AGENDA ITEM 7

APPENDIX 2

2020/0111/DET

HABITATS REGULATIONS APPRAISAL

CAIRNGORMS
NATIONAL PARK AUTHORITY
ÙGHDARRAS PÀIRC NÀISEANTA A'
MHONAIDH RUAIDH

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2020/0111/DET Erection of 40 houses on H1 housing site within the 2015-2020 Local Development Plan. With associated roads, drainage, SUDS. Landscaping.
Appraised by	Hayley Wiswell (Conservation Officer)
Date	28/05/2020
Checked by	Matthew Hawkins – Conservation Manager, CNPA (27/05/2020) Anne Elliott – Operations Officer, SNH (02/06/2020)
Date	03/06/2020 (date final report released) Amendment made on 03/6/2020 by Hayley Wiswell after receiving protected mammal survey

INFORMATION
European site details
Name of European site(s) potentially affected
Kinveachy Forest SAC River Spey SAC Abernethy Forest SPA Anagach Woods SPA Cairngorms SPA Craigmore Wood SPA Kinveachy Forest SPA Insh Marshes SAC River Spey Insh Marshes SPA/RAMSAR
Qualifying interest(s)
Abernethy Forest SPA Capercaillie (*Tetrao urogallus*) Osprey (*Pandion haliaetus*) Scottish crossbill (*Loxia scotica*) **Anagach Woods SPA** Capercaillie (*Tetrao urogallus*) **Cairngorms SPA** Capercaillie (*Tetrao urogallus*) Merlin (*Falco columbarius*) Osprey (*Pandion haliaetus*) Golden eagle (*Aquila chrysaetos*) Dotterel (*Charadrius morinellus*) Scottish crossbill (*Loxia scotica*) Peregrine (*Falco peregrinus*) **Craigmore Wood SPA** Capercaillie (*Tetrao urogallus*) **Kinveachy Forest SPA** Scottish crossbill (*Loxia scotica*) Capercaillie (*Tetrao urogallus*) **River Spey SAC** Freshwater pearl mussel (*Margaritifera margaritifera*) Otter (*Lutra lutra*) Sea lamprey (*Petromyzon marinus*) Atlantic salmon (*Salmo salar*) **River Spey - Insh Marshes SPA/RAMSAR** Osprey (*Pandion haliaetus*) Spotted crake (*Porzana porzana*) Wood sandpiper (*Tringa glareola*)

Whooper swan (*Cygnus cygnus*)
Wigeon (*Anas penelope*)
Hen Harrier (*Circus cyaneus*)

Insh Marshes SAC
Alder woodland on floodplains
Otter (*Lutra lutra*)
Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
Very wet mires often identified by an unstable `quaking` surface

Conservation objectives for qualifying interests

River Spey SAC

Sea lamprey (Petromyzon marinus)
Otter (Lutra lutra)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

Atlantic salmon (Salmo salar)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- 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, including range of genetic types, as a viable component of the site

Freshwater pearl mussel (Margaritifera margaritifera)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- 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
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

Abernethy Forest SPA

Osprey (Pandion haliaetus)
Scottish crossbill (Loxia scotica)
Capercaillie (Tetrao urogallus)

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 to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

Anagach Woods SPA

Capercaillie (Tetrao urogallus)

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 to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

Cairngorms SPA

Scottish crossbill (Loxia scotica)
Dotterel (Charadrius morinellus)
Golden eagle (Aquila chrysaetos)
Peregrine (Falco peregrinus)
Osprey (Pandion haliaetus)
Merlin (Falco columbarius)
Capercaillie (Tetrao urogallus)

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 to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

Craigmore Wood SPA

Capercaillie (Tetrao urogallus)

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 to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

Kinveachy Forest SPA

Capercaillie (Tetrao urogallus)
Scottish crossbill (Loxia scotica)

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 to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

River Spey - Insh Marshes SPA/RAMSAR

Osprey (Pandion haliaetus)
Spotted crake (Porzana porzana)
Wood sandpiper (Tringa glareola)
Whooper swan (Cygnus cygnus)
Wigeon (Anas penelope)
Hen Harrier (Circus cyaneus)

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 to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- 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

Insh Marshes SAC

Alder woodland on floodplains
Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
Very wet mires often identified by an unstable `quaking` surface

To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and
To ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

Otter (Lutra lutra)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- 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 viable component of the site

APPRAISAL

STAGE 1:

What is the plan or project?

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

Erection of 40 houses on H1 housing site within the 2015-2020 Local Development Plan. With associated roads, drainage, SUDS. Landscaping.

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

i) **Otter** (disturbance, pollution and siltation, pollution from waste water, run-off); **Atlantic salmon** (pollution and siltation, pollution from waste water, run-off, water abstraction); **Freshwater pearl mussel** (pollution and siltation, pollution from waste water, run-off, water abstraction); **Sea lamprey** (pollution and siltation, pollution from waste water, run-off, water abstraction)
ii) See HRA for Local Development Plan 2015-2020
iii) Disturbance to otter: permanent, pollution and siltation would be construction only and therefore temporary, pollution from waste water would be permanent, water abstraction would be permanent.
iv) No cumulative effects
v) Likely Significant Effect - Yes

Insh Marshes SAC

Species:

- **Otter** (disturbance only).
- See HRA for Local Development Plan 2015-2020
- Disturbance to otter: permanent. Pollution and siltation and any effects of water abstraction will not occur as the proposal is downstream of the SAC.
- No cumulative effects
- Likely Significant Effect – Yes

Habitats:

i) Alder woodland on floodplains, Clear-water lakes or lochs with aquatic vegetation and poor

to moderate nutrient levels, Very wet mires often identified by an unstable `quaking` surface

ii) See HRA for Local Development Plan 2015-2020

iii) The proposal is not within the SPA so loss of or disturbance to habitat will not occur. Disturbance to habitats by residents is not likely as the proposal will not change existing recreation patterns which focus on the use of footpaths.

iv) No cumulative effects

v) Likely significant effect - No

River Spey - Insh Marshes SPA

i) Osprey, Spotted crake, Wood sandpiper, Whooper swan, Wigeon, Hen Harrier

ii) See HRA for Local Development Plan 2015-2020

iii) The proposal is not within the SPA so loss of or disturbance to habitat will not occur. The proposal site is downsteam of the SPA therefore pollution of the site through run-off will not occur. Disturbance to breeding by residents is not likely as the proposal will not change existing recreation patterns which focus on the use of footpaths. Breeding locations of these species are remote from footpaths and in habitat which is difficult to access.

iv) No cumulative effects

v) Likely Significant effect - No

Cairngorms SPA

i) **Capercaillie** – disturbance to lekking, brood rearing and feeding habitat from recreational activity. This is due to increased recreational activity caused by residents of the development visits to this SPA

ii) See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020

iii) Effect is permanent

iv) No cumulative effects

v) Likely Significant Effect - Yes

Abernethy Forest SPA

i) **Capercaillie** – a Likely Significant Effect found for Cairngorms SPA. This will have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population.

ii) See HRA for Local Development Plan 2015-2020

iii) Effect is permanent

iv) No cumulative effects

v) Likely Significant Effect - Yes (indirect)

Anagach Woods SPA

i) **Capercaillie** – a Likely Significant Effect found for Cairngorms SPA. This will have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population.

ii) See HRA for Local Development Plan 2015-2020

iii) Effect is permanent

iv) No cumulative effects

v) Likely Significant Effect - Yes (indirect)

Kinveachy Forest SPA

i) **Capercaillie** – a Likely Significant Effect found for Cairngorms SPA. This will have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population.
ii) See HRA for Local Development Plan 2015-2020
iii) Effect is permanent
iv) No cumulative effects
v) Likely Significant Effect - Yes (indirect)

Craigmore Wood SPA

a. **Capercaillie** – a Likely Significant Effect found for Cairngorms SPA. This will have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population.
b. See HRA for Local Development Plan 2015-2020
c. Effect is permanent
d. No cumulative effects
e. Likely Significant Effect - Yes (indirect)

Effects taken forward to Appropriate Assessment

The following Likely Significant Effects are taken forward to Appropriate Appraisal below in stage 4.

- River Spey SAC: pollution and siltation from construction, water abstraction, run-off during operation, pollution from waste water (all features), disturbance to otter
- Insh Marshes SAC: disturbance to otter
- Cairngorms SPA: capercaillie
- Abernethy Forest SPA: capercaillie
- Craigmore Wood SPA: capercaillie
- Anagach Woods SPA: capercaillie
- Kinveachy Forest SPA: capercaillie

STAGE 4:

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

River Spey SAC: assessment against conservation objectives

The site is not within the SAC, therefore only the following conservation objectives will be assessed:

- No significant disturbance of the species
- Distribution of species within the site
- Population of the species as a viable component of the site

Otter

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *No significant disturbance of the species* - construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas/commuting routes. Without mitigation, construction could result in direct disturbance, injury or death to otter.
- *Distribution of the species within site* – construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas. A pollution event from waste water treatment, construction or run-off from roads could affect feeding habitat, displacing some individuals and affecting the distribution of otter within the SAC.
- *Population of the species as viable component of the site* - construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas/commuting routes which could affect relationships between individuals, potentially resulting in local impacts on breeding. A pollution event from waste water treatment could affect feeding habitat, displacing some individuals and affecting the distribution of otter within the SAC. This could also have an impact relationships between individuals, leading to local impacts on breeding.

There is a modified burn on the western boundary of the site which drains into the Leaullt burn, and eventually into the River Spey. Otter may use the Leaullt burn, and may potentially come close to the site and even use this burn for foraging.

A protected mammal survey was carried out on 29th May 2020 by Alba Ecology and found no evidence of otter using the modified burn on the site. Therefore otter do not use habitats within the site or only use them very infrequently. The drain is proposed to be retained and therefore there would be no loss of habitat for otter through the proposal.

Although otter are not using habitat within the site, there could be indirect effects on otter as a result of waste water, pollution and siltation from construction, water abstraction and surface run-off during operation, as a result of this development and therefore additional mitigation must be provided to protect otter in the River Spey.

Atlantic salmon (*Salmo salar*)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *Distribution of the species within site* –a pollution event from untreated waste water, siltation and pollution during construction and run-off during operation could lead to poisoning and/or suffocation of fish (juvenile fish are particularly vulnerable) and therefore changing the distribution of fish in the river by displacing some fish or causing local fish deaths. The increase in water abstraction associated with increased development may reduce water levels, reducing habitat quality and therefore effecting the distribution of salmon in the river.
- *No significant disturbance of the species* – pollution events listed above could all directly disturb individual fish.
- *Population of the species, including range of genetic types, as a viable component of the site*

– pollution events detailed above could reduce the success rate of breeding in this part of the River Spey, affecting the genetic viability of the local population, and subsequently the River Spey population. The increase in water abstraction associated with increased development may reduce water levels, reducing habitat quality and therefore effecting the distribution of salmon in the river and its ability to breed.

It is concluded that there could be an effect upon these conservation objectives as a result of waste water, pollution and siltation from construction, water abstraction and surface run-off during operation, as a result of this development and therefore additional mitigation must be provided.

Freshwater pearl mussel (*Margaritifera margaritifera*)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *Distribution of the species within site* – waste water entering the river could poison and kill mussels. A pollution event from siltation and harmful run-off during construction and surface run-off during operation could lead to poisoning and/or suffocation of mussel beds. The increase in water abstraction associated with increased development may reduce water levels, reducing habitat quality and therefore effecting the distribution of mussels in the river.
- *No significant disturbance of the species* – disturbance could occur through poisoning from sources listed above
- *Distribution and viability of freshwater pearl mussel host species* – distribution of salmon could be impacted through a pollution event and water abstraction.
- *Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species* - salmon could be impacted through a pollution event and through water abstraction.

It is concluded that there could be an effect upon these conservation objectives as a result of waste water, pollution and siltation from construction, water abstraction and surface run-off during operation, as a result of this development and therefore additional mitigation must be provided.

Sea lamprey (Petromyzon marinus)

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *No significant disturbance of the species* - disturbance could occur through poisoning from waste water leaks, sediment or fuel run-off during construction or untreated surface run-off during operation
- *Distribution of the species within site* – poisoning from waste water, sediment or fuel run-off during construction or untreated surface run-off during operation could displace some lamprey from particular areas, changing the distribution of the species within the SAC. The increase in water abstraction associated with increased development may reduce water levels, reducing habitat quality and therefore effecting the distribution of lamprey in the river.
- *Population of the species as viable component of the site* – a pollution event could lead to

disturbance of individuals, temporarily displacing them from existing feeding areas and breeding habitat which could potentially resulting in local impacts on breeding

It is concluded that there could be an effect upon these conservation objectives as a result of waste water, pollution and siltation from construction, water abstraction and surface run-off during operation, as a result of this development and therefore additional mitigation must be provided.

Insh Marshes SAC: assessment against conservation objectives

The site is not within the SAC, therefore only the following conservation objectives will be assessed:

- No significant disturbance of the species
- Distribution of species within the site
- Population of the species as a viable component of the site

Otter

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *No significant disturbance of the species* - construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas/commuting routes. Without mitigation, construction could result in direct disturbance, injury or death to otter.
- *Distribution of the species within site* – construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas.
- *Population of the species as viable component of the site* - construction could lead to disturbance of individuals, temporarily displacing them from existing feeding areas/commuting routes which could affect relationships between individuals, potentially resulting in local impacts on breeding. There is a modified burn on the western boundary of the site which drains into the Leaullt burn, and eventually into the River Spey. Otter may use the Leaullt burn, and may potentially come close to the site and even use this burn for foraging.

A protected mammal survey has been provided by the applicant which included a search for otter signs and resting sites. No signs of otter were found and therefore otter are not currently thought to use habitats within the site, or only very infrequently. The drain is proposed to be retained and therefore there will be no loss of habitat for otter through the proposal.

Because the site is downstream from Insh Marshes SAC, there are no impacts through run-off or siltation from the site.

Because otter are highly mobile, the way they use the landscape is dynamic and subject to change. Therefore there is a small risk that otter could be disturbed during construction, if they were to use the modified burn on the site. Mitigation is required to ensure the conservation objectives are met.

Cairngorms SPA: assessment against the conservation objectives

The site is not within the SAC, therefore only the following conservation objectives will be assessed:

- No significant disturbance of the species
- Distribution of species within the site
- Population of the species as a viable component of the site

Capercaillie

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- *No significant disturbance of the species*: the proposal for housing will increase the population of Kincraig and has potential to increase the number of visits to woodland in the area, including woodland within the SPA and that which supports the SPA. The nearest access point into the SPA is more than 5km as the crow flies and is situated on western slopes of the Cairngorms. There is supporting habitat outside of the SPA which is in habitat by capercaillie which is closer to Kincraig and includes well use beauty spots such as Uath Lochans and Loch an Eilein. These areas form part of the core path network. Capercaillie leks and brood rearing areas are generally situated away from entrance points and the most popular routes. It is not likely that residents of the proposal would recreate in these areas any differently to existing users (i.e. wander off paths). Most daily recreation and exercise is likely to be closer to the proposal and within walking or cycling distance – i.e. onto the Speyside Way at Speybank or through the village and down to the shore of Loch Insh. Neither of these areas are capercaillie habitat. It is possible that the Uath Lochans and Invereshie NNR (which support capercaillie and are therefore supporting habitat for the SPA) might experience some additional use by mountain bikers and dog walkers but this is not likely to be frequent and not likely to add significantly to the existing level of use.

As such there is not considered to be significant disturbance to capercaillie, over and above existing levels and as such this conservation objective is met.

- *Distribution of species within the site*: the only mechanism to effect the distribution of the species within the SPA is for disturbance to birds within the SPA and non-SPA woodland which provides habitat for capercaillie. There is not considered to be significant change to recreation levels over and above existing levels that would result in significant disturbance to capercaillie, as such the distribution of birds will not be affected.

As such this conservation objective is met.

- *Population of the species as a viable component of the site*: the only mechanism to effect the population of the species within the SPA is for disturbance to birds within the SPA and non-

SPA woodland which effects the distribution of birds. There is not considered to be significant change to recreation levels over and above existing levels that would result in significant disturbance to capercaillie, as such the distribution of birds will not be affected. As such there is not likely to be an effect on the population of capercaillie within the SPA.

As such this conservation objective is met.

All of the conservation objectives for the Cairngorms SPA have been met, therefore there is not adverse effect on site integrity as a result of the proposal.

Abernethy Forest SPA, Anagach SPA, Craigmore Wood SPA, Kinveachy SPA

Capercaillie

The Likely Significant Effect on this SPA was considered to be indirect, as a result of a direct Likely Significant Effect on Cairngorms SPA.

It has been concluded above that there would be no adverse effect on site integrity from the proposal on Cairngorms SPA, therefore there can be no adverse effect on the above SPAs.

STAGE 5:

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

The following qualifying interests have Likely Significant Effects which result in conservation objectives not being met, and as such the possibility of an adverse effect on site integrity:

Insh Marshes SAC:

- Otter (disturbance during construction)

River Spey SAC:

- otter, Atlantic salmon, sea lamprey, fresh water pearl mussel (pollution from waste water, siltation and run-off during construction, surface run-off during operation and water abstraction).

Required prior to planning permission being granted:

Waste water

Information must be provided that demonstrates that there is both sufficient capacity at the local waste water treatment works and the ability to remove pollutants to a level where there will be no adverse effects on the qualifying interests of the River Spey SAC. This should be based on the recommended water quality standards for freshwater pearl mussel prevalent at the time of construction (this will be sufficient for all of the qualifying interests).

Water abstraction

It must be demonstrated that water usage has been minimised through the design of the development. It must be demonstrated to the planning authority that the capacity for water supply is

in place and that this will not adversely affect the integrity of the site, either alone or in combination. Development may be prohibited until capacity for supply is in place.

Required as suspensive planning conditions:

Pre-construction survey for otter

A survey for otter must be conducted prior to any construction and site clearance takes place to check that the use of the site by otter has not changed.

If otter are found to be using the site, a Species Protection Plan will be required and prepared by a suitably qualified ecologist.

Pollution and siltation from construction

A Construction Method Statement (CMS) must be provided and must follow recognised guidelines and best practice. Where required through statute, Controlled Activity Regulations (CAR) must be complied with.

The CMS must clearly demonstrate that risks to watercourses and ground water are eliminated through application of good site management in accordance with accepted best practice and guidelines. Development may not commence until it has been demonstrated to the planning authority that the measures in the CMS have been adopted for onsite management. To be in accordance with this Plan and for planning permission to be granted, such developments must not adversely affect the integrity of the site, either alone or in combination with other plans or projects.

Surface run-off from site during operation

A Sustainable Urban Drainage Scheme (SUDS) must be implemented that will remove harmful compounds and intercept water and either increase infiltration rates by using porous surfaces or slow run-off rates through storage mechanisms.