

AGENDA ITEM 6

APPENDIX 2

2021/0035/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0035/DET Change of use of agricultural land to form caravan park erection of storage shed and installation of decking and hot tubs and formation of access land adjacent to Old Hall, Dinnet Bridge, Dinnet, Aboyne, Aberdeenshire, AB34 5PJ
Appraised by	Stephanie Wade and Nina Caudrey, Planning Officers
Date	27th May, 8th June and 17 th June 2021
Checked by	Sally Mackenzie
Date	17 June 2021

INFORMATION

European site details

Name of European site(s) potentially affected

- 1) **River Dee SAC**
- 2) **Dinnet Oakwoods SAC**

Qualifying interest(s)

- 1) **River Dee SAC**
 - Freshwater pearl mussel
 - Atlantic salmon
 - Otter
- 2) **Dinnet Oakwoods SAC**
 - Western acidic oak woodland

Conservation objectives for qualifying interests

River Dee SAC

Freshwater pearl mussel

2. To ensure that the integrity of the River Dee 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 the freshwater pearl mussel within the site and availability of food
 - 2d. Maintain 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

Atlantic salmon

- 2b. Maintain the distribution of Atlantic salmon throughout the site
- 2c. Maintain the habitats supporting Atlantic salmon within the site and availability of food
- 2a. Maintain the population of Atlantic salmon, including range of genetic types, as a viable component of the site

Otter

- 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

All qualifying interests

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

2. Dinnet Oakwood SAC

2. To ensure that the integrity of the SAC is maintained by meeting objectives 2a, 2b and 2c

2a. Maintain the extent and distribution of the habitat within the site

2b. Maintain the structure, function and supporting processes of the habitat

2c. Maintain the distribution and viability of typical species of the habitat

1. To ensure that the qualifying feature of the SAC is in favourable condition and makes an appropriate contribution to achieving favourable conservation status

APPRAISAL

STAGE 1:

What is the plan or project?

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

Change of use of agricultural land to provide 8 caravan pitches created of sub-base and granite chip top to provide the hardstandings. Two hot tubs are proposed to be sited on timber decking. Track areas around trees are to be constructed of a cellular confinement system over the root protection areas. Due to the Caravan Club Certified Location Licensing, only 5 out of the 8 pitches will be used at any one time. No tracks are proposed to be created within the grass to access the pitches. 7 foot high deer fence separates the site from the Dinnet Oakwood SAC. Waste water is to be disposed of by a septic tank and soakaway (the proposed septic tank is a Klargestor Gamma 3500 litre septic tank with a 65m² soakaway, as shown in the diagram in the submitted Design and Sustainability Statement, Business Plan section), with the soakaway also taking surface water (from the storage shed roof) and hot tub water. Hot tub water will be pumped into a portable external storage tank between guests, which is recycled through a 3 stage filter and pumped back for reuse. After one month this water is disposed of to the soakaway via the 3 stage filters first.

STAGE 2:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

No.

STAGE 3:

Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?

1) River Dee SAC

Atlantic salmon and freshwater pearl mussel – potential for LSE due to increased nutrients from the proposed waste water septic tank and soakaway arrangement affecting water quality in the SAC approximately 50 metres away.

Otter - there is **potential for LSE** on otter due to disturbance if occupants of proposal go down to the river causing an increase in human activity within that area.

2) Dinnet Oakwood SAC

No LSE due to 7 foot deer fence surrounding SAC that bounds the proposal site preventing access other than through formal access points outwith the proposal site, on formal existing paths, so no effect on habitat. Dinnet Oakwood SAC is not considered further in this assessment

STAGE 4:

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

River Dee SAC

Freshwater pearl mussel:

2. To ensure that the integrity of the River Dee 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 the freshwater pearl mussel within the site and availability of food

2d. Maintain 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

Atlantic salmon:

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

2b. Maintain the distribution of Atlantic salmon throughout the site

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

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

The Conservation Advice Package for the River Dee SAC advises that reactive phosphorous, biological oxygen demand and filamentous algae are potential issues affecting water quality and the habitats the qualifying interests rely on.

The proposed septic tank to soakaway system meets the person equivalent capacity requirements for building regulations and SEPA, however it should be noted that the percolation results are on the threshold of requiring secondary treatment according to SEPA guidance (page 23 Table 1 and footnotes https://www.sepa.org.uk/media/152688/wat_rm_04.pdf). The proposed system would be located within 50 metres of the River Dee SAC. There are no watercourses in the vicinity and no discharge to any watercourse is proposed. Together with advice from NatureScot we can conclude no likely adverse effect on site integrity.

Conservation Objectives 1, 2a, 2b, 2c and 2d for the River Dee SAC will be met.

Otter:

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

2b. Maintain the distribution of otter throughout the site

Although there will be a potential increase in human activity at the river opposite the access to the proposal development, this would be for a maximum of 16 people (assuming 2 people per caravan). There is an existing fishing lodge at this location and therefore existing level of disturbance. People

from the proposed development are more likely to go down there during the day and early evening which is when fishermen would be present and the time of day when river less use by otter. Therefore due to low levels of additional activity and existing levels of disturbance. Distribution of otter will not be affected.

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

Provided the condition required for freshwater pearl mussel and Atlantic salmon is applied, there will be no effects on habitat or availability of food and therefore this conservation objective will be met.

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

Because conservation objective 2b and 2c can be met, the population of otter as a viable component of the site the conservation objective will be met.

STAGE 5:

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

We can conclude that there will **not be an adverse effect on site integrity** for the River Dee SAC as all conservation objectives would be met.