

AGENDA ITEM 5

APPENDIX 2

2021/0168/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0168/DET Erection of 8 holiday lodges and plant/storage building, formation of vehicular access, parking and turning areas, installation of sewage treatment plant and surface water soakaways, land north west of Clova Hotel, Glen Clova, Angus
Appraised by	Nina Caudrey – Planning Officer
Date	5 August 2021 (reviewed 15 March 2022 in relation to minor alterations to proposed layout)
Checked by	NatureScot
Date	xxxx 2022

INFORMATION
European site details
Name of European site(s) potentially affected
1) River South Esk SAC 2) Cairngorms Massif SPA
Qualifying interest(s)
1) River South Esk SAC Atlantic salmon Freshwater pearl mussel 2) Cairngorms Massif SPA Golden eagle (breeding)
Conservation objectives for qualifying interests
1) River South Esk SAC 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): 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 2) Cairngorms Massif SPA 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 a 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 8 holiday lodges and plant/storage building, formation of vehicular access, parking and turning areas, installation of sewage treatment plant and surface water soakaways, land north west of Clova Hotel, Glen Clova, Angus

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)?

I. River South Esk SAC

The closest part of the River South Esk SAC is approximately 350m from the southern boundary of the proposed development site.

There is a drainage ditch marked on the plans, running into the middle of proposed development site from the north and alongside the existing access track to the east. It is not clear where this drainage ditch discharges to although from the plans and aerial imagery it appears to end upslope of the existing building named on plans as Arntibber. There also appears to be a small watercourse/drainage ditch along the southern (downslope) side of the stone wall that is approximately 18m from the closest part of the southern boundary of the proposed development site. The watercourse/drainage ditch appears to run down to the southwest through a field, then under the public road and through further fields, into the River South Esk SAC.

Due to the proximity to the watercourse/drainage ditch connected to the SAC, and the uncertain discharge point (and so potential for SAC connectivity), there is a risk that sediment released during construction works could reach the watercourse/drainage ditch and so SAC. Therefore there is **potential for a likely significant effect through sediment release causing pollution**, affecting water quality.

In terms of waste water collection and treatment, this would be through a water treatment plant to soakaway. The closest point of the soakaway would be approximately 24 metres from the closest point of potential connectivity to the SAC (the existing drainage ditch on the downslope side of the existing stone wall). As NatureScot advice is that additional nutrient management would be required for soakaways within 10m of freshwater pearl mussel SACs, there would be **no likely significant effect from the proposed waste water treatment**

system as the proposed system is outwith that distance.

2. Cairngorms Massif SPA

The boundary of the SPA runs along just outwith the southern edge of the existing access track, which would end up being part of the development site under the lodges, with a new replacement access track encroaching further into the SPA. Therefore there is **potential for a likely significant effect through foraging habitat loss and disturbance if eagle were nesting nearby.**

STAGE 4:

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

1. River Spey SAC

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):

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

Due to the proximity to the downslope watercourse/drainage ditch connected to the SAC, and the uncertain discharge point (and so potential for SAC connectivity), there is a risk that sediment released during construction works could reach the watercourse/drainage ditch and so SAC. This would cause siltation, which could smother habitats relied upon by freshwater pearl mussel, their food and host species, as well as affecting water quality.

This would harm the habitats supporting and affect the distribution of freshwater pearl mussel and their host species, including Atlantic salmon. In turn this would prevent the restoration of the population of both species as a viable component of the SAC. All the conservation objectives

would be failed for the SAC.

However, standard good practice pollution prevention and control measures tailored to the development site would reduce the risk of sediment reaching the SAC to a minimal level such that the conservation objectives could be met. A Construction Method Statement would be required for development in the proposed location, detailing the pollution prevention and control measures that would be used during construction to prevent sediment release causing pollution, particularly during wet weather, reaching the watercourse/drainage ditch and SAC.

2. Cairngorms Massif SPA

Distribution of the species within site

The proposed development site and surrounding area is in proximity to a cluster of existing buildings, including the Clova hotel and the promoted path to Loch Brandy. Therefore the area already experiences a level of human activity that is likely to deter golden eagle from foraging or breeding in the vicinity of the proposed development site. While the development site and surrounding land might provide habitat for rabbits and other prey species of golden eagle, the comparatively small area of farmed grassland habitat that would be lost to the proposed development is unlikely to be of importance to the golden eagle population. Therefore the distribution of the species of the site should not be affected and so this conservation objective would 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 the proposed development site within the SPA appears to be 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 would be met.

No significant disturbance of the species

Due to the existing land uses, levels of human activity (including an existing hotel providing accommodation for holidaymakers and the promoted path to Loch Brandy), as well as the low value (to golden eagle and their prey) habitat type, it is unlikely this area is relied upon by golden eagle for either foraging or breeding. So there would not be any significant disturbance of the species. Therefore this conservation objective would be met.

Population of the species as a viable component of the site

As all the other conservation objectives have been met for the SPA, there would be no effect on the population of the species as a viable component of the site. Therefore this conservation objective would be met.

STAGE 5:

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

I. River South Esk SAC

Provided the below condition is applied to planning permission (should permission be granted) requiring a CMS, then the conservation objectives would be met and there would not be an

adverse effect on site integrity:

Condition: A detailed Construction Method Statement to be agreed in writing with CNPA prior to construction starting, detailing pollution prevention and control measures to prevent sediment entering watercourses/drainage ditches during construction.

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

3. Cairngorms Massif SPA

As all the conservation objectives would be met, there would not be an adverse effect on site integrity for the Cairngorms Massif SPA.