AGENDA ITEM 6

APPENDIX 2

2022/0172/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2022/0172/DET, installation of surface ski tow and related infrastructure, White Lady, Coire Cas, Cairngorm Mountain. In close proximity (less than approximately 10m) of a tributary of the Allt a choire chais, which flows into the River Spey SAC approximately 1km downstream.
Appraised by	Nina Caudrey, Planning Officer (Development Planning and Environmental Advice)
Date	2 August 2022
Checked by	NatureScot
Date	16 August 2022

INFORMATION

European site details

Name of European site(s) potentially affected

River Spey SAC

(The proposed development is also approximately 700m from the Cairngorms SPA and SAC. However due to the scale, type and location of the proposed development, and the topography and existing use of the area, it is not considered that there is connectivity to these sites and therefore they are not included in the HRA.)

Qualifying interest(s)

River Spey SAC

otter

freshwater pearl mussel

sea lamprey

Atlantic salmon

Conservation objectives for qualifying interests

River Spey SAC

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

2b. Restore the distribution of **freshwater pearl mussel** throughout the site

2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food

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

2a. Restore the population of freshwater pearl mussel as a viable component of the site

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

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

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

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

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

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

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

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

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

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

APPRAISAL

STAGE 1:

What is the plan or project?

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

Installation of surface ski tow and related infrastructure comprising two concrete anchor blocks embedded into the ground with removeable tow line attached in between, powered by an underground power cable, at White Lady, Coire Cas, Cairngorm Mountain. In close proximity (less than approximately 10m) of a tributary of the Allt a choire chais, which flows into the River Spey SAC approximately 1km downstream.

The ski tow will be installed as set out in the CEMP. In summary: turves will be stripped back and retained for reuse, excavations to install the cabling will be a mix of machine and hand digging, with the concrete anchor points being excavated by machine, with the exposed concrete being covered with excavated material and turves, with excavated material and turves reinstated along the cable trench. Pollution prevention and control measures are included in the CEMP.

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)?

River Spey SAC

YES – there is potential for a likely significant effect on the habitats relied upon by the qualifying species of the River Spey SAC and/or their food caused by pollution from sediment release affecting water quality and smothering habitats during excavations, ground and construction works alongside the tributary of the Allt a choire chais, which flows directly into the River Spey SAC approximately 1km downstream.

There is **NO potential for a likely significant effect on otter from disturbance** during construction due to the proposed development site being approximately 1km upstream and so outwith the disturbance distance for River Spey SAC otter. This aspect 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

River Spey SAC

The proposed development has the **potential to prevent the conservation objectives being met for the River Spey SAC**. **This would occur due to:**

- **The very high risk of sediment release** entering the tributary of the Allt a choire chais watercourse that flows into the River Spey SAC **during construction work,** due to proximity of works alongside the Allt a choire chais. This would affect the water quality relied upon by the qualifying species, and potentially smother habitats supporting the qualifying species and their food, therefore affecting distribution and population levels.

However, **the Construction Environment Management Statement (CEMP), Revision E dated 28 July 2022, submitted with the application should address the risk of sediment release** through appropriate pollution prevention and control measures, such that the pollution risk could be minimised. **The implementation of the CEMP would need to be secured by condition, should planning permission be granted.**

STAGE 5:

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

River Spey SAC

Provided the below condition is applied to planning permission (should permission be granted) requiring the CEMP to be implemented, then the conservation objectives will be met and there will not be an adverse effect on site integrity:

Condition: The Construction Environment Management Statement (CEMP), Revision E dated 28 July 2022, to be implemented in full, in particular the pollution prevention and control measures to prevent sediment entering the tributary of the Allt a choire chais during construction.

Reason: To ensure pollution does not enter the River Spey SAC and so avoid an adverse effect on site integrity.