

Agenda Item 9

Appendix 2

2024/0082/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2024/0082/DET Widening and works to access track, formation of hardstanding and borrow pit (retrospective)
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	8 July 2024
Checked by	NatureScot
Date	xxx

INFORMATION

European site details

Name of European site(s) potentially affected

1) River Spey SAC

Qualifying interest(s)

1) River Spey SAC

Otter

Freshwater pearl mussel

Sea lamprey

Atlantic salmon

Conservation objectives for qualifying interests

1) 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)

Widening of an access track, by removing encroaching vegetation from the edges and the middle of the track, at Far Ralia, near Newtonmore. The application includes the use of an existing ford on the Allt na Feithe Moire, by construction traffic

This application is in retrospect and the works have been completed and borrow pits used have been reinstated and reprofiled.

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)?

I) River Spey SAC

Atlantic salmon, sea lamprey & freshwater pearl mussel: Yes, Likely Significant Effect (LSE). Although no works are proposed within the River Spey SAC, the track is hydrologically connected to the SAC boundary through several tributaries and other waterways. There is potential for short term effects such as pollution, potentially changing the water quality downstream, especially with the increased use of the existing ford (approximately 800m upstream of the SAC)

Otter: No LSE. Although several otter resting sites were identified along the various waterways, no confirmed resting sites were recorded within 30m of the track or borrow pits. Given that the proposed development is short term with a minor footprint, on an existing track, it is unlikely to have led to a disturbance of any otter which may reside or commute through the area.

STAGE 4:

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

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):

Atlantic Salmon & Freshwater Pearl Mussel

2b. Restore the distribution of Atlantic salmon/Freshwater Pearl Mussel throughout the site

No works are proposed within the River Spey SAC, so there will be no direct loss of any suitable habitat. As no development will occur within the River Spey SAC, the current and potential distribution of these species would not be directly impacted upon.

However, there is potential for indirect impacts from construction activities, e.g., sediment or fuels entering the nearby and connected watercourses of the Allt na Feithe Moire and the Milton Burn. Any potential pollution events could indirectly cause the distribution to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats which are used by salmon for spawning/juveniles and habitats suitable for supporting FWPM (long term) which may be present downstream of the application site.

A method statement for all construction traffic using the ford in the Allt na Feithe Moire has been produced; Water Protection/Best Practice Guideline Far Ralia River Ford Crossing, Akre. Providing this guidance is adhered to, and other good practice pollution prevention measures are followed (e.g. storage of fuels etc) during the construction phase, **this conservation would not be undermined.**

2c. Restore the habitats supporting Atlantic salmon & Freshwater Pearl Mussel within the site and availability of food

The current and potential restoration of the distribution of habitats supporting Atlantic salmon and FWPM within the SAC would not be directly affected as no development will occur within the SAC.

However, pollution from construction activities upstream, could potentially affect supporting habitats if significant amounts of sediment reach the SAC and cause smothering, reducing the distribution and extent of habitat suitable for spawning and juvenile salmon and habitats suitable for supporting FWPM (long term).

However, mitigation measures identified for 2b above would reduce the risk of pollution reaching the watercourse to a minimal level and so this **conservation objective would not be undermined.**

2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats

The distribution and viability of FWPM host species (Atlantic salmon & sea trout) would not be directly affected as there are no proposed works within the SAC.

As discussed in 2b & 2c, there is potential for pollution from construction activities to indirectly affect the habitats supporting these species which may in turn lead to a change in distribution or in change in health of the supporting species. However, with the implementation of the mitigation mentioned in 2b the risk of pollution events therefore the development would not hinder the distribution or vitality of the host species. Therefore, this **conservation objective would not be undermined** by the development.

2a. Restore the population of Atlantic salmon (including range of genetic types) and Freshwater Pearl Mussel, as a viable component of the site

With mitigation, the other conservation objectives for Atlantic salmon and FWPM, are not considered to be undermined by the development, therefore it is considered it would not hinder or prevent the restoration of the population of Atlantic salmon as a viable component of site.

Sea Lamprey

2b. Maintain the distribution of sea lamprey throughout the site

The current distribution of sea lamprey would not be directly impacted upon by the development proposals as no works will take place within the SAC. However, there is potential for pollution from construction activities upstream of the SAC which could indirectly impact upon spawning substrates (long term) and water quality (temporary) which may alter the distribution of sea lamprey.

As detailed within 2b for Atlantic salmon & freshwater pearl mussel a pollution prevention plan detailing standard good practice construction activity will reduce the risk of accidental pollution and therefore this **conservation objective would be met.**

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

The current suitable habitats for supporting sea lamprey will not be directly impacted upon as no works will take place within the SAC. However, there is potential for pollution, such as sediment to enter the watercourse and smother the suitable spawning grounds (long term) making it difficult for the sea lamprey to find suitable habitat. Changes to water quality through suspended solids or chemicals (temporary) may lead to a reduction in food availability through negatively impacting the distribution of fish species.

The implementation of standard pollution prevention measures will reduce the risk of pollution entering the watercourse therefore this **conservation objective would be met.**

2a. Maintain the population of sea lamprey as a viable component of the site

As the other conservation objectives for sea lamprey can be met through the implementation of mitigation, the proposed development would not negatively impact on the current population of sea lamprey within the SAC, therefore this **conservation objective would be met.**

Conservation Objective 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 not be undermined.**

STAGE 5:

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

It can be ascertained that there will not be an adverse effect on site integrity as long as the information provided, particularly the method statement '*Water Protection/Best Practice Guideline For Ralia River Ford Crossing*' is implemented in full during construction to protect the water environment and the River Spey SAC downstream of the construction.