



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 9 Appendix 2 10 November 2023

Agenda item 9

Appendix 2

2023/0363/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0363/DET Construction of 634m long ATV track for woodland management
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	16 October 2023
Checked by	NatureScot
Date	Date of consultation response from NatureScot

INFORMATION
European site details
Name of European site(s) potentially affected
1) River Spey SAC 2) Monadhliath SAC
Qualifying interest(s)
1) River Spey SAC Otter Freshwater pearl mussel Sea lamprey Atlantic salmon 2) Monadhliath SAC Blanket bog
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

2) Monadhliath SAC

Conservation Objective 2: To ensure that the integrity is restored by meeting objectives 2a, 2b, 2c :

2a) Maintain the extent and distribution of blanket bog within the site

2b) Restore the structure, function and supporting processes of the habitat

2c) Restore the distribution and viability of typical species of the habitat.

Conservation Objective 1: To ensure that the qualifying feature of the Monadhliath SAC is in favourable condition and makes 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 approximately 634m of ATV access track for facilitating forestry operations. The proposed track is approximately 800m south of Monadhliath SAC and approximately 1500m north of River Spey SAC. The track will involve culverting the Allt Tarsuinn Beag, which is a tributary of Markie Burn, which connects to the River Spey SAC downstream of the site.

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, sea lamprey & freshwater pearl mussel: YES LSE, from short term effects arising during construction. Effects such as accidental sediment release entering the Allt Tarsuinn Beag (and associated water courses), changing the water quality and potentially changing habitats and the potential for fuels/oils to enter the watercourse.

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

2) Monadhliath SAC

Blanket bog – NO LSE. No works will take place within the SAC. The proposed development is downstream of the SAC therefore construction is not considered likely to impact on the hydrology of the upstream site. Given the proposed use of the track, it is not considered that the works would create significant changes in red deer behaviour (e.g. leading to more activity of deer within the SAC due to disturbance from use of the track). Monadhliath SAC is therefore not considered further.

STAGE 4:

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

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):

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 watercourse upstream of the SAC, either through the construction of the water crossing on the Allt Tarsuinn Beag or due to construction within close proximity of the tributary. These 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).

A pollution prevention plan is recommended through condition. The pollution prevention plan should include standard good practice, such as maintaining a minimum 30 m buffer for storing chemicals/concrete wash out or any other potential polluting activity (SEPA WAT-SG-75). Other relevant Guidance for Pollution Documents should also be referred to and implemented on site (i.e. GPP5, GPP8, GPP21, GPP22¹) If a pollution prevention plan is conditioned and implemented - this conservation objective would be met.

If the pollution prevention plan is conditioned and implemented this conservation would be met.

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 be met.

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 the culvert will be designed to current SEPA standards to prevent creating an obstruction to migrating fish species.

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.

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

¹ [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

As the other conservation objectives can be met for Atlantic salmon and FWPM with mitigation, 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 would be met.

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.

Otter

2b. Maintain the distribution of otter throughout the site

Construction activities are approximately 1500m from the River Spey SAC, however it is considered likely that otter will use tributaries of the River Spey, including the Markie Burn and Allt Tarsuinn Beag. Given the distance from the River Spey, it is considered unlikely that the works would disturb any otters within the River Spey SAC boundary, however there is potential for otter disturbance outwith the SAC during construction which may negatively impact the otter population.

No otter survey information has been supplied with the application but the River Spey and surrounding watercourses are known to support otter. A preconstruction survey of all suitable habitat within 200m of the proposed development should be undertaken, prior to any works commencing on site. If appropriate, a species protection plan should be produced and submitted to the CNPA prior to works commencing.

If the species protection plan is conditioned and implemented, 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 directly affected. The pollution issues identified for the other freshwater species mentioned, could affect otter 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 the site, therefore this conservation objective would be met.

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

As all the other conservation objectives would be met, 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?

- 1) A site specific Pollution Prevention Plan, should be secured by condition. The PPP should be produced and agreed with the CNPA prior to any works commencing on site and then fully implemented during construction.
- 2) A pre-construction otter survey should be undertaken and species protection plan (if applicable) should be produced and submitted to the CNPA prior to any works commencing on site.

Should these conditions be secured and implemented, the conservation objectives will be met and therefore there **will not** be an adverse effect on site integrity for the River Spey SAC.