

Agenda Item 5

Appendix 3

2023/0399/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0399/DET Change of use of land to beer garden
Appraised by	Karen Aldridge
Date	13 February 2024
Checked by	Katie Crerar
Date	20 February 2024

INFORMATION
European site details
Name of European site(s) potentially affected
I) River Spey SAC
Qualifying interest(s)
I) River Spey SAC Otter Freshwater pearl mussel Sea lamprey Atlantic salmon
Conservation objectives for qualifying interests
I) 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): <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. 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
<u>STAGE 1:</u>
What is the plan or project?
Relevant summary details of proposal (including location, timing, methods, etc)
Change of use of land adjacent to River Spey for Old Bridge Inn beer garden. To include the erection of a non-permanent canopy. The beer garden will primarily be used during spring/summer/autumn months.
<u>STAGE 2:</u>
Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?
No
<u>STAGE 3:</u>
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) (LSE)?
<p>1) River Spey SAC</p> <p>Atlantic salmon, sea lamprey, freshwater pearl mussel: No LSE.</p> <p>No excavation or other construction activities which may lead to the creation of silt or sediment which could pose a threat to the qualifying species or water quality of the River Spey. The area is currently used as car parking and as access to the river banks.</p> <p>Otter: No LSE</p> <p>Given the current usage of the area i.e. individuals and groups accessing the River Spey for water sports, it is considered likely that any otter using the River Spey at this location will be habituated to noise and light from this location. It is not thought that the change of use, will lead to a significant change in behaviour of otters.</p> <p>As there is no LSE for any of the qualifying species, no further assessment of the River Spey SAC is considered necessary.</p>
<u>STAGE 4:</u>
Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives
N/A

STAGE 5:

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

N/A