-hole golf course extension to the Renaissance golf club course.

SWT has identified a number of significant planning, legislative and environmental concerns relevant to this application which are discussed below.

KEY POINT

We believe the construction of the 3-hole golf course on part of the Firth of Forth Site of Special Scientific Interest (SSSI), to form part of the existing Renaissance Golf Club course, will have a significant negative impact on the Firth of Forth SSSI.

There has been inadequate information provided in the Environmental Statement to give us confidence that the stated mitigation will offset the detrimental effects to the SSSI caused by the construction and operation of the proposed development. In addition, we do not believe the case has been made such that, destruction of part of the nationally important SSSI will be outweighed by social, economic or environmental benefits of national importance.

LEGISLATIVE CONTEXT

Nature Conservation (Scotland) Act 2004

The Nature Conservation (Scotland) Act 2004 places the following biodiversity duty on every public body and office-holder:

S1 (1) It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

National designations

Sites of Special Scientific Interest

SSSIs form a series of nationally important sites in Great Britain which are of interest by reason of their flora, fauna or geological or physiographical features. In Scotland SSSIs are notified by Scottish Natural Heritage (SNH) under the Nature Conservation (Scotland) Act 2004. SNH has a statutory duty to notify and seek appropriate protection for such sites which are identified in accordance with guidelines developed and applied on a Great Britain basis. SSSIs provide the foundation for a range of additional natural heritage designations, including Natura 2000 areas and National Nature Reserves. They are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

Protecting Scotland's wildlife for the future

The proposed development lies within West Links Dunes in the Firth of Forth SSSI. The citation summary states:

The Firth of Forth Site of Special Scientific Interest (SSSI) is an area of estuarine and associated coastal habitats stretching from Alloa to the coasts of Fife and East Lothian. The site includes extensive invertebrate-rich intertidal mudflats, rocky shores and sand-dunes as well as areas of saltmarsh and coastal grasslands. The rocky shorelines include areas of geological interest whilst the large intertidal mudflats and associated habitats support nationally important numbers of wintering bird species.

PLANNING POLICY

National

National Planning Policy Guideline 14: Natural Heritage

Section 9 states: Attractive and ecologically rich environments, where the natural heritage is valued and cherished, are essential to social and economic well-being. A key role of the planning system is to ensure that society's land requirements in terms of housing, economic activity, transport infrastructure and recreation are met in ways which do not erode environmental capital.

Section 24 states: The presence of a national natural heritage designation is an important material planning consideration. This does not mean that development is precluded by the presence of such a designation. Proposals require to be assessed for their effects on the interests which the designation is designed to protect. Development which would affect a designated area of national importance should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

Local

East Lothian Local Plan 2008

Policy NH1b: (Sites of Special Scientific Interest): Development affecting SSSI's will only be permitted where it can be demonstrated that:

- a) the objectives of designation and overall integrity of the site will not be compromised; or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national importance; and
- c) there are no alternative solutions

BIODIVERSITY ACTION PLANS

East Lothian BAP

Priority habitat for East Lothian includes sand dunes. It notes that: Coastal habitats are under pressure from development and from increased sea levels. This coastal squeeze reduces the area of a habitat and can prevent habitats functioning effectively, e.g. sand dune movement.

The Golf Courses and BAP states, *inter alia*, that: Where a new golf course is proposed, extra care must be taken to ensure that good habitats are not adversely affected by construction. Sand dunes are particularly vulnerable to disruption and loss.

ENVIRONMENTAL STATEMENT

Mitigation to reduce construction and operational impacts on the vegetation communities and sand dune system present within the Firth of Forth SSSI.

Classification of vegetation assemblages: The ES does not clearly explain what criteria have been used to classify the vegetation assemblages into areas of 'high', 'medium' or 'low' botanical interest. It is difficult to ascertain what the difference is between 'high' and 'medium' botanical interest areas.

Protecting Scotland's wildlife for the future

As a key mitigation measure to limit the damage to the SSSI is through 'avoiding areas of 'high' botanical interest where possible' and locating golf holes in 'amber' and 'green' areas we believe this is a fundamental weakness of the ES. Therefore we do not believe that the residual impact on the vegetation communities present within the SSSI will be insignificant.

Notwithstanding the above point, one of the proposed golf holes (new hole 11) does not appear to avoid the 'high' botanical interest area. However, it is difficult to fully assess whether **any** of the golf holes do or do not avoid 'high' botanical interest areas because the new proposed holes have not been shown on the 'compartments drawing.' This is a serious omission.

There is a further lack of clarity through referencing holes 'A' 'B' and 'C' in the text and labelling them 10-13 on the figure that shows the proposed location of the three holes.

The 'island hopping' approach: We do not believe this mitigation measure will protect the vegetation communities and the sand dune system from damage. Both are still likely to be disturbed by trampling caused by golfers searching for golf balls and walking between holes. In addition, the 'traffic' during construction and operation of the holes will cause erosion to the dune system and damage underlying vegetation. We do not think the 'fragile' nature of the dune system has been fully considered as part of the EIA process.

Although it is stated that fragmentation of habitats will be reduced by the 'island hopping' approach, we do not believe this will be the case and, in any event, the natural dynamic sand dune processes and ecological succession of vegetation communities present (in terms of plants, bryophytes and lichens) will be permanently disturbed by the development footprint.

A low application rate of fertiliser, herbicide and water on tees, fairways and greens to reduce run off and pollution: The ES states that: '*consideration will need to be given to applying small amounts of fertiliser*' and '*pesticides are becoming less commonly used*' and '*water will be not be provided in luxury amounts*'. From the above we conclude that there is **no guarantee** that the actual application rate of fertiliser etc. will, in fact, be low. However, even the best case scenario of low application rates, will not prevent run-off to the surrounding habitat having the knock-on effect of disturbing key natural vegetation processes.

To summarise, we believe that the construction and operation of the three golf holes in part of the nationally important Firth of Forth SSSI will result in a net loss of sand dune habitat and will damage the vegetation communities present therein. The mitigation provided will not compensate for the loss of habitat or adequately decrease the damage to the botanical interests present. Therefore the residual impact on the Firth of Forth SSSI is highly likely to be significant and cannot be outweighed by social, economic or environmental benefits of national importance. Indeed the case for the latter has not been made.

On this basis we recommend that planning permission is refused.

If you wish to discuss any issue or item contained within this letter then please do not hesitate to contact us on the details provided.

Yours sincerely,

**Dr Maggie Keegan
Conservation Officer**