AGENDA ITEM 6

APPENDIX 2

2021/0064/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0064/DET, Formation of track, Land 810M SW Of The Schoolhouse Insh Kingussie
Appraised by	Ed Swales – Monitoring and Enforcement Officer Nina Caudrey – Planning Officer
Date	22/04/2021
Checked by	Sally Mackenzie
Date	27 April 2021

INFORMATION

European site details

Name of European site(s) potentially affected

1. Insh Marshes SAC
2. River Spey – Insh Marshes SPA
3. River Spey - Insh Marshes Ramsar
4. River Spey SAC

Qualifying interest(s)

1. Insh Marshes SAC

Habitats:
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
Species:
Otter

2. River Spey – Insh Marshes SPA

Non-breeding:
Whooper swan
Hen harrier
Breeding:
Spotted crake
Osprey
Wigeon
Wood sandpiper

3. River Spey – Insh Marshes Ramsar site

Habitats:
Mesotropic loch
Flood plain fen
Trophic range river/stream
Species:
Breeding bird assemblage (osprey, spotted crake, wood sandpiper, black headed gull)
Non-breeding whooper swan

4. River Spey SAC

Atlantic salmon
Freshwater pearl mussel
Otter
Sea lamprey

Conservation objectives for qualifying interests

1. Insh Marshes SAC

Habitats: To avoid deterioration of the qualifying habitats (listed below) 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

Species:
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:
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

2. River Spey – Insh Marshes 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:
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

3.River Spey – Insh Marshes Ramsar

There are no set conservation objectives for Ramsar sites, however Scottish Government policy is to apply the same level of protection as if they were SPAs. Therefore the River Spey – Insh Marshes SPA conservation objectives can be applied to the Ramsar site features.

4. River Spey SAC

To avoid deterioration of the habitats of the qualifying species (listed below) 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:
Population of the species, including range of genetic types for salmon, 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
Distribution and viability of freshwater pearl mussel host species
Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

APPRAISAL

STAGE 1:

What is the plan or project?

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

The proposal is to upgrade a 470m section of existing grassed track to a hardcore vehicle track at Insh Marshes. The ground will be scraped out, matting put down and stone material placed on top. The material to be used will be obtained from local quarries and brought onto the site using existing vehicle access.
A Construction Method Statement has been submitted which has confirmed how works will be carried out and that the works will be undertaken between August and March, avoiding the breeding bird season as well as any works being carried out one hour after dawn and one hour before dusk to avoid disturbance to otter.
Due to the tracks proximity to the River Spey and features of the River Spey – Insh Marshes SPA (and Ramsar site) and to avoid any sedimentation impacts of the construction, works will avoid being undertaken during wet weather.

STAGE 2:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

No, this is not directly connected with or necessary for the management of the sites.

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. Insh Marshes SAC

Habitats – no likely significant effect. There will be no direct or indirect effects on the qualifying habitats as they are not found along the track route or working corridor.

Otter – yes, potential likely significant affect through disturbance during construction. The applicant has confirmed that there are no otter holts in the vicinity of the proposed works. However it is likely that otter use the area to forage so disturbance to foraging otter could occur during construction if works are not timed to avoid between one hour before sunset and one hour after sunrise.

2. River Spey – Insh Marshes SPA

Breeding osprey, spotted crake, wood sandpiper – no likely significant effect as they are not known to use the area surrounding the proposed track. (Hen harriers may hunt over the area as part of wider foraging ground, but the loss of habitat caused by the upgrading of this track would have no effect as it is already degraded by existing vehicle use, covers a very small area and there is plenty of alternative foraging habitat in the vicinity that is of better quality.)

Non-breeding whooper swan and breeding wigeon – likely significant effect through potential for sediment run off during construction polluting the nearby oxbow lake. The track proposed for upgrading is close to an ox-bow lake that has potential to be used by wigeon and whooper swan. Sediment run off occurring during construction could pollute the lake, changing water quality and smothering habitat relied upon by the

prey species and food sources of the birds.

3. River Spey – Insh Marshes Ramsar site

Mesotrophic loch, flood plain fen, trophic range river/stream – no likely significant effect as there is no connectivity to these habitats.

Breeding bird assemblage (osprey, spotted crake, wood sandpiper, black headed gull) – no likely significant effect as these species are not known to use the area surrounding the proposed track.

Non-breeding whooper swan – likely significant effect through potential for sediment run off during construction polluting the nearby oxbow lake. The track proposed for upgrading is close to an ox-bow lake that has potential to be used by wigeon and whooper swan. Sediment run off occurring during construction could pollute the lake, changing water quality and smothering habitat relied upon by the prey species and food sources of the birds.

4. River Spey SAC

Atlantic salmon, sea lamprey, freshwater pearl mussel – no likely significant effect due to topography (large embankment between the proposed works and the River Spey) and no watercourse connectivity between the site and River Spey.

Otter – likely significant effect due to potential for disturbance during construction. The applicant has confirmed that there are no otter holts in the vicinity of the proposed works. However it is likely that otter use the area to forage so disturbance to foraging otter could occur during construction if works are not timed to avoid between one hour before sunset and one hour after sunrise.

STAGE 4:

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

The applicant has included mitigation measures in their Construction Method Statement (received 27th April 2021) to address the likely significant effects on otter and bird qualifying species. These include timing of works outwith the bird breeding season, no works between one hour before sunset and one hour after sunrise, and no working during wet weather to reduce the risk of sediment run off reaching the ox-box lake.

1 and 4. Insh Marshes SAC and River Spey SAC

Otter.

The conservation objectives relevant to otter are:

Distribution and extent of habitats supporting the species; Structure, function and supporting processes of habitats supporting the species: there will not be an effect on habitats supporting the species, therefore these conservation objectives will be met.

Distribution of the species within site; No significant disturbance of the species: the timing of works to avoid overnight otter foraging activity will ensure there is no disturbance of the species and so no displacement affecting their distribution, therefore these conservation objectives will be met.

Population of the species, including range of genetic types for salmon, as a viable component of the site: as the other conservation objectives are met, there will not be an effect on the population of the species and so this conservation objective will be met.

2 (and 3). River Spey – Insh Marshes SPA (and Ramsar site)

Non-breeding whooper swan (SPA and Ramsar) and breeding wigeon (SPA only)

The conservation objectives relevant to whooper swan and wigeon are:

Distribution and extent of habitats supporting the species; Structure, function and supporting processes of habitats supporting the species: provided the mitigation measures set out in the Construction Method Statement relating to pollution prevention are implemented, then there will not be an effect on habitats supporting the species, therefore these conservation objectives will be met.

Distribution of the species within site; No significant disturbance of the species: although whooper swan and wigeon may use the ox-box lake in the vicinity of the proposed track, provided the mitigation measures in relation to timing works outwith the breeding season are implemented, then wigeon should not be present and so these conservation objectives will be met for wigeon. In relation to whooper swan, they are more likely to use other more suitable waterbodies in the surrounding area. Any swan using the lake will be habituated to existing vehicular activity using the existing track. However, should they be present at the ox-bow lake during construction, they may be temporarily disturbed by the increased activity displaced to other more suitable habitat in the surrounding area. The displacement would be short term and reversible. Therefore these conservation objectives would also still be met for whooper swan.

Population of the species as a viable component of the site: as the other conservation objectives will be met, there will not be an effect on the population of the species, and so this conservation objective will be met.

STAGE 5:

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

Provided the working methods and mitigation measures set out in the Construction Method Statement identified in Stage 4 are followed and is applied as a condition on any planning permission granted and subsequently fully implemented, then the conservation objectives will be met for the Insh Marshes SAC, River Spey – Insh Marshes SPA (and Ramsar site) and the River Spey SAC, and therefore there will not be an adverse effect on site integrity for any of the European sites.