

AGENDA ITEM 6

APPENDIX 2

2021/0172/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0172/DET, formation, maintenance and upgrading of a vehicular access track (part retrospective), land at Glen Clova Estate, Glen Clova, Angus
Appraised by	Ed Swales, Monitoring and Enforcement Officer Nina Caudrey, Planning Officer
Date	03/08/2021
Checked by	
Date	

INFORMATION
European site details
Name of European site(s) potentially affected
<p>1. Cairngorms Massif SPA</p> <p>2. River South Esk SAC</p>
Qualifying interest(s)
<p>1. Cairngorms Massif SPA</p> <p>Breeding golden eagle</p> <p>2. River South Esk SAC</p> <p>Freshwater pearl mussel</p> <p>Atlantic salmon</p>
Conservation objectives for qualifying interests
<p>1. Cairngorms Massif SPA</p> <p>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</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> – 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 – Population of the species as a viable component of the site <p>2. River South Esk SAC</p> <p>Conservation Objective 2. To ensure that the integrity of the River South Esk SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):</p> <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. 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

Conservation Objective 1. To ensure that the qualifying features of the River South Esk 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)

Retrospective permission for construction of a 600m track for forestry purposes. The track has been constructed within a forestry block and is not connected to the road. There is plantation woodland and a grassed area between the edge of the track and the roadside. The tip of the western upslope end of the track is just within/on the boundary of the Cairngorms Massif SPA. The closest part of the River South Esk SAC is approximately 200m downslope to the east through plantation, across a public road and field.

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. Cairngorms Massif SPA

Likely significant effect on golden eagle due to the track being within the SPA therefore potential to affect the habitat of the prey species and potential disturbance to breeding eagle should they be breeding nearby.

2. River South Esk SAC

Potential for sediment release affecting water quality during construction and operation of track. However forestry, field and the public road between the track and the nearest watercourse connected to the SAC (the watercourse is approximately 150m from the closest part of the track). Therefore in the unlikely event of sediment release in extreme weather, the intervening vegetation and infrastructure would prevent sediment reaching the watercourse therefore **no likely significant effect**.

STAGE 4:

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

1. Cairngorms Massif SPA

Distribution of the species within site

There is a very small area of track within SPA. It is next to existing forestry and the public road, therefore this area is unlikely to be heavily used by golden eagle due to unsuitability of habitat and existing levels of human activity. Therefore the distribution of the species of the site should not be affected. Therefore this conservation objective will be met.

Distribution and extent of habitats supporting the species

Structure, function and supporting processes of habitats supporting the species

Habitat underneath the small area of tip of the track within the SPA is disturbed ground as part of an existing forestry plantation, of low value to prey species to golden eagle. Therefore the distribution of and extent of habitats supporting the species should not be affected. Therefore this conservation objective will be met.

No significant disturbance of the species

Due to the existing land uses and habitat type's it is unlikely this area is well used or relied upon by golden eagle for either foraging or breeding. In addition only a very small area of the tip of the track is within the SPA meaning that human activity in the forestry it serves would not encroach into the SPA. So there would not be any significant disturbance of the species. Therefore this conservation objective will be met.

Population of the species as a viable component of the site

As all the other conservation objectives have been met, there will be no effect on the population of the species Therefore this conservation objective will be met.

STAGE 5:

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

For the Cairngorms Massif SPA, all the conservation objectives will be met. Therefore there will not be an adverse effect on site integrity.