AGENDA ITEM 7

APPENDIX 2

2019/0209/DET

HABITATS REGULATIONS APPRAISAL

HABITATS REGULATIONS APPRAISAL PROFORMA: DISTILLERY AT GRANTOWN ON SPEY

APPRAISAL IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 AS AMENDED¹ (HABITATS REGULATIONS APPRAISAL)

Casework Management System Ref.

2019/0209/DET

NATURA SITE DETAILS

Name of Natura site(s) potentially affected:

River Spey SAC

Name of component SSSI if relevant:

- 1. River Spey SSSI
- 2. River Spey-Insh Marshes SSSI

Natura qualifying interest(s) & whether priority/non-priority:

European non-priority species:

- *Margaritifera margaritifera* (Freshwater pearl mussel)
- *Petromyzon marinus* (Sea lamprey)
- Salmo salar (Atlantic salmon)
- Lutra lutra (Otter)

Conservation objectives for qualifying interests:

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying features.

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species (including range of genetic types for *Salmo salar* only) as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of the species' host species for *Margaritifera margaritifera*
- Structure, function and supporting processes of habitats supporting the species' host species for *Margaritifera margaritifera*

¹ Or, where relevant, under regulation 61 of The Conservation of Habitats and Species Regulations 2010 as amended, or regulation 25 of The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 as amended.

STAGE 1: WHAT IS THE PLAN OR PROJECT?

Proposal title:

Erection of a distillery, visitor centre, warehouse, car parking, road junction and associated infrastructure and landscaping at Land 350m SE of Lower Giach, Dulnain Bridge. 2019/0209/DET

Name of consultee: Name of competent authority:

| CNPA | | |
|------|--|--|
| CNPA | | |

Details of proposal (inc. location, timing, methods):

The following details are taken for the EIA for this proposal. Only those sections which relate to the River Spey SAC are listed below.

The Glenbeg Burn is part of the River Spey SAC at this location. The River Spey itself is both SAC and SSSI.

The Proposed Development consists of a distillery and associated infrastructure and landscaping at Craggan, Grantown-on-Spey. The Proposed Development will comprise the following:

- Building within which will be located:
 - distillery for spirit production;
 - tank farm;
 - visitor centre, cafe and shop; and
 - associated offices and welfare facilities.
- A warehouse for cask storage.
- Boiler house and LPG tank.
- Pump house and abstraction for two bore holes.
- Pipe and intake from the Glenbeg Burn to the distillery.
- Pipe and intake/discharge from the River Spey to the distillery.
- Internal site roads and car parking.
- New road access junction with the A95.
- Landscaping and ecological enhancement of grounds.
- Sustainable Drainage System (SuDS).

| Section | Text |
|---------|---|
| 2.5.6 | The Proposed Development infrastructure was moved so that the final location of the |
| | buildings, roads and parking are all located above 200 mAOD outwith the flood plain. |
| | Modelling of the discharges has been undertaken to ensure that the discharges do not |
| | significantly adversely impact the River Spey. |
| 2.5.7 | The location of the pipes entering the River Spey (for cooling water abstraction, and cooling |
| | and treated foul water discharge) was revised to ensure that impacts to freshwater pearl |
| | mussel were avoided (refer to Confidential Appendix 10.8 for further details). |
| 2.5.13 | Creation of new informal footpaths within the Site, providing enhanced recreational |
| | opportunity for visitors to experience the River Spey. The new footpaths would provide |
| | a connection to Craggan Outdoors, any future link to the Strathspey Railway, and would |
| | link with the existing fisherman's path on the banks of the River Spey to create a |
| | pedestrian connection with Grantown-on-Spey. |
| 3.3.25 | A drainage strategy has been developed to provide adequate drainage for all areas of |
| | infrastructure. The drainage strategy ensures that there are separate systems for foul and |
| | surface water. Sustainable Drainage Systems (SuDS) will be used to treat and attenuate the |
| | flows of surface water prior to discharge to the River Spey. The Applicant will implement an |
| | appropriate SuDS maintenance programme which will be developed in line with industry |
| | good practice and will include: |
| | Monitoring and inspection procedures; |
| | Implementation of monitoring and inspection procedures, generally every six |

| months (maximum), to monitor ongoing maintenance regimes | and to alter the |
|---|--------------------------|
| regimes to suit local conditions, as required. | |
| Maintenance regimes for swales and detention basins, and filter | er strips; |
| Regular grass cutting regime, including monthly during the group | wing season; |
| Regular removal of dead plants, tree fall and waste products (g | enerally |
| monthly); and | |
| Sediment removal every six months and after storms. | |
| Maintenance of permeable pavements; Brushing/vacuuming o | nce a year to prevent |
| clogging; and remedial works, as required. | |
| 3.3.26 Based on the determined level of foul water from the site facilities it will | I not be feasible to |
| discharge the foul effluent via a land drainage system due to the area of | f soakaway required. |
| It is therefore proposed to treat the effluent using a package treatment | plant of appropriate |
| capacity and then discharge the treated effluent through a partial soaka | way into the River |
| Spey. | |
| 3.3.27 The only distillery process effluent to be treated by the foul treatment p | olant will be spent |
| lees which will be treated at the distillery prior to connection with the fe | oul drainage system. |
| 3.3. 28 The Applicant will submit Controlled Activities Regulations (CAR) licence | e applications for both |
| the discharge of the surface water and the discharge of the foul water to | o Scottish |
| Environment Protection Agency (SEPA). | |
| 3.3.45 Co-products from the distilling process will include: | |
| Draff, which is the spent grain left in the mash tun after the liqu | uid (wort) has been |
| drawn off; | |
| • Pot Ale, which is the liquor left in the wash still after the first d | istillation in the pot |
| still process, i.e. it is the residue of the wash after extraction by | distillation of the |
| low wines; | |
| Spent Lees, which is the waste residue left in the spirit still after | r the distillation of |
| the foreshots, potable spirits and feints (the three fractions rec | eived from the spirit |
| still process); and | |
| Washing Waters. | |
| 3.3.46 The draff co-products will be stored in an outside draff silo prior to rem | oval. It is anticipated |
| that an arrangement will be made where this is sold to a local farmer w | ho will collect it every |
| couple of days. Alternatively, the draff will be sold to aerobic digestion | plants or animal feed |
| producers, which would be dependent on volume and haulage costs. | |
| 3.3.47 Similarly, the pot-ale co-product will be stored on-site in external tanks | prior to removal. It |
| is anticipated that an arrangement will be made where a percentage of | this will be sold to a |
| local farmer to spread on land, and the remainder sold for the production | on of animal feed. |
| 3.3.48 In each case the co-products will be pumped from external silo to a mol | oile tanker using a |
| sealed coupling pumping system to minimise the potential for release o | f odour emissions. |
| Pumping will be undertaken within a defined bunded area and appropri | ate process controls |
| implemented to manage any spillage during the transfer process. | |
| 3.3.49 Spent lees will be treated on site to <0.5mg/L copper content and neutr | al pH before being |
| discharged to the River Spey in the foul water discharge. The concentration | ted sludge element |
| will be removed off site for disposal. | - |
| 3.3.50 Washing waters will be collected in an external storage tank and remov | ed offsite by tanker |
| for further treatment and disposal. The handling and transfer of spent le | ees and washing |
| waters will be similarly controlled by operational procedures to ensure | the management of |
| odorous releases and spillages. | |
| 3.4.14 A construction site drainage plan will be developed as part of the CEMP | . The principal aims of |
| the measures contained within the CEMP will be to ensure that there is | no site run-off into |
| the River Spey and that appropriate pollution prevention and control m | echanisms are |
| adopted. | |
| 3.4.15 The contractor will develop and implement a site CEMP for construction | n following good |
| practice. This will be in addition to any more generic environmental mar | nagement systems |
| (EMS). The CEMP will set out procedures to ensure all activities with po | tential to affect the |
| environment are appropriately managed. The CEMP will incorporate an | y submissions such |
| as method statements or work procedures relating to mitigation as agree | ed with THC, CNPA |

| | and other statutory consultees as part of the planning conditions attached to the consent. All environmental risks and necessary protection measures (including mitigation measures set out in this EIA Report) will be required to be identified and integrated in the contractor's method statements for all major construction activities. The CEMP will be included as part of the overall site management and operational procedures. |
|--------|---|
| 3.4.16 | The CEMP will include a suite of plans in addition to the main document which will be agreed with THC, CNPA and other statutory consultees prior to the commencement of the main construction activities. The CEMP documents will comply with good industry practice and include preventative, mitigation, monitoring and emergency procedures to be adopted during the construction and reinstatement phases. The suite of documents is expected to include the following: Pollution Prevention Plan; Waste Management Plan; Landscape Management Plan; Construction Traffic Management Plan; Site Compound and Welfare Plan; |
| | Construction Method Statements; and Post Construction Reinstatement and Restoration Plan. |
| 6.4.5 | Ground investigations were undertaken in January 2019 and included five rotary boreholes and 10 trial trenches. Standard penetration testing was undertaken at all boreholes and gas and groundwater monitoring installed at four of the boreholes. Infiltration testing was undertaken at three of the boreholes and post-site works monitoring undertaken over three months (refer to appendix 6.1 for further details). |
| 6.4.6 | Hydrology surveys, including cross-sections of the River Spey, were undertaken in May 2019 (refer to Appendix 6.5). |
| 6.4.7 | A freshwater invertebrate survey which was undertaken in October 2018. This survey was undertaken to assess the baseline water quality, as determined by biological indices, and invertebrate communities of the River Spey and Glenbeg Burn watercourses (Appendix 10.9) |
| 6.4.8 | A baseline freshwater pearl mussel survey was undertaken in July 2018 to inform potential intake and outflow pipe locations. This is covered in further detail in Chapter 10, with the full report available in Appendix 10.8. |
| 6.4.9 | The assessment of effects considers impacts to hydrology and hydrogeology receptors due to construction and operation of the Proposed Development. The assessment of geological effects has been scoped out and as such is not considered further. |
| 6.4.10 | The assessment of effects considers the following: management of surface water runoff during construction and operation; quality of discharge to receiving environments, in particular the River Spey and the risk of pollution; impacts of abstraction from watercourses and boreholes; impacts of construction on the groundwater flow regime; and impacts to private water supplies. |
| 6.7.2 | The Principal Contractor (PC) will implement the following best practice to minimise the risk of pollution events and increased surface run-off: The PC will author and implement a Construction Environmental Management Plan (CEMP) which will detail the mitigation measures to be implemented to protect watercourses and groundwater during construction and to decrease flood risk. An Environmental Clerk of Works (ECOW) will monitor and ensure the implementation of the mitigation measures outlined in the CEMP. CNPA will review and authorise the CEMP in consultation with SEPA and SNH. The CEMP will contain a contact list for emergency services, the relevant environmental regulators, the local water supply and sewerage undertakers, the Health and Safety Executive and specialist clean up contractors, if required. During the induction of contractors a specific session on good practice to control water negliation with formation with a specialist clean up will be included. The generative formation with formation with the specialist clean will be included. |

| | the water environment will be shared with all staff on the Site with an appropriate level |
|-------|--|
| | of support from construction managers to achieve this |
| | • The PC will produce a Construction Method Statement which will detail how surface |
| | water arising during construction will be dealt with. This method statement will take into |
| | consideration Site-specific ground conditions and will be undertaken in consultation |
| | with CNDA_SNH and SEDA |
| | • The PC will shide by the best practice outlined in the Pollution Provention Guidelines |
| | • The PC will able by the best plattice outlined in the Pollution Prevention Guidelines |
| | (PPGs), the Guidance for Politicion Prevention (GPPs) and CAR Regulations. |
| | • The PC will implement temporary SuDS during construction to manage surface run-on |
| | filter forese during construction to manage surface run off |
| | Ther rences during construction to manage surface run-off. |
| | • Run-off and discharge water from the excavation sites will be discharged into sumps |
| | where sediment would be allowed to settle, and the drainage waters would be pumped |
| | out and discharged via vegetated soakaways to a vegetated area or infiltration trench |
| | down gradient of the excavation site. The exact method of Site discharge will be |
| | confirmed with the SEPA prior to the commencement of construction. These measures |
| | are also designed to reduce soil erosion by controlling discharges from the excavations. |
| | • The temporary construction SuDS will be fully inspected regularly, in particular after |
| | periods of heavy rainfall. Maintenance will be undertaken in periods of dry weather where |
| | practicable. |
| | • Any dewatering activities will be managed through dewatering permits and method |
| | statements and the ECoW must be consulted and agree pumping and associated |
| | mitigation measures prior to commencement of works. |
| | • Any temporary access tracks constructed at the initial preparation phase of construction |
| | will be prevented from discharging loose material to the local water environment and |
| | will have appropriate drainage. |
| | • The PC will undertake on-going monitoring of surface water run-off to ensure that no |
| | sediments enter the River Spey or the Glenbeg burn during the construction phase. |
| | • All work within the River Spey and the Glenbeg Burn will be overseen and monitored by the ECoW |
| | • The timing of works with the River Spey and Glenbeg Burn will be carefully considered |
| | to avoid salmon spawning and when the rivers are in spate. |
| | |
| | The PC will ensure appropriate construction compound design, which will include fuel, |
| | oil and chemical storage situated on an impervious base with an impermeable bund. |
| | waste to be stored in a designated area and removed at appropriate intervals and |
| | minimisation of hardstanding where possible. |
| | • Where possible topsoil stripping will not be performed during wet weather and all |
| | topsoil will be appropriately stored away from watercourses avoiding over-compaction. |
| | • Interceptor drip travs will be positioned under any stationary mobile plant to prevent oil |
| | contamination of the ground surface or water. |
| | • Careful consideration will be given to the location of topsoil and subsoil storage areas. |
| | ensuring the they are located on flat areas away from the watercourses, or that cut-off |
| | drains are placed between the watercourses and the storage areas. |
| | • Spill kits, absorbent materials and full training on their appropriate use will be available |
| | on site to limit the potential impact of any accidental spillages. |
| | • Vehicles will be regularly checked for leakages and, with the exception of emergency |
| | repairs, all maintenance to be undertaken offsite. |
| | • A specific code of practice will be authored and followed for the laying of concrete |
| | foundations. All concrete will be batched off-site. |
| | • Connection to the Scottish Water clean water main will be undertaken by appropriately |
| | licenced and trained contractors appointed by Scottish Water. |
| | • The ECoW will undertake monitoring of the River Spey and Glenbeg Burn throughout |
| | construction in accordance to a monitoring plan agreed with SEPA as part of the planning |
| | process. |
| 6.7.3 | The Applicant will submit a CAR licence application for abstraction and discharge of the |

| | cooling water to the River Spey. The volume of abstraction and the temperature of the discharged water will be monitored in-line with the licence requirements. |
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| 6.7.4 | A foul water treatment plant will be constructed on Site to the appropriate size for the |
| - | maximum number of visitors to the Site. The exact specification of the foul water treatment |
| | plant will be completed as part of detailed design and may be modular in nature to be able |
| | to grow as the visitor numbers increase and allow an efficient treatment process to occur |
| | with the highest possible water quality output. Monitoring of the outfall and water quality |
| | antering the Diver Snew will be undertaken throughout the growth period, and lifetime, of |
| | the Proposed Development. |
| 6.7.5 | The spent lees from the spirit stills will be treated on Site to <0.5mg/L copper content and |
| | neutral pH before discharge to the foul water treatment works. Any remaining concentrated |
| | sludge will be removed off site for disposal. |
| 6.7.6 | The Applicant will submit a CAR licence application for the discharge of the treated foul |
| | water to the River Spey. Monitoring of the foul water discharge will be undertaken in-line |
| | with the licence requirements. |
| 6.7.7 | Through operation the following measures will be implemented to minimise pollution risk: |
| | • all on Site storage facilities will be contained within areas with an impermeable surface |
| | and away from any watercourses: |
| | • access tracks and car parking will be regularly checked and kept clear of debris and |
| | surface water. |
| | • the construction and maintenance of SUDS on Site as outlined in Annendix 6.6: and |
| | • a bund within the warehouse to contain any flammable liquid |
| 670 | • a build within the waterouse to contain any naminable liquid. |
| 6.7.8 | the River Spey. |
| 6.7.9 | The Applicant will submit a CAR licence application for the abstraction of the processing |
| | water from the Glenbeg Burn. The water level and flow of the Glenbeg Burn will be closely |
| | monitored in-line with the licence requirements and abstraction halted when the flow rate |
| | falls beneath a level to be agreed with SEPA. |
| 6.7.10 | The Applicant will submit a CAR licence application for the abstraction of the processing |
| | water from the aquifer. Monitoring of the groundwater levels within the aquifer will be |
| | undertaken in-line with the licence requirements. |
| 6.7.11 | The pond will be maintained as part of the landscape maintenance of the Site throughout |
| | operation. This will include replacing the water as required and ensuring the health of the |
| | vegetation |
| 6712 | The Applicant will apply to Scottish Water to permit connection to the Scottish Water clean |
| 0.7.12 | water main. The Applicant will be required to undertake a Water Impact Assessment to |
| | ansure that the clean water main has the capacity to provide to the Proposed Development |
| | These assessments will be reviewed by Costtich Water who will only grant approval for the |
| | These assessments will be reviewed by scottish water who will only grant approval for the |
| 10.6.10 | |
| 10.6.10 | There will be no substantial land-take within the River Spey SSSI and SAC. The only landtake |
| | within the River Spey will be in the form of a buried water pipe (out to a maximum of /m |
| | from the bank). The location of this pipe (refer to Chapter 3 Proposed Development |
| | Appendix 6.5 Thermal Discharge Assessment) will, according to the Applicant, be placed |
| | away from habitats known to support pearl mussels, Atlantic salmon and sea lamprey (based |
| | on the 2018 survey results reported here), i.e. it will avoid all known important habitats for |
| | these species (which have been identified in Appendix 10.8 and 10.10). As a consequence, no |
| | significant direct habitat loss (land-take) is predicted to occur within the River Spey SSSI and |
| | SAC. However, a tiny amount of disturbance to the bed of the River Spey will occur at the |
| | water pipe location and so predicted land-take effects from the Proposed Development on |
| | designated sites is assessed as negligible . Assuming this pipe location avoids important |
| | freshwater pearl mussel, fish and otter habitats, land-take habitat losses are considered |
| | likely to be not significant. |
| 10.6.11 | The River Spey pipe will be used to extract and return river water to help cool whisky |
| | production. According to JBA Consulting, the abstracted water will be of the same quality |
| | and quantity when it is returned as it was when removed. However, it will be returned at a |
| | different (higher) temperature. JBA Consulting has modelled the potential impacts under a |

| | number of different scenarios (e.g. Project Novus Thermal Discharge Assessment, JBA Consulting, 2019). |
|---------|---|
| 10.6.12 | The initial JBA Consulting thermal discharge model assumed mixing with river water would be instantaneous. However, as there was a possibility that the mixing zone could come into contact with downstream heat sensitive, ecologically important species (specifically Atlantic salmon and freshwater pearl mussel) consideration to the location of the pipe and water temperature around downstream ecological sensitivities was considered by JBA Consulting. |
| | |
| | |
| 10.6.13 | No effluent discharge is planned to take place on Site (refer to Chapter 6 Hydrology and Hydrogeology, and Appendix 6.6 Drainage Strategy) (it will be removed from the Site and disposed of elsewhere), consequently water quality in the River Spey is not predicted to change as a consequence of effluent discharge and so no likely significant effects on water quality are predicted. |
| 10.6.14 | Taking into account standard guidance and best practice pollution prevention measures (refer to Chapter 6 Hydrology and Hydrogeology) it is considered very unlikely that a serious pollution incident would occur during construction and/or operation. However, were a catastrophic pollution event to occur (very unlikely), it could potentially impact directly on the River Spey SSSI and SAC. In such an instance, the likely magnitude of impact to the receiving environment, given dilution within such a large river as the Spey, would probably be minor-moderate (depending upon the nature and scale of the pollution event itself) and localised. Given that best practice pollution prevention measures will be used, the probability of a pollution event occurring would be very unlikely. Therefore, the overall potential pollution/runoff effects on designated sites (River Spey SSSI and SAC) would likely be minor and no likely significant effects are predicted. However, if a large quantity of a toxic substance were to pollute the River Spey, then the potential pollution/runoff effects on designated sites (River Spey SSSI and SAC) may be greater and so would be assessed as moderate. However, this is considered highly unlikely to happen and so no likely significant |
| 10.6.15 | The water abstraction from the Glenbeg Burn for whisky production has been modelled (refer to Appendix 6.7 Glenbeg Burn Abstraction Study) and is assessed as not likely to have significant effects on water quantity within the Biver Spey SSSI and SAC |
| 10.6.16 | Table 10.11 considers the conservation objectives for the River Spey SSSI and SAC and the potential impacts of the Proposed Development |
| 10.6.17 | The Proposed Development is considered unlikely to undermine the conservation objectives for the designated sites (Table 10.11) or have likely significant effects on the conservation status of qualifying species and habitats for which the site is designated. Therefore, no likely significant adverse effects for designated sites are predicted. |
| 10.6.18 | Any potential impacts on the River Spey SSSI and SAC species are considered further in this document within the specific species accounts. |
| 10.6.25 | The construction and operation of the Proposed Development has the potential to adversely affect otter directly or indirectly in a number of ways: physical damage or loss of holts, feeding and resting sites; damage/destruction of routes potentially used by otters while crossing the Study Area (severance); damage to watercourses by runoff, pollution or blocking of watercourses; Proposed Development at Craggan 10-41 Ecology disturbance caused by noise of construction or operation of Proposed Development; and |
| 10.6.26 | There was only limited sign of otters recorded within the Study Area during 2018 surveys |

| - | |
|---------|---|
| | (Appendix 10.4). Otter signs were found throughout the Glenbeg Burn and whilst no otter signs were found along the River Spey riparian edge during targeted surveys, they are regularly recorded and seen within this area (Peter Cosgrove pers. obs.). The otter survey recorded one active couch/lie-up site, 130m upstream from Glenbeg Burn confluence with River Spey at NJ 02556 26039 (outside the Development Footprint). The otter survey failed to find any other resting sites, natal holts or important foraging areas area within the Site. Consequently, the magnitude of impact arising from the loss of habitat (land-take) from the Proposed Development on otters is assessed as negligible. Therefore, no likely significant effects for land-take are predicted |
| 10 6 27 | |
| 10.6.27 | The Proposed Development does not cross any watercourses (although discharge pipes are proposed out for 7m into the River Spey SAC and an abstraction pipe into the Glenbeg Burn). A buried pipe does not have the potential to disrupt otter movements along the River Spey or Glenbeg Burn riparian habitat (other than very temporarily on the day(s) it is buried) and so the magnitude of impact on otter habitat as a consequence of severance is assessed as negligible. Therefore, no likely significant effects for severance are predicted. Nevertheless, it is possible that otters may want to occasionally cross the Site during construction and operation. To avoid blocking potential foraging routes (noting that there is no evidence for this being likely) it is recommended, as part of the design/embedded mitigation, that permeable (mammal friendly) boundary features are created during construction and operation and are made a planning condition. |
| 10.6.28 | In the unlikely event that a serious pollution incident occurs, leading to a sudden pulse of |
| | pollutant, and if that was not readily contained, it might enter the aquatic environment and could affect otters directly in the River Spey SAC, e.g. by coating fur with oil or indirectly through damage to their prey species. However, taking into account the intended implementation of best practice pollution prevention measures (refer to Chapter 6 Hydrology and Hydrogeology), it is considered highly unlikely that a serious pollution incident would occur during construction and operation. Therefore, in the unlikely event that a pollution incident did occur, it is very doubtful that pollution would significantly affect otter foraging (as numerous other unaffected watercourses would be available). The magnitude of potential impact occasioned by a pollution event for otter is assessed as low and no likely significant effects are predicted. |
| 10.6.29 | Since the construction work would be spread over a 15-18 month period, and be |
| 10.0.23 | concentrated within two agricultural fields, with no evidence of use by otters (but which are mobile and have large territories and can appear in unexpected places), the magnitude of impact to otters as a consequence of potential disturbance from construction and operation of the Proposed Development is assessed as negligible . Consequently, no likely significant effects for disturbance are predicted. |
| 10.6.30 | Vehicular traffic on the Site would increase (from pre-construction baselines of occasional farm vehicles in the fields) during construction and would mean that individual otters would have a slightly increased possibility (albeit still very small) of being injured or killed by construction vehicles. However, the existing inbuilt design measures (embedded mitigation) means that an ECoW will ensure that pipes etc. are stored correctly (reducing likelihood of otters using them and being present in potentially 'high risk' areas) and low vehicle speed limits would greatly reduce the likelihood of injury or death from happening during construction. Similarly, low vehicle speed limits during operation would greatly reduce the likelihood of any operational mortality. Consequently, the magnitude of impact of direct mortality from construction and operation of the Proposed Development is assessed as negligible . Therefore, no likely significant mortality effects are predicted. |
| 10.6.31 | In order to prevent (non-significant) adverse impacts on otter (which is legally protected |
| | and a citation feature of the River Spey SAC), it is recommended that an Otter Species Protection Plan is developed and implemented for all stages of the Proposed Development construction. This is recommended as a planning condition. |
| 10.6.32 | In summary, assuming embedded mitigation measures are implemented, no likely |
| | significant effects are predicted for otters in relation to the construction and operation of the Proposed Development. However, otters can be highly seasonal and irregular in terms of their use of an area. Consequently, although there is no evidence that would suggest the Site |

| | is important for otters, that does not preclude their occasional use of the Site and therefore |
|---------|--|
| | pre-construction surveys would be conducted immediately around the site. This pre- |
| | Ottor Species Protection Plan) |
| 10627 | The construction and operation of the Proposed Development has the potential to |
| 10.0.37 | adversaly affect fish directly or indirectly in four main ways: |
| | • physical damage to snawning/nursery babitats: |
| | • direct mortality to salmon in the River Sney SAC by runoff and pollution during |
| | construction and operation (discharges water quality). |
| | • reduction in water flows in the River Snev SAC during construction and operation |
| | (abstraction reducing water quantity): and |
| | localised increase in water temperature from water discharges |
| 10.6.38 | There will be no substantial land-take within the River Snev near any important fish |
| 10.0.50 | habitat. The only land-take within the River Spey will be in the form of a buried water nine |
| | (out to 7m from the west bank). The location of this nine (refer to Appendix 6.5 Thermal |
| | Discharge Assessment) will according to the Applicant, be placed away from babitats |
| | known to support Atlantic salmon (based on the 2018 survey results reported bere) i.e. it |
| | will avoid all known important babitats for this species (identified in Appendix 10.10). As a |
| | consequence no significant direct habitat loss (land-take) is predicted to occur within the |
| | River Spev SSSI and SAC. However, a tiny amount of disturbance to the bed of the River |
| | Sney will occur at the water nine location. To further minimise impacts as part of the |
| | embedded mitigation is recommended the work in this area is supervised by the ECoW |
| | and with agreement of SNH. Therefore, predicted land-take effects from the Proposed |
| | Development on fish is assessed as negligible . Assuming this pipe location avoids |
| | important fish habitats land-take habitat losses are not likely to be significant |
| 10.6.39 | The River Snev nine will be used to extract and return river water to bein cool whisky |
| 10.0.35 | production. According to IBA Consulting the abstracted water will be of the same quality |
| | and quantity when it is returned as it was when removed. However, it will be returned at a |
| | different (higher) temperature. IBA Consulting has modelled the potential impacts under a |
| | number of different scenarios (e.g. Project Novus Thermal Discharge Assessment, IBA |
| | Consulting, 2019). |
| 10.6.40 | The initial JBA Consulting thermal discharge model assumed mixing with river water would |
| | be instantaneous. However, as there was a possibility that the mixing zone could come into |
| | contact with downstream heat sensitive, ecologically important species e.g. Atlantic salmon |
| | (which begin to struggle in water temperatures of 20oC), this was considered further. |
| | Consequently, additional hydraulic modelling was undertaken to estimate the extent of the |
| | thermal mixing zone to avoid any detrimental effect on Atlantic salmon downstream of the |
| | discharge/mixing point. The JBA Consulting modelling shows thermal discharge effects would |
| | be minimal and unlikely to affect fish and so the thermal discharge effects are assessed as |
| | negligible with no likely significant effect on Atlantic salmon. This assessment is based upon |
| | the preliminary and additional thermal modelling work which demonstrates the discharge |
| | point and thermal mixing zone being sufficiently far away from this important receptor. |
| 10.6.41 | Conversely sea lamprey are not considered to be particularly adversely affected by raised |
| | water temperatures (e.g. Swink, 1998). Indeed, recent research suggests sea lamprey |
| | increase in their size with increased temperature (Cline et al., 2014.) and so the assessment |
| | of thermal impacts is negligible with no likely significant effect on sea lamprey. |
| 10.6.42 | No effluent discharge is planned to take place on Site (refer to Chapter 6 Hydrology and |
| | Hydrogeology and Appendix 6.6 Drainage Strategy) (it will be removed from the Site and |
| | disposed of elsewhere), consequently water quality in the River Spey is not predicted likely |
| | to change as a consequence of effluent discharge. The effects of changes to water quality are |
| | assessed as negligible/none so no likely significant effects on water quality are predicted for |
| | fish. |
| 10.6.43 | Taking into account standard guidance and best practice pollution prevention measures |
| | (refer to Chapter 6 Hydrology and Hydrogeology) it is considered unlikely that a serious |
| | pollution incident would occur during construction and/or operation. However, were a |
| | catastrophic pollution event to occur (very unlikely) it could potentially impact directly on |

| | Atlantic salmon within the River Spey. In such an instance, the likely magnitude of impact to the receiving environment, given dilution within such a large river as the Spey, would probably be minor-moderate (depending upon the nature and scale of the pollution event itself) and localised. Given that best practice pollution prevention measures will be used, the probability of a pollution event occurring would be very unlikely. Therefore, the overall potential pollution/runoff effects on Atlantic salmon would likely be minor and no likely significant effects are predicted. If a large quantity of a toxic substance were to pollute the River Spey, then the potential pollution/runoff effects on important downstream fish habitats may be greater and so would be assessed as moderate and likely significant effect |
|---------|--|
| | are predicted if this were to occur. However, this is considered highly unlikely to happen and so no likely significant effects are predicted. |
| 10.6.44 | The water abstraction from the Glenbeg Burn for whisky production has been modelled (refer to Appendix 6.7 Glenbeg Burn Abstraction Study) and is assessed as negligible and not likely to have significant effects on fish. 10.6.45 In summary, if the above measures are implemented then no likely significant effects are predicted for fish in relation to the construction and operation of the Proposed Development. |
| 10.6.46 | The construction and operation of the Proposed Development has the potential to adversely affect freshwater pearl mussels directly or indirectly in five main ways: • Physical damage to freshwater pearl mussel beds; • Damage to freshwater pearl mussels in the River Spey SAC by runoff and pollution during construction and operation (discharges water quality); • Reduction in water flows in the River Spey SAC during construction and operation (abstraction reducing water quantity); • Localised increase in water temperature from water discharges; and • Indirect adverse effects on host salmonid populations (salmon and trout) |
| 10.6.47 | There will be no substantial land-take within the River Spey near any important freshwater pearl mussel habitat. |
| 10.6.48 | The River Spey pipe will be used to extract and return river water to help cool whisky production. According to JBA Consulting, the abstracted water will be of the same quality and quantity when it is returned as it was when removed. However, it will be returned at a different (higher) temperature. JBA Consulting has modelled the potential impacts under a number of different scenarios (e.g. Project Novus Thermal Discharge Assessment, JBA Consulting, 2019). Appendix 10.12 reviews current scientific knowledge of freshwater pearl mussels and temperature. |
| 10.6.49 | The initial JBA Consulting thermal discharge model assumed mixing with river water would be instantaneous. |

| 10 6 50 | No effluent discharge is planned to take place on Site (refer to Chanter 6 and Appendix 6 5) |
|---------|--|
| 10.0.50 | (it will be removed from the Site and disposed of elsewhere) consequently water quality in |
| | the River Spev is not predicted likely to change as a consequence of effluent discharge. The |
| | effects of changes to water quality are assessed as negligible/none negligible so no likely |
| | significant effects on water quality are predicted for freshwater pearl mussels. |
| 10.6.51 | Taking into account standard guidance and best practice pollution prevention measures |
| 10.0.51 | (refer to Chapter 6) it is considered unlikely that a serious pollution incident would occur |
| | during construction and/or operation. |
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| | |
| 0.6.52 | The water abstraction from the Glenbeg Burn for whisky production has been modelled |
| | (refer to Appendix 6.7) and is assessed as not likely to have significant effects on water |
| | quantity within the River Spey SSSI and SAC. Thus, this is considered unlikely to have |
| | adverse significant effects on freshwater pearl mussels. 10.6.53 In summary, if the above |
| | measures are implemented then no likely significant effects are |
| | predicted for freshwater pearl mussels in relation to the construction and operation of the |
| | Proposed Development. |
| 10.6.54 | A non-native aquatic weed species, water crowfoot (Ranunculus spp.) is present with the |
| | River Spey upstream of Grantown on Spey (and downstream throughout the main channel |
| | the sea). The presence of this species is known as a particular threat to freshwater pearly |
| | mussels, trapping and smothering them. Water crowtoot roots appear to facilitate |
| | substantial and rapid depositions of fine sand that are detrimental to both freshwater pear |
| | mussels and Atlantic salmon fry (Laughton et al. 2007). |
| 0.6.55 | water crowroot appears to thrive and grow in abundance locally around warm water and |
| | muthem fich discharges in the River Spey. As a consequence the Proposed Development |
| | night reasonably be expected to increase water crowroot abundance around the proposed |
| | new distinctly discharge pipes. |
| | |
| | |
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| | |

STAGE 2: IS THE PLAN OR PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO SITE MANAGEMENT FOR NATURE CONSERVATION?

consent.

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?

The River Spey has four qualifying features, Atlantic salmon, sea lamprey, otter and freshwater pearl mussel.

1. Atlantic salmon, sea lamprey and freshwater pearl mussel

These species are all in-river. The proposal could impact on in-river species via the following:

- Water abstraction from the Glenbeg Burn
- Water abstraction from the River Spey
- Two boreholes
- Discharge of waste products into the River Spey
- Discharge of hot water into the River Spey
- Discharge of surface water into the River Spey

For these reasons, it is concluded that there is a likely significant effect for these species.

2. Otter

Otter are present along the Glenbeg Burn and occasionally along the River Spey adjacent to the site. No resting places or holts were found (EIA). The works could impact on otter from disturbance or impacts on their habitat or prey. It is concluded that there is a likely significant effect on otter.

Mitigation or modifications required to avoid a likely significant effect & reasons for these:

Mitigation:

Reason:

STAGE 4: UNDERTAKE AN APPROPRIATE ASSESSMENT OF THE IMPLICATIONS FOR THE SITE IN VIEW OF ITS CONSERVATION OBJECTIVES

The likely effects and proposed mitigation are tabulated below. Many of the likely effects could be controlled via the Controlled Activity Regulations.

| Risk | Mitigation | Conclusion |
|--|---|---|
| Flooding | | |
| To avoid flood risk which would impact on River Spey | The Proposed Development infrastructure was moved so that the final location of the buildings, roads and parking are all located above 200 mAOD outwith the flood plain. Modelling of the discharges has been undertaken to ensure that the discharges do not significantly adversely impact the River Spey. | No impact on the integrity of the site. |
| In-river works | | |
| To avoid damage to fwpm habitat or individual animals | | No impact on the integrity of the site but may need a re- survey prior to construction. |
| Disturbance to | | The location of the |

No

| fwpm, Atlantic salmon and sea lamprey Water | The River Spey pipe will be used to extract and return | pipe needs to address the effect of the discharge plume, not just the location of habitats. To be addressed under CAR. The temperature of |
|--|--|--|
| abstraction and discharge back to the Spey, including temperature of water. | river water to help cool whisky production. According to JBA Consulting, the abstracted water will be of the same quality and quantity when it is returned as it was when removed. However, it will be returned at a different (higher) temperature. JBA Consulting has modelled the potential impacts under a number of different scenarios (e.g. Project Novus Thermal Discharge Assessment, JBA Consulting, 2019). 10.6.11 | water discharge into the Spey is an important factor which will be addressed under CAR. |
| Temperature of discharge could impact on fwpm, Atlantic salmon or sea lamprey. | The initial JBA Consulting thermal discharge model assumed mixing with river water would be instantaneous. | Atlantic salmon are mobile, so cannot safely assume that distance will result in acceptable impacts. This issue will be addressed by CAR. |
| Risk of increase of water crowfoot | Water crowfoot appears to thrive and grow in abundance locally around warm water and nutrient rich discharges in the River Spey. As a consequence the Proposed Development might reasonably be expected to increase water crowfoot abundance around the proposed new distillery discharge pipes. The extent of such expansion cannot be accurately predicted, but is usually dense in the 20-30m reach downstream of such pipes (Peter Cosgrove pers. obs.). | |
| Water abstraction | | |
| Water | The water abstraction from the Glenbeg Burn for whisky | Water abstraction |

| abstraction from Glenbeg Burn | production has been modelled (refer to Appendix 6.7 Glenbeg Burn Abstraction Study) and is assessed as not likely to have significant effects on water quantity within the River Spey SSSI and SAC. 10.6.15 | would be controlled under CAR |
|---|--|--|
| Surface water drai | nage | · |
| Surface water drai | A drainage strategy to provide adequate drainage for all areas of infrastructure. The drainage strategy ensures that there are separate systems for foul and surface water. Sustainable Drainage Systems (SuDS) will be used to treat and attenuate the flows of surface water prior to discharge to the River Spey. The Applicant will implement an appropriate SuDS maintenance programme which will be developed in line with industry good practice and will include: Implementation of monitoring and inspection procedures, generally every six months (maximum), to monitor ongoing maintenance regimes and to alter the regimes to suit local conditions, as required. Maintenance regimes for swales and detention basins, and filter strips; Regular grass cutting regime, including monthly during the growing season; Regular removal of dead plants, tree fall and waste products (generally monthly); and Sediment removal every six months and after storms. Maintenance of permeable pavements; Brushing/vacuuming once a year to prevent clogging; and remedial works, as required. 3.3.25 | No impact on the integrity of the site so long as the SuDs scheme works properly. |
| Foul drainage | | |
| Risk of pollution | It will not be feasible to discharge the foul effluent via a | Important and key to |
| of the River Spey from foul drainage | land drainage system due to the area of soakaway required. It is proposed to treat the effluent using a package treatment plant of appropriate capacity and then discharge the treated effluent through a partial soakaway into the River Spey. 3.3.26 | ensure that the foul drainage is properly treated. The discharge is a CAR issue. IF effective, no impact on the integrity of the site |
| Risk of pollution | The only distillery process effluent to be treated by the | Important and key to |
| of the River Spey from the spent lees | foul treatment plant will be spent lees which will be treated at the distillery prior to connection with the foul drainage system. 3.3.27 | ensure that the foul drainage is properly treated. The discharge is a CAR issue. IF effective, no impact on the integrity of the site. |
| To avoid pollution of the River Spey | The draff and pot ale co-products will be pumped from external silo to a mobile tanker and pumping will be undertaken within a defined bunded area and appropriate process controls implemented to manage any spillage during the transfer process. 3.3.48 | No impact on the integrity of the site if effective. |

| To avoid pollution of the River Spey | Spent lees will be treated on site to <0.5mg/L copper content and neutral pH before being discharged to the River Spey in the foul water discharge. The concentrated sludge element will be removed off site for disposal. 3.3.49 | No impact on the integrity of the site so long as the treatment is effective. The discharge quality is a CAR issue. |
|--|---|---|
| To avoid pollution of the River Spey from washing waters and spent lees. | Washing waters will be collected in an external storage tank and removed offsite by tanker for further treatment and disposal. The handling and transfer of spent lees and washing waters will be similarly controlled by operational procedures to ensure the management of spillages. 3.3.50 | No impact on the integrity of the site so long as there are no uncontrolled spillages. |
| To avoid pollution of the River Spey | A foul water treatment plant will be constructed on Site to the appropriate size for the maximum number of visitors to the Site. The exact specification of the foul water treatment plant will be completed as part of detailed design and may be modular in nature to be able to grow as the visitor numbers increase and allow an efficient treatment process to occur with the highest possible water quality output. Monitoring of the outfall and water quality entering the River Spey will be undertaken throughout the growth period, and lifetime, of the Proposed Development. 6.7.4 | The design of the foul water treatment plant is not set out here and it is not possible to conclude that it would have no impact on the integrity of the site. However, it would be controlled under CAR. |
| Construction | | ••••• |
| To avoid pollution of the River Spey | The contractor will develop and implement a site Construction Environment Management Plan for construction following good practice. This will be in addition to any more generic environmental management systems (EMS). The CEMP will set out procedures to ensure all activities with potential to affect the environment are appropriately managed. The CEMP will incorporate any submissions such as method statements or work procedures relating to mitigation as agreed with THC, CNPA and other statutory consultees as part of the planning conditions attached to the consent. All environmental risks and necessary protection measures (including mitigation measures set out in this EIA Report) will be required to be identified and integrated in the contractor's method statements for all major construction activities. The CEMP will be included as part of the overall site management and operational procedures. 3.4.15 | No impact on the integrity of the site – this work would be beneficial. |
| To avoid pollution of the River Spey | The CEMP will include a suite of plans in addition to the main document which will be agreed with THC, CNPA and other statutory consultees prior to the commencement of the main construction activities. The CEMP documents will comply with good industry practice and include preventative, mitigation, monitoring and emergency procedures to be adopted during the construction and reinstatement phases. The suite of documents is expected to include the following: • Pollution Prevention Plan; • Waste Management Plan; | No impact on the integrity of the site – this work would be beneficial. |

| | Landscape Management Plan; | |
|------------------|---|-------------------------|
| | Construction Traffic Management Plan; | |
| | Site Compound and Welfare Plan; | |
| | Construction Method Statements: and | |
| | Post Construction Reinstatement and Restoration Plan. | |
| | 3.4.16 | |
| To avoid | An Environmental Clerk of Works (ECoW) will monitor and | No impact on the |
| pollution of the | ensure the implementation of | integrity of the site – |
| Glenbeg Burn | the mitigation measures outlined in the CEMP_CNPA will | this work would be |
| and River Snev | review and authorise the CEMP in consultation with SEPA | heneficial |
| and hive opey | and SNH | beneficial. |
| | • During the induction of contractors a specific session on | |
| | good practice to control water | |
| | pollution from construction activities will be included. The | |
| | responsibility for protecting | |
| | the water environment will be shared with all staff on the | |
| | Cite with an appropriate lovel | |
| | of support from construction managers to achieve this | |
| | • The DC will produce a Construction Method Statement | |
| | which will detail how surface | |
| | which will detail now surface | |
| | method statement will take into | |
| | method statement will take into | |
| | undertakon in concultation | |
| | with CNDA SNU and SEDA | |
| | The DC will shide by the best practice outlined in the | |
| | The PC will ablue by the best practice outlined in the Pollution Drevention Cuidelines | |
| | (DDCs) the Cuidance for Dollution Drovention (CDDs) and | |
| | CAP Populations | |
| | CAR Regulations. | |
| | • The PC will implement temporary subs during | |
| | which may include out off dischase settlement | |
| | which may include cut-on ditches, settlement | |
| | filter fenses during construction to manage surface run | |
| | off | |
| | • Run off and discharge water from the evenuation sites | |
| | • Kull-off and discharged into sumps | |
| | where codiment would be allowed to cottle, and the | |
| | drainage waters would be numped | |
| | out and discharged via vegetated sockaways to a | |
| | out and discharged via vegetaled SOdKaways to a | |
| | down gradient of the evenuation site. The event method | |
| | of Site discharge will be | |
| | on Site discillinge will be | |
| | commencement of | |
| | construction. These measures are also designed to reduce | |
| | son erosion by controlling discridiges from the | |
| | • The temperary construction SuDS will be fully increased | |
| | The temporary construction SUDS will be fully inspected regularly in particular after | |
| | regularly, ill particular after | |
| | periods of neavy rainfall. Maintenance will be undertaken | |
| | In periods of dry weather where practicable. | |
| | Any dewatering activities will be managed through | |
| | dewatering permits and method | |
| | statements and the ECOW must be consulted and agree | |
| | pumping and associated | |
| | mitigation measures prior to commencement of works. | |

| | Any temporary access tracks constructed at the initial | | |
|----------|--|------------------|--|
| | preparation phase of construction | | |
| | will be prevented from discharging loose material to the | | |
| | local water environment and | | |
| | will have appropriate drainage | | |
| | • The PC will undertake on-going monitoring of surface | | |
| | water run-off to ensure that no | | |
| | sediments enter the River Snev or the Glenber hurn | | |
| | during the construction phase | | |
| | • All work within the River Snev and the Glenber Burn will | | |
| | he overseen and monitored by the ECoW | | |
| | • The timing of works with the River Snev and Glenberg | | |
| | Burn will be carefully considered | | |
| | to avoid salmon snawning and when the rivers are in | | |
| | coate | | |
| | spare. | | |
| | The PC will ensure appropriate construction compound | | |
| | design which will include fuel | | |
| | oil and chemical storage situated on an impervious hase | | |
| | with an impermeable bund | | |
| | waste to be stored in a designated area and removed at | | |
| | appropriate intervals and | | |
| | minimisation of hardstanding where possible | | |
| | Where possible topsoil stripping will not be performed | | |
| | during wet weather and all | | |
| | topsoil will be appropriately stored away from | | |
| | watercourses avoiding over-compaction. | | |
| | Intercentor drip travs will be positioned under any | | |
| | stationary mobile plant to prevent oil | | |
| | contamination of the ground surface or water | | |
| | • Careful consideration will be given to the location of | | |
| | topsoil and subsoil storage areas. | | |
| | ensuring the they are located on flat areas away from the | | |
| | watercourses. or that cut-off | | |
| | drains are placed between the watercourses and the | | |
| | storage areas. | | |
| | • Spill kits, absorbent materials and full training on their | | |
| | appropriate use will be available | | |
| | on site to limit the potential impact of any accidental | | |
| | spillages. | | |
| | • Vehicles will be regularly checked for leakages and, with | | |
| | the exception of emergency | | |
| | repairs, all maintenance to be undertaken offsite. | | |
| | A specific code of practice will be authored and | | |
| | followed for the laying of concrete | | |
| | foundations. All concrete will be batched off-site. | | |
| | Connection to the Scottish Water clean water main will | | |
| | be undertaken by appropriately | | |
| | licenced and trained contractors appointed by Scottish | | |
| | Water. | | |
| | • The ECoW will undertake monitoring of the River Spey | | |
| | and Glenbeg Burn throughout | | |
| | construction in accordance to a monitoring plan agreed | | |
| | with SEPA as part of the planning | | |
| | process. 6.7.2 | | |
| To avoid | A construction site drainage plan will be developed as | No impact on the | |

| pollution of the River Spey | part of the Construction Environmental Management Plan (CEMP). The principal aims of the measures contained within the CEMP will be to ensure that there is no site | integrity of the site – this plan would be beneficial |
|--------------------------------|---|---|
| | run-off into the River Spey and that appropriate pollution | beneneidi. |
| | prevention and control mechanisms are adopted. 3.4.14 | |
| Post construction | Through an arction the following massures will be | No impost on the |
| nollution of the | implemented to minimise pollution risk: | integrity of the site – |
| River Spey or the | • all on Site storage facilities will be contained within | these measures are |
| area around the | areas with an impermeable surface | helpful. |
| distillery which | and away from any watercourses; | |
| would connect | • access tracks and car parking will be regularly checked | |
| with the river | and kept clear of debris and | |
| | surface water; | |
| | • the construction and maintenance of SuDS on Site as outlined in Appendix 6.6; and | |
| | • a bund within the warehouse to contain any flammable liquid. 6.7.7 | |
| CAR licence | 1 di | <u> </u> |
| To avoid undue | The Applicant will submit a CAR licence application for | This does not state |
| heating of water | abstraction and discharge of the cooling water to the | how water would be |
| in the River Spey | River Spey. The volume of abstraction and the | cooled before |
| | temperature of the discharged water will be monitored | discharge. It would |
| | in-line with the licence requirements. 6.7.3 | be controlled under CAR. |
| To prevent | The Applicant will submit a CAR licence application for the | Not possible to |
| pollution of the | discharge of the treated foul | conclude no impact |
| River Spey from | water to the River Spey. Monitoring of the foul water | on the integrity of |
| discharge | uischarge will be undertaken in-line | the site but would be |
| uischarge | with the licence requirements. 0.7.0 | CAR |
| To manage the | The Applicant will submit a CAR licence application for the | The CAR licence will |
| water take from | abstraction of the processing water from the Glenbeg | control the level of |
| the Glenbeg Burn | Burn. The water level and flow of the Glenbeg Burn will | water abstraction – |
| | be closely monitored in-line with the licence | this is not a planning |
| | requirements and abstraction halted when the flow rate | issue so is not |
| | falls beneath a level to be agreed with SEPA. 6.7.9 | considered here. |
| To manage the | The Applicant will submit a CAR licence application for the | The CAR licence will |
| water take from | abstraction of the processing water from the aquifer. | control the level of |
| the aquifer | Wonitoring of the groundwater levels within the aquifer | water abstraction – |
| | 6 7 10 | issue so is not |
| | 0.7.10 | considered here. |
| Clean water supply | т | |
| To reduce water | The Applicant will apply to Scottish Water to permit | By connecting to the |
| take for drinking | connection to the Scottish Water clean water main. The | clean water main, |
| water | Applicant will be required to undertake a Water Impact | the water take at this |
| | Assessment to ensure that the clean water main has the | location will be |
| | capacity to provide to the Proposed Development. These | reduced. |
| | assessments will be reviewed by Scottish Water who will | |
| | networks having sufficient capacity 6.7.12 | |
| Otter | Herworks having summent capacity. 0.7.12 | |
| Land-take | There was only limited sign of otters recorded within the | No impact on the |
| | Study Area during 2018 surveys | integrity of the site |
| | (Appendix 10.4). Otter signs were found throughout the | for otter |

| | Glenbeg Burn and whilst no otter signs were found along the River Spey riparian edge during targeted surveys, they | |
|------------------|--|-----------------------|
| | are | |
| | regularly recorded and seen within this area (Peter | |
| | Cosgrove pers. obs.). The otter survey recorded one | |
| | active couch/lie-up site, 130m upstream from Glenbeg | |
| | Burn confluence with River Spey at NJ 02556 26039 | |
| | (outside the Development Footprint). The otter survey | |
| | failed to find any other resting sites, natal holts or | |
| | important foraging areas area within the Site. | |
| | Consequently, the magnitude of impact arising from the | |
| | loss of habitat (land-take) from the Proposed | |
| | Development on otters is assessed as negligible. | |
| | Therefore, no likely significant effects for land-take are | |
| | predicted. 10.6.26 | |
| Effects on otter | The Proposed Development does not cross any | No impact on the |
| habitat or | watercourses (although discharge pipes are proposed out | integrity of the site |
| disturbance to | for 7m into the River Spey SAC and an abstraction pipe | for otter |
| otter | into the Glenbeg | |
| | Burn). A buried pipe does not have the potential to | |
| | disrupt otter movements along the | |
| | River Spey or Glenbeg Burn riparian habitat (other than | |
| | very temporarily on the day(s) it is | |
| | buried) and so the magnitude of impact on otter habitat | |
| | as a consequence of severance is | |
| | assessed as negligible. Therefore, no likely significant | |
| | effects for severance are predicted | |
| | Nevertheless, it is possible that otters may want to | |
| | occasionally cross the Site during | |
| | construction and operation. To avoid blocking potential | |
| | foraging routes (noting that there | |
| | is no evidence for this being likely) it is recommended as | |
| | hart of the design (embedded mitigation, that nermeable | |
| | (mammal friendly) boundary features are created during | |
| | construction and operation and are made a planning | |
| | condition 10.6.27 | |
| Pollution event | In the unlikely event that a serious pollution incident | No impact on the |
| and impact on | occurs leading to a sudden pulse of | integrity of the site |
| attor | nollutant, and if that was not readily contained, it might | for ottor |
| otter | optor the aquatic opviropmont | |
| | and could affect ottors directly in the Piver Spey SAC or | |
| | by coating fur with oil or | |
| | by coating full with on on | |
| | taking into account the intended implementation of best | |
| | reaction pollution provention measures (refer to Chapter | |
| | C Undrology and Undrogoology), it is considered highly | |
| | 6 Hydrology and Hydrogeology), it is considered highly | |
| | during exective and exection. Therefore is the | |
| | uning construction and operation. I herefore, in the | |
| | unlikely event that a pollution incident did occur, it is very | |
| | doubtrui that pollution would significantly affect otter | |
| | toraging (as numerous other unaffected watercourses | |
| | would be available). The magnitude of potential impact | |
| | occasioned by a pollution event for otter is assessed as | |
| | Iow and no likely significant effects are predicted. 10.6.28 | |
| Construction | Since the construction work would be spread over a 15-18 | No impact on the |
| works and impact | month period, and be | integrity of the site |

| on otter | concentrated within two agricultural fields, with no | for otter |
|--------------------|--|------------------------|
| | evidence of use by otters (but which | |
| | are mobile and have large territories and can appear in | |
| | unexpected places), the magnitude of impact to otters as | |
| | a consequence of potential disturbance from construction | |
| | and operation of the Proposed Development is assessed | |
| | as negligible. Consequently, no likely significant effects | |
| | for disturbance are predicted. 10.6.29 | |
| Vehicular traffic | Vehicular traffic on the Site would increase (from pre- | No impact on the |
| and impact on | construction baselines of occasional | integrity of the site |
| otter | farm vehicles in the fields) during construction and would | for otter |
| | mean that individual otters | |
| | would have a slightly increased possibility (albeit still very | |
| | small) of being injured or killed | |
| | by construction vehicles. However, the existing inbuilt | |
| | design measures (embedded | |
| | mitigation) means that an ECoW will ensure that pipes | |
| | etc. are stored correctly (reducing | |
| | likelihood of otters using them and being present in | |
| | potentially 'high risk' areas) and low | |
| | vehicle speed limits would greatly reduce the likelihood of | |
| | injury or death from happening | |
| | during construction. Similarly, low vehicle speed limits | |
| | during operation would greatly | |
| | reduce the likelihood of any operational mortality. | |
| | Consequently, the magnitude of impact of direct | |
| | mortality from construction and operation of the | |
| | Proposed Development is assessed as negligible . | |
| | Therefore, no likely significant mortality effects are | |
| | predicted. 10.6.30 | |
| Mitigation via | In order to prevent (non-significant) adverse impacts on | Species protection |
| species | otter (which is legally protected | plan would benefit |
| protection plan | and a citation feature of the River Spey SAC), it is | otter |
| P P - | recommended that an Otter Species | |
| | Protection Plan is developed and implemented for all | |
| | stages of the Proposed Development construction. This is | |
| | recommended as a planning condition. 10.6.31 | |
| Pre-construction | In summary, assuming embedded mitigation measures | Pre-construction |
| otter survey | are implemented no likely | survey would benefit |
| otter survey | significant effects are predicted for otters in relation to | otter |
| | the construction and operation of the Proposed | otter |
| | Development However otters can be highly seasonal and | |
| | irregular in terms of their use of an area. Consequently | |
| | although there is no evidence that would suggest the Site | |
| | is important for otters, that does not preclude their | |
| | occasional use of the Site and therefore pre-construction | |
| | surveys would be conducted immediately around the Site | |
| | This pre-construction ofter survey is recommended as a | |
| | planning condition (nerbans as part of the Otter Species | |
| | Protection Plan) 10.6.32 | |
| Effect on Atlantic | realmon and sea lamnrey | <u> </u> |
| Land take | There will be no substantial land take within the Diver | No impact on the |
| Lanu-lake | Show near any important fish | into impact on the |
| | babitat The only land take within the Diver Snow will be in | for Atlantic colmon or |
| | the form of a buried water size | |
| | (out to 7m from the water pipe | sea lamprey |
| 1 | (out to 7m from the west bank). The location of this bibe | |

| | (refer to Appendix 6.5 Thermal | | |
|-------------|---|-------------------------|--|
| | Discharge Assessment) will, according to the Applicant, be | | |
| | placed away from habitats | | |
| | known to support Atlantic salmon (based on the 2018 | | |
| | survey results reported here), i.e. it | | |
| | will avoid all known important habitats for this species | | |
| | (identified in Appendix 10.10). As a | | |
| | consequence, no significant direct habitat loss (land-take) | | |
| | is predicted to occur within the | | |
| | River Spey SSSI and SAC. However, a tiny amount of | | |
| | disturbance to the bed of the River | | |
| | Spey will occur at the water pipe location. To further | | |
| | minimise impacts, as part of the | | |
| | embedded mitigation, is recommended the work in this | | |
| | area is supervised by the ECoW | | |
| | and with agreement of SNH. Therefore, predicted land- | | |
| | take effects from the Proposed | | |
| | Development on fish is assessed as negligible . Assuming | | |
| | this pipe location avoids | | |
| | important fish habitats, land-take habitat losses are not | | |
| | likely to be significant. 10.6.38 | | |
| Water | Conversely sea lamprey are not considered to be | The fact that sea | |
| temperature | particularly adversely affected by raised water | lamprey grow faster | |
| uplift | temperatures (e.g. Swink, 1998). Indeed, recent research | does not mean that | |
| | suggests sea lamprey increase in their size with increased | there would be no | |
| | temperature (Cline et al., 2014.) and so the assessment of | impact. However, | |
| | thermal impacts is negligible with no likely significant | due to scale of effect, | |
| | effect on sea lamprey. 10.6.41 | no impact on the | |
| | | integrity of the site | |
| | | for sea lamprey | |

It is concluded that there would be no impact on the integrity of the River Spey SAC in terms of those aspects which are controlled under planning legislation. Many other aspects would be controlled under CAR, which will be a separate process. One aspect to consider is the longer term potential impact of any increase of water crowfoot down steam of the water plume from the discharge.

STAGE 5: CAN IT BE ASCERTAINED THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE?

It is concluded that there would be no adverse effect on the integrity of the River Spey SAC, given the mitigations built into this proposal.

Mitigation or modifications required to ensure adverse effects are avoided, & reasons for these.

Mitigation: See list above.

Reason:

ADVICE SOUGHT

CONCLUSION/ADVICE IN RELATION TO PLAN OR PROJECT

When SNH is advising the competent authority

Natura model response position:

5a Likely significant effect but information provided/assessment already carried out shows that it will not adversely affect the integrity of the site

Development management response type:

Advice

| Appraised by | Anne Elliott |
|--------------|-------------------|
| Date | 14 August 2019 |
| Checked by | Sally Mackenzie |
| Date | 20 September 2019 |