

## Protecting Scotland's wildlife for the future

Head of Planning and Building Standards  
The Highland Council  
Glenurquhart Road  
Inverness  
IV3 5NX

19 October 2017

Dear Sir/Madam,

### **17/04404/FUL Drilling of two boreholes and construction of water storage reservoir (maximum capacity 20000cu.m) for irrigation of (future) golf course | Land 860M South Of Coul Farmhouse Skelbo Dornoch**

With reference to the above named proposal the Scottish Wildlife Trust wishes to lodge an objection to the above planning applications from Coul Links Limited.

The purpose of the application is to create a water storage reservoir (footprint 95 x 75m, capacity 20,000m<sup>3</sup>) to provide irrigation for the proposed golf course (Application reference 17/04601/FUL). We understand that the applicant wishes the reservoir be in place and filled so that sufficient water is available prior to the start of construction of the golf course, and that the Council has agreed that the reservoir could be submitted as a separate application as long as there is a bond in place to cover restoration (if planning permission is refused).

The Scottish Wildlife Trust has identified a number of concerns relevant to this application. The main reasons for our objection are as follows:

#### **Separation of this application from the main application**

The proposed works which are the subject of this application are being considered separately from the proposed golf course application (reference 17/04601/FUL). The Environmental Impact Assessment (Scotland) Regulations 2011 require an assessment of the impacts of development proposals as a whole. The relationship between the two applications is clear because the applicant undertakes to reinstate the reservoir if the golf course does not receive planning permission. We therefore consider that this application should have formed part of the golf course application and not been submitted separately in this way.

#### **Boreholes**

The application refers to two boreholes which are already in place – the Design and Access Statement states *'the boreholes are already in place and are yielding a combined total of c.30m<sup>3</sup> per hour'*. The report also suggests these are around 100m deep. These boreholes would meet the threshold set by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 – more commonly known as the Controlled Activity Regulations (CAR) SEPA which require a simple licence for any groundwater abstractions >50 and ≤2000m<sup>3</sup>/day. No license is required for the construction and testing of the boreholes but one is required for the abstraction of water. ([https://www.sepa.org.uk/media/34761/car\\_a\\_practical\\_guide.pdf](https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf) see p23).

It would be misleading to suggest the boreholes are already in place if they haven't actually got a CAR licence, and we can find no evidence to suggest that the boreholes have been so licenced.

#### **Assessment of Impacts**

The application is accompanied by a cursory ecology report prepared by the applicant's agent (STRI). The site is intensively grazed agricultural land – with apparently low plant or bird interest, although bird interest around the periphery is noted to be moderate. This states that *'The location was chosen as it is a long distance away from the SSSI habitats and therefore could have no effect on SSSI quality.'* We estimate the site of the reservoir to be 300-400m from the SPA/SSSI/Ramsar site boundaries, and the boreholes to be within 1km of the same. No

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assessment has been made of the hydrological impact of these boreholes<sup>1</sup>. It must be assumed that they would be likely to be extracting water from the same aquifer that underlies the SSSI. The lack of a hydrological assessment crucially means that no assessment can be made of their impacts on important designated features, for example the dune slacks which are highly Groundwater Dependent Terrestrial Ecosystems (GWDTE) and which are designated features of the Dornoch and Loch Fleet Ramsar Site and the Loch Fleet Site of Special Scientific Interest (SSSI).

The Dornoch and Loch Fleet Special Protection Area (SPA) is notified for eight ornithological features, seven of which are non-breeding waterfowl that have the potential to use the improved grassland and surrounding areas for roosting and feeding from autumn through to spring, especially at high tide, but also at other times of the tidal cycle. This is particularly the case for curlew, oystercatcher, Greylag geese and wigeon (four of the features for which the SPA is notified). No assessment has been made of the use of the site by these species.

It is not clear from the information provided when the applicant intends construction will take place. The ecology report refers to the need to avoid the breeding bird period – March to August. However, depending how the site is used by SPA species there may also be a need to avoid disturbing them during the non-breeding season September – April.

Other key concerns which we wish to highlight are that:

- The reservoir proposal itself falls under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 '(f) Golf courses and associated developments' and as it has a total footprint of more than 1ha – it therefore needs to be screened for EIA.
- Given the potential effects on designated features of the Dornoch and Loch Fleet Special Protection Area, a Habitat Regulations Appraisal (HRA) may also be required. At the very least, supporting information is required which can adequately demonstrate that SPA species do not use the site in question and thus would not be adversely impacted by the proposals.
- As the total footprint for the proposal is over 2ha, we are concerned that the application has not gone through the full consultation process required for major developments.
- We note the lack of information provided on the CAR licencing position of the two boreholes and recommend that the Council seek advice from SEPA on this, and on the need for detailed hydrological assessment which would allow the impact of the proposals on the GWDTE which are designated features of the Dornoch and Loch Fleet Ramsar Site and Loch Fleet SSSI.

## Conclusion

For the above mentioned reasons the Scottish Wildlife Trust objects to the submission of a planning application from Coul Links Limited for consent to drill two boreholes and construct a water storage reservoir on land 860M South Of Coul Farmhouse Skelbo Dornoch.

Yours faithfully,

Bruce Wilson  
Senior Policy Officer

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<sup>1</sup> Nor indeed have any other assessments such as noise, archaeology, landscape and visual been included with the application.