



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 6 Appendix 2 10 November 2023

Agenda item 6

Appendix 2

2023/0267/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0267/DET Erection of distillery, 3No. warehouses, access, parking, offices, boreholes
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	12 September
Checked by	NatureScot
Date	19 October 2023

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 Restore the population of freshwater pearl mussel as a viable component of the site <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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)

Erection of distillery, office, marketing suite, three maturation warehouses with associated access, parking, infrastructure and servicing at Land 1200M NW Of 9 Forestry Houses, Strathmashie, Laggan. The EIAR has stated that the programme of works will be planned to minimise the potential negative impacts associated with construction activities.

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)?

1) River Spey SAC

Freshwater Pearl Mussel, Sea Lamprey & Atlantic Salmon - YES Likely Significant Effect (LSE) from short term effects arising during construction, through sediment released during construction activity entering the River Spey and causing pollution changing the water quality.

Otter: YES there will be LSE short term disturbance during construction activity and then long term disturbance from operational activities.

STAGE 4:

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

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):

Atlantic Salmon & Freshwater Pearl Mussel

2b. Restore the distribution of Atlantic salmon/Freshwater Pearl Mussel throughout the site

The current and potential distribution of Atlantic salmon or FWPM within the site would not be directly affected as no development will occur in the watercourse. However, pollution from construction activities (e.g. sediment, fuels or oils) could indirectly cause the distribution to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats which are used by salmon for spawning/juveniles and habitats suitable for supporting FWPM (long term).

A pollution prevention plan is recommended through condition. The pollution prevention plan should include standard good practice, such as maintaining a minimum 50 m buffer for storing chemicals/concrete wash out or any other potential polluting activity (SEPA WAT-SG-75). Other relevant Guidance for Pollution Documents should also be referred to and implemented on site (i.e. GPP5, GPP8, GPP21, GPP22) If a pollution prevention plan is conditioned and implemented - this conservation objective would be met.

2c. Restore the habitats supporting Atlantic salmon & Freshwater Pearl Mussel within the site and availability of food

The current and potential restoration of the distribution of habitats supporting Atlantic salmon and FWPM within the site would not be directly affected as no development will occur in the watercourse.

However, pollution from construction activities would affect supporting habitats if significant amounts of sediment reach the watercourse and cause smothering, reducing the distribution and extent of habitat suitable for spawning and juvenile salmon and habitats suitable for supporting FWPM (long term).

However, mitigation measures for 2b above would reduce the risk of pollution reaching the watercourse to a minimal level and so this conservation objective would be met.

2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats

The distribution and viability of FWPM host species (Atlantic salmon & sea trout) would not be directly affected as no development will occur within the watercourse.

However as discussed in 2b & 2c, there is potential for pollution from construction activities to indirectly affect the habitats supporting these species which may in turn lead to a change in distribution or in change in health of the supporting species. With the implementation of the mitigation mentioned in 2b the risk of pollution events will be reduced therefore the development would not hinder the distribution or vitality of the host species.

2a. Restore the population of Atlantic salmon (including range of genetic types) and Freshwater Pearl Mussel, as a viable component of the site

As the other conservation objectives can be met for Atlantic salmon and FWPM with mitigation, the proposed development would not hinder or prevent the restoration of the population of Atlantic salmon as a viable component of site. Therefore, this conservation objective would be met.

Sea Lamprey

2b. Maintain the distribution of sea lamprey throughout the site

The current distribution of sea lamprey would not be directly impacted upon by the development proposals as no works will take place within the watercourse. However, there is potential for pollution from construction activities which could indirectly impact upon spawning substrates (long term) and water quality (temporary) which may alter the distribution of sea lamprey.

As detailed within 2b for Atlantic salmon & freshwater pearl mussel. A pollution prevention plan detailing good practice construction activity will reduce the risk of accidental pollution and therefore this conservation objective would be met.

2c. Maintain the habitats supporting sea lamprey within the site and availability of food

The current suitable habitats for supporting sea lamprey will not be directly impacted upon as no works will take place within the watercourse. However, there is potential for pollution, such as sediment to enter the watercourse and smother the suitable spawning grounds (long term) making it difficult for the sea lamprey to find suitable habitat. Changes to water quality through suspended solids or chemicals (temporary) may lead to a reduction in food availability through negatively impacting the distribution of fish species.

The implementation of pollution prevention measures will reduce the risk of pollution entering the watercourse therefore this conservation objective would be met.

2a. Maintain the population of sea lamprey as a viable component of the site

As the other conservation objectives for sea lamprey can be met through the implementation of mitigation, the proposed development would not negatively impact on the current population of sea lamprey within the SAC, therefore this conservation objective would be met.

Otter

2b. Maintain the distribution of otter throughout the site

The distribution of otter within the site may be directly (disturbance, habitat loss) or indirectly (pollution reducing prey items) impacted by the proposed development. The impact on suitable riparian habitat is limited therefore loss of habitats will be negligible and there is no loss of any identified resting sites. Construction activities which may lead to disturbance of otter activity are considered temporary and given the distance from the edge of the river, it is considered that disturbance would be limited. Given the distance of the proposed development from the river, disturbance during operation activities (e.g. noise, lighting) is considered unlikely and otters using the River Spey will be accustomed to some levels of disturbance, with proximity to the road, Spey Dam and access for nearby windfarms. It is considered that this conservation objective would be met.

2c. Maintain the habitats supporting otter within the site and availability of food

The distribution of habitats supporting otter would not be directly affected. The pollution issues identified for the other freshwater species mentioned, could affect otter prey species, however the mitigation measures would reduce the risk of this occurring to a minimal level and so the conservation objective would be met.

2a. Maintain the population of otter as a viable component of the site

As the other conservation objectives can be met for otter with the mitigation included in the proposal, the proposed development would not hinder or prevent the maintenance of the population of otter as a viable component of 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

As all the other conservation objectives would be met, the proposed development would not prevent or hinder the condition or conservation status of the qualifying interests of the SAC, and so this conservation objective would be met.

STAGE 5:

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

1) River Spey SAC

A Construction Method Statement which should include site specific pollution prevention methods should be secured by condition. The CMS should be produced and agreed with the CNPA prior to any works commencing on site and then fully implemented during construction. The conservation objectives will be met and therefore there will not be an adverse effect on site integrity for the River Spey SAC.

Reason - to protect the water environment (& River Spey SAC) from pollution events caused during construction.