
From: [REDACTED]
Sent: 16 January 2018 08:33
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED],

Yes, that's correct.

Thanks,

David Mackay
Operations Manager
Northern Isles & North Highland

Scottish Natural Heritage
The Links
Golspie Business Park
Golspie
Sutherland
KW10 6UB

Tel: [REDACTED]

Email: [REDACTED]

From: [REDACTED]
Sent: 15 January 2018 15:33
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Dave

There's a bit of traffic here on the potential Ramsar impacts of Coul Links. I've looked at the SNH response (and addendum) to the planning application and want to check that SNH's concerns in relation to the SSSI dune and SPA birds are also (in both cases) concerns as far as Ramsar commitments go?

[REDACTED]

From: [REDACTED]
Sent: 15 January 2018 10:39
To: [REDACTED]
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED],

Will do.

[REDACTED]

[REDACTED] | **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs
Direct line: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: [REDACTED]@gov.scot [REDACTED]@gov.scot]
Sent: 15 January 2018 10:37
To: [REDACTED]@defra.gsi.gov.uk>; [REDACTED] (DEFRA)
[REDACTED]@defra.gsi.gov.uk>
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED]

Can you hang fire on this please, I need to confirm with SNH what the Ramsar impacts are likely to be should consent be granted. I don't expect that to delay things much more.

Regards,

From: [REDACTED] (Defra) [REDACTED]@defra.gsi.gov.uk]
Sent: 09 January 2018 13:41
To: [REDACTED]; [REDACTED] (DEFRA)
Cc: [REDACTED]
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

[REDACTED],

Thanks, understood. I therefore suggest we supply a short response to that effect along the following lines (I don't think we need attach the SNH responses but I assume these are publically available in any case on the local authority's planning website along with other consultee responses):

"Ramsar sites in Scotland and elsewhere in the UK are afforded strict protection within the planning system. Adverse impacts on Ramsar sites arising from proposed development must be avoided, mitigated or as a last resort compensated before consent can be granted. Where a competent authority agree to issue a consent for reasons of urgent national interest, notwithstanding potential adverse impacts on a Ramsar site, compensatory measures will be secured and we will inform the Ramsar Secretariat accordingly.

We understand that Scottish Natural Heritage (Scottish Government's nature conservation advisor) has been consulted by the competent authority and has raised concerns about this particular planning proposal. In such cases the competent authority is required to notify Scottish Ministers should the competent authority be minded to grant consent. Scottish Ministers would have a number of options at that stage including the facility to call-in the application for their own determination (which they can do at any time).

We will update the Ramsar Secretariat in due course. However, to clarify, there are currently no impacts on the Dornoch Firth and Loch Fleet Ramsar site arising from this planning proposal as it is still under consideration by the relevant competent authorities."

Is this okay?

Re your question about compensatory measures, Article 4.2 of the Ramsar Convention requires that "Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat".

In England (and elsewhere in the UK, although I'm aware that Scotland take a slightly different approach), we meet this obligation through affording Ramsar sites the same protection as European sites (noting that in most case

Ramsar sites are in any case double badged). We interpret the 'urgent national interest' test as analogous to the 'imperative reasons of overriding public interest' test under Article 6.4 the EU Habitats Directive.

Kind regards

[REDACTED]

[REDACTED] **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs

Direct line: [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: [REDACTED]@gov.scot [REDACTED]@gov.scot]

Sent: 09 January 2018 10:57

To: [REDACTED] (DEFRA) [REDACTED]@defra.gsi.gov.uk>; [REDACTED] (Defra) [REDACTED]@defra.gsi.gov.uk>

Cc: [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED] (DEFRA) [REDACTED]@defra.gsi.gov.uk>; [REDACTED]@gov.scot; [REDACTED]@gov.scot

Subject: RE: Planned golf course development within Dronish Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED] & [REDACTED],

I attach letters from SNH containing advice (24 November) and additional advice (20 December) for information. SNH is objecting to the proposal on two counts:

- i. the proposal will result in significant adverse effects on sand dune habitat of national importance
- ii. the proposal could affect internationally important bird interests (although also notes that this could be overcome by a competent Recreation & Access Management Plan and a Breeding Bird Protection Plan)

We expect the local authority to take a decision on the proposal later this month. Because SNH has objected, the local authority is required to notify Scottish Ministers should the local authority be minded to grant consent; Scottish Ministers would have a number of options at that stage including the facility to call-in the application for their own determination (which they can do at any time).

Looking again at the approach below from the Ramsar Secretariat, they use the terminology "planned golf course development". Do you think they might be under the impression that the golf course has been granted planning permission? If so, that's not correct. Looking at the text of the Convention, we're only required to notify them if the ecological character has changed, is changing or is likely to change as a result of technological developments, human interference etc and I don't think any of those is in play at the current time.

Also, I noticed that they are seeking information on compensation measures. Do you know where the Ramsar Convention sets out a requirement for compensation measures?

Regards,

[REDACTED]

[REDACTED]

Natural Resources Division | Directorate for Environment and Forestry



From: [REDACTED] (DEFRA) [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk)
Sent: 08 January 2018 15:40
To: [REDACTED] (Defra); Dora S (Steven)
Cc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] (DEFRA)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi all,

I hope you had a great break.

Do we have an update for the status of this site at all?

Kindest,

[REDACTED]

From: [REDACTED] (DEFRA)
Sent: 07 December 2017 12:04
To: [REDACTED] (Defra) [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk); [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)
Cc: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk); [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hello all,

I hope you're doing well.

[REDACTED], do you have an update for the SNH's response for the site?

You all may enjoy this video, sent to us by [REDACTED] here www.notcoul.com.

Kindest,

[REDACTED]

[REDACTED] | International Ecosystems & Climate Change | Department for Environment, Food, and Rural Affairs | Tel: [REDACTED] | Email: [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk) | Address: 1E Nobel House, 17 Smith Square, London SW1P 3JR

From: [REDACTED] (Defra)
Sent: 09 November 2017 11:44
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)
Cc: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); [REDACTED] (DEFRA) [REDACTED] [@defra.gsi.gov.uk](mailto:[REDACTED]@defra.gsi.gov.uk)
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED],

Yes, that should be fine.

[REDACTED]: suggest a holding response to the Ramsar Secretariat and Mr. Campbell (who has also now written to Defra about this issue) along the lines that we are discussing with the relevant authorities in Scotland and will respond in due course.

Kind regards

[REDACTED]

[REDACTED] | [REDACTED] | **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs
Direct line: +44 [REDACTED] | Email: [REDACTED]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: [REDACTED]@gov.scot [REDACTED]@gov.scot]
Sent: 07 November 2017 17:00
To: [REDACTED] (Defra) [REDACTED]@defra.gsi.gov.uk>
Cc: [REDACTED] [REDACTED]@gov.scot [REDACTED]@gov.scot
Subject: RE: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi [REDACTED]

Thanks for forwarding this. It's a live local authority planning case for which SNH's response as a statutory consultee is expected later this month. Could we await sight of SNH's response (issuing a holding response if necessary) before considering how we might respond to the Ramsar secretariat? Note that we have slightly different policy on Ramsar protection in Scotland (as provided in Scottish Planning Policy <http://www.gov.scot/Publications/2010/02/03132605/8>)

136. Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

Regards,

[REDACTED]

[REDACTED]

Natural Resources Division | Directorate for Environment and Forestry

The Scottish Government | 3G South, Victoria Quay | Edinburgh EH6 6QQ | T: [REDACTED]
BlackBerry: [REDACTED]

From: [REDACTED] (Defra) [REDACTED]@defra.gsi.gov.uk]
Sent: 25 October 2017 09:46
To: [REDACTED]
Subject: FW: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Hi both,

We've received a communication from the Ramsar secretariat concerning the above proposed development. I assume any potential impacts on the Ramsar site (*Dornoch Firth and Loch Fleet*) arising from the development would need to be mitigated if the development were to be approved, noting that it's unlikely to meet the IROPI tests and therefore not trigger the need for compensatory habitat.

I'd welcome a line that we can provide to the Secretariat in order to address their concerns. Our standard response to such queries (local planning developments) is along the following lines:

Ramsar sites in England are afforded strict protection through the National Planning Policy Framework. In the event that impacts on the ecological character of the Ramsar site are subsequently envisaged and final planning permission for this development is approved by the competent authority notwithstanding such impacts, we will inform the Secretariat accordingly.

However, such a decision by the competent authority would appear unlikely as this would only occur in the absence of feasible alternatives, for reasons of overriding public interest (and compensatory measures secured). Developments of this scale are unlikely to meet this test.

Thanks

[Redacted]

[Redacted] | **Protected Areas Team | Wildlife Policy** | Department for Environment, Food and Rural Affairs
Direct line: [Redacted] | Email: [Redacted]@defra.gsi.gov.uk | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH.

From: RAMSAR EUROPE [Redacted]

Sent: 17 October 2017 10:33

To: [Redacted] (DEFRA) [Redacted] >

Subject: Planned golf course development within Dornoch Firth and Loch Fleet Ramsar Site n. 897

Dear [Redacted],

We have heard about a planned golf course development in dune habitats of the Dornoch Firth and Loch Fleet Ramsar Site, number 897. Please if you could inform us if this development is likely to have a negative impact on the ecological character of the Site and if so, what compensation measures are foreseen.

We are looking forward to hearing from you and in the meantime we are opening a potential Art 3.2 case for this Site.

Best regards,

[Redacted]



[Redacted]
Assistant - Advisor for Europe
Ramsar Convention Secretariat
28 rue Mauverney, CH-1196 Gland (Switzerland)

[Redacted]
www.ramsar.org | Join us: www.facebook.com/RamsarConventionOnWetlands

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