



Agenda item 5

Appendix 2

2022/0307/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2022/0307/DET Relocation of snow factory and implementation of related infrastructure
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	25 January 2023
Checked by	NatureScot
Date	03/02/2023

INFORMATION

European site details

Name of European site(s) potentially affected

River Spey SAC

Cairngorms SAC/SPA is approximately 250 m from the proposed site boundary, however due to the location of the proposed development with the work site being separated through ski tows no connectivity between the site and these European sites is considered. Therefore, these designated sites will not be considered further.

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)

Relocation of the snow factory from the Coire Cas car park to 350 m SE of the Ranger Base Station, Cairngorm Mountain. The proposal includes construction of an access haul road, opening of a barrow pit, installing an intake on nearby watercourse and moving of snow factory unit.

Construction and relocation of the snow factory will be undertaken as set out in Supporting Report: Methodology for relocating snow factory (June 2022) with methodology being further refined by the appointed contractor's method statements but following the same principals. An excavator will dig the proposed tracks and the removed turfs will be used for reinstatement of the new track. Borrow pits will be reinstated with topsoil and surface turf and any reseeding will take place as described within 'Working with the Environment at Cairngorm'. Once relocation works are completed, the haul road will be reinstated by reducing the margins, leaving a reduced width track. All works will only take place during daylight hours and any works during the nesting bird season (March – August inclusive) will be subject to nesting bird checks within 48 hours of works. All works adjacent to waterbodies will follow SEPA pollution prevention guides.

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 aquatic qualifying species of the River Spey SAC (Atlantic salmon, freshwater pearl mussel, lamprey) and/or their food caused by pollution from sediment release affecting water quality and smothering habitats during excavations, ground and construction works including the installation of an intake on 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 distribution from disturbance** during construction due to the proposed development site being approximately 800 m 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** for Atlantic salmon, freshwater pearl mussel and lamprey. **This would occur due to:**

- **The very high risk of sediment and/or fuels/oil etc** entering the Allt a choire chais watercourse that flows into the River Spey SAC **during construction work**, due to proximity of works alongside and the proposed **in stream works**. Any pollution events would potentially 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 Plan (CEMP) Addendum (dated 13 January 2023), submitted with the application should address the risk of pollution events** through appropriate pollution prevention and control measures, such that the pollution risk could be minimised and effects on the River Spey SAC avoided.

STAGE 5:

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

River Spey SAC

Provided the CEMP is applied in full (should permission be granted), then the conservation objectives will be met and there will not be an adverse effect on site integrity:

Suggested Condition: *The Construction Environment Management Statement (CEMP) with addendum, (dated 13 January 2023), 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.