

AGENDA ITEM 7

APPENDIX 2

2022/0242/DET

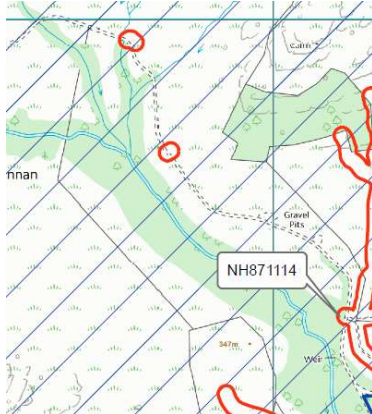
HABITATS REGULATIONS APPRAISAL

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| Planning reference and proposal information | 2022/0242/DET prior approval for forest track works at Altnacriche, near Lynwilg, Aviemore |
| Appraised by | Nina Caudrey, Planning Officer (Development Management and Environmental Advice) |
| Date | 1 September 2022 |
| Checked by | NatureScot |
| Date | XX September 2022 |

Due to the different sections of works and lack of numbering on the location plan, extracts of the numbered site plans have been included below, to make it clear which location/section of works is being referred to in the advice.

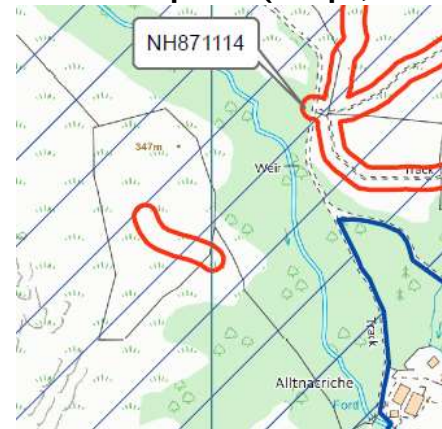
Site detail plan 1 (ramps)



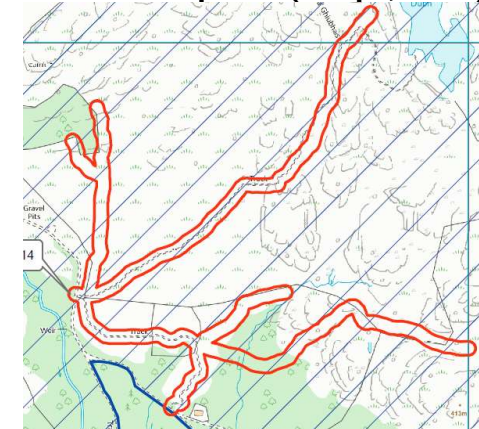
Site detail plan 2 (culverts)



Site detail plan 3 (scrape, drain)



Site detail plan 4 (scrape, drain)



INFORMATION

European site details

Name of European site(s) potentially affected

River Spey SAC

Qualifying interest(s)

River Spey SAC

Atlantic salmon, fresh water pearl mussel, sea lamprey and otter

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)

Proposal to scrape and drain existing hill and ATV tracks, creation of two machinery ramps, culverting, at the locations identified in the plans shown on the first page of this document and plans submitted with the prior approval application.

Site plan 1: The northern most area of works is in proximity to a mapped watercourse that flows in to the River Spey SAC, the boundary of which is approximately 750m downstream.

(Site plan 2 and Site plan 3: no connectivity with the SAC, so these are not considered further.)

Site plan 4: The eastern branches of the areas to be scraped and drained are in proximity to and one crosses a mapped watercourse that flows in the River Spey SAC, the boundary of which is approximately 360m downstream.

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)?

Site plan 1 and Site plan 4:

Yes, there would be LSE for all qualifying interests due to the potential for short term effects arising during ground works through sediment release entering watercourses connected with the River Spey SAC.

Otter: there is potential for further LSE on otter due to disturbance during works.

STAGE 4:

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

Although the scale of the earth works is small, without appropriate pollution prevention and control (ppc) measures, there is a risk of sediment release due to exposed soils, which if washed into watercourses connected to the SAC could adversely affect water quality and smother habitats and prey relied upon by the qualifying interests. This could prevent the following conservation objectives being met:

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

In addition, the potential for disturbance to otter could prevent the last three conservation objectives from being met.

Combined, this could prevent the qualifying features of the River Spey SAC from being in favourable condition or from making an appropriate contribution to achieving favourable conservation status.

However, the implementation of the measures in the pollution prevention and control schedule and accompanying pre-commencement pollution control plan submitted to CNPA on 31 August 2022 would minimise the risk of sediment reaching watercourses connected to the SAC. Therefore the conservation objectives would be met.

STAGE 5:

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

Provided the following condition is applied, then the conservation objectives should be met and there should not be an adverse effect on site integrity:

Condition: The pollution prevention and control schedule and the accompanying pre-commencement pollution control plan, both submitted to CNPA on 31 August 2022, to be implemented in full.

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