

Agenda Item 8

Appendix 2

2024/0036/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2024/0036/DET – Construction of sediment trap for flood alleviation works (in retrospect)
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	13 May 2024
Checked by	NatureScot
Date	17 July 2024

INFORMATION

European site details

Name of European site(s) potentially affected

I) River Spey SAC

Qualifying interest(s)

I) River Spey SAC

Otter

Freshwater pearl mussel

Sea lamprey

Atlantic salmon

Conservation objectives for qualifying interests

I) River Spey SAC

Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):

- 2b. Restore the distribution of **freshwater pearl mussel** throughout the site
- 2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food
- 2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats
- 2a. Restore the population of freshwater pearl mussel as a viable component of the site

- 2b. Maintain the distribution of **sea lamprey** throughout the site
- 2c. Maintain the habitats supporting sea lamprey within the site and availability of food
- 2a. Maintain the population of sea lamprey as a viable component of the site

- 2b. Restore the distribution of **Atlantic salmon** throughout the site
- 2c. Restore the habitats supporting Atlantic salmon within the site and availability of food
- 2a. Restore the population of Atlantic salmon, including range of genetic types, as a viable component of the site

- 2b. Maintain the distribution of **otter** throughout the site

2c. Maintain the habitats supporting otter within the site and availability of food

2a. Maintain the population of otter as a viable component of the site

Conservation Objective 1. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

APPRAISAL

STAGE 1:

What is the plan or project?

Relevant summary details of proposal (including location, timing, methods, etc)

Construction of a sediment trap, as part of flood alleviation works which were constructed and completed under application 2016/0011/DET. This application is in retrospect and the works were completed in compliance with SEPA Engineering Permit CAR/S/5004899.

An HRA for 2016/0011/DET was conducted and approved in 2016, which concluded there was no adverse effect on the site integrity of the River Spey SAC.

STAGE 2:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

No

STAGE 3:

Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?

1) River Spey SAC

Atlantic salmon: YES there will be Likely Significant Effect (LSE) from short term effects arising during construction, through sediment released during construction activity entering the Allt Mhor and causing pollution, potentially changing the water quality downstream (River Spey SAC)

Freshwater Pearl Mussel (FWPM) & Sea Lamprey: No LSE. FWPM and sea lamprey have not been recorded in the Allt Mhor or River Gynack therefore it is considered that there will be no significant impact on either of these qualifying species. These species are not considered further.

Otter: YES LSE from short term disturbance during construction activity.

STAGE 4:

Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives

1. River Spey SAC

2. To ensure that the integrity of River Spey SAC is restored by meeting objectives

2a, 2b and 2c

2b. Restore the distribution of Atlantic salmon throughout the site

Pollution from sediment release could indirectly cause the distribution of Atlantic salmon to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats used by salmon for spawning and juveniles (long term).

However, the Construction Environmental Management Plan includes mitigation measures such as silt traps and over pumping that reduced the risk of pollution therefore safeguarding any population of Atlantic salmon. With the application of the mitigation, there would be no adverse impacts on the distribution of Atlantic salmon, therefore this conservation objective would not be undermined.

2c. Restore the habitats supporting Atlantic salmon within the site and availability of food

The proposed development (sediment trap) includes measures which may impact upon the sediment loading of the river in the lower reaches which may in turn lead to the improvement of any potential spawning habitats. The regular clearing of the sediment loading, prior to the construction of the flood alleviation scheme has likely had a detrimental impact on spawning habitats. If the sediment transportation continues as it was prior to construction, the habitat disturbance will remain the same. Therefore, this conservation objective would not be undermined.

2a. Restore the population of Atlantic salmon, including range of genetic types, as a viable component of the site

As the other conservation objectives will not be undermined, the proposed development would not hinder or prevent the restoration of the population of Atlantic salmon as a viable component of site. Therefore this conservation objective not be undermined.

2b. Maintain the distribution of otter throughout the site

Signs of otter have been recorded within the proposed development area during previous surveys and it is widely accepted that otter are using the Alt Mor and connecting waterways, but it is considered that any disturbance to the distribution of otter would be temporary during the works. The submitted CEMP, included provision for pre-construction ecological surveys and toolbox talks to be delivered to construction staff, detailing the measures to take if an otter (or other protected species) was discovered. Therefore, this conservation objective would be met.

2c. Maintain the habitats supporting otter within the site and availability of food

The distribution of habitats supporting otter would not be permanently disturbed. The pollution issues identified for 2c for Atlantic salmon could affect their prey species, however the mitigation measures would reduce the risk of this occurring to a minimal level and so the conservation objective would be met.

2a. Maintain the population of otter as a viable component of the site

As the other conservation objectives can be met for otter with the mitigation included in the proposal, the proposed development would not hinder or prevent the maintenance of the population of otter as a viable component of site.

I. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status

As all the other conservation objectives would be met or at the very least, not undermined, the proposed development would not prevent or hinder the condition or conservation status of the qualifying interests of the SAC, and so this conservation objective would be met.

STAGE 5:

Can it be ascertained that there will not be an adverse effect on site integrity?

Yes, it can be ascertained that there will not be an adverse effect on site integrity.