



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 5 Appendix 2 22 September 2023

Agenda item 5

Appendix 2

2023/0229/DET and 2023/0221/LBC

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0229/DET Refurbishment of hotel to serviced apartments with ground floor events space and cinema room, erection of leisure facilities, change of use of dwellinghouse to offices, conversion of dairy building to staff accommodation, conversion of mews to artist studio, replace existing footbridge, and erection of associated ancillary buildings.
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	7 July 2023
Checked by	NatureScot
Date	Date of consultation response from NatureScot

INFORMATION
European site details
Name of European site(s) potentially affected
I) River Dee SAC
Qualifying interest(s)
I) River Dee SAC Atlantic salmon Freshwater pearl mussel Otter
Conservation objectives for qualifying interests
I) River Dee SAC Conservation Objective 2. To ensure that the integrity of River Dee SAC is restored by meeting objectives 2a, 2b and 2c for each qualifying features (and 2d for freshwater pearl mussel) <ul style="list-style-type: none"> 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 Dee 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)
Refurbishment of hotel and existing buildings including the erection of a new building for leisure facilities. The development will also include the replacement of the existing footbridge over the Clunie Water, which is part of the River Dee SAC.
STAGE 2:
Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?
No
STAGE 3:
Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?
<p>1) River Dee SAC</p> <p>Atlantic salmon & Freshwater Pearl Mussel: YES LSE. The renewal of the footbridge directly above the Clunie Water has the potential to lead to a pollution event e.g. silt or fuels entering the watercourse which has the potential to impact on populations of salmon and mussels. Potential short term effects could rise from the changes in water quality or longer term impacts from smothering of any suitable breeding habitats downstream of the works.</p> <p>Otter: No LSE. No resting sites were identified within 30m from the footbridge, therefore there will likely be no disturbance to otter. The works to renew the footbridge will be short term and conducted during the day therefore unlikely to impact on any otter foraging or commuting. Otter are not considered further.</p>
STAGE 4:
Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives
<p>1. River Dee SAC</p> <p>2. To ensure that the integrity of River Uisge SAC is restored by meeting objectives 2a, 2b and 2c (and 2d for freshwater pearl mussel)</p> <p>2b. Maintain the distribution of Atlantic salmon throughout the site</p> <p>The current and potential distribution of Atlantic salmon within the site would not be directly</p>

affected as no development will occur in the watercourse. However, pollution from sediment release 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 used by salmon for spawning and juveniles (long term).

However, mitigation measures such as a site specific pollution prevention plan (to be secured by condition) mean that the risk of pollution can be reduced to a minimal level, so that the conservation objective could still be met. The pollution prevention plan should include detailed measures to protect the Clunie Water from the release of sediments or other pollutants and adhere to good practice guidance measures¹. If the mitigation is agreed and fully implemented before construction commences, this conservation objective would be met.

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

The current and potential restoration of the distribution of habitats supporting Atlantic salmon within the site would not be directly affected as no development will occur in the watercourse. However, as discussed above, pollution from sediment release would affect supporting habitats and if significant amounts of sediment reach the watercourse it could cause smothering, reducing the distribution and extent of habitat suitable for spawning and juveniles (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.

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

As the other conservation objectives can be met for Atlantic salmon with the mitigation included in the proposal, 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.

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

The current and potential distribution FWPM within the site would not be directly affected as no development will occur in the watercourse. However, pollution from construction activities (e.g. sediment, fuels or oils) 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).

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.

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

The current and potential restoration of the distribution of habitats supporting within the site

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

would not be directly affected as no development will occur in the watercourse.

However, pollution from construction activities would affect supporting habitats if significant amounts of sediment reach the watercourse 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 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 no development will occur within the watercourse.

However 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. With the implementation of the mitigation mentioned in 2b the risk of pollution events will be reduced 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

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.

Conservation Objective 1. To ensure that the qualifying features of the River Dee 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 Pollution Prevention Plan (PPP)** 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. The conservation objectives will be met and therefore there will not be an adverse effect on site integrity for the River Dee SAC.

Reason - to protect the water environment (& River Dee SAC) from pollution events caused during the construction of a new footbridge over the Clunie Water.