AGENDA ITEM 7

APPENDIX 2

2022/0023/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2022/0023/DET, Formation of access hill tracks adjacent to (1) Base Station and (2) White Lady Shieling, land 1200m north east of Coire Cas car park, Cairngorm Mountain. Next to the Allt a choire chais, which flows into the River Spey SAC approximately 1km downstream, and within approximately 250m (base station) to 500m (shieling) of the Cairngorms SAC and SPA.
Appraised by	Nina Caudrey, Planning Officer
Date	28 January 2022
Checked by	Sally MacKenzie
Date	16 February 2022

INFORMATION

European site details

Name of European site(s) potentially affected

1. River Spey SAC

2. Cairngorms SAC

3. Cairngorms SPA

Qualifying interest(s)

1. River Spey SAC

Otter

Freshwater pearl mussel

Sea lamprey

Atlantic salmon

2. Cairngorms SAC

Habitats:

Acid peat stained lakes and ponds

Acidic scree

Alpine and subalpine heaths

Blanket bog

Bog woodland

Caledonian forest

Clear water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels

Dry grassland and scrublands on chalk or limestone

Dry heaths

Hard water springs depositing lime

High altitude plant communities associated with areas of water seepage

Juniper on heaths or calcareous grasslands

Montane acid grasslands

Montain willow scrub

Plants in crevices on acid rocks

Plants in crevices on base rocks

Species rich grassland with mat grass in upland areas

Tall herb communities

Very wet mires often identified by an unstable quaking surface

Wet heathland with cross leaved heath

Species:

Green shield moss (*Buxbaumia viridis*)

Otter

3. Cairngorms SPA

Breeding: capercaillie

dotterel

golden eagle

merlin

osprey

peregrine

Scottish crossbill

Conservation objectives for qualifying interests

1. 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.

2. Cairngorms SAC

To avoid deterioration of the qualifying **habitats** 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

To avoid deterioration of the habitats of the **qualifying species (otter, green shield moss)** 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:

- 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

3. Cairngorms 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

APPRAISAL

STAGE 1:

What is the plan or project?

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

Formation of access hill tracks adjacent to (1) Base Station and (2) White Lady Shieling, land 1200m north east of Coire Cas car park, Cairngorm Mountain. Next to the Allt a choire chais, which flows into the River Spey SAC approximately 1km downstream, and within approximately 250m (base station) to 500m (sheiling) of the Cairngorms SAC and SPA.

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

YES – there is potential for a likely significant effect on the habitats relied upon by the qualifying species of the River Spey SAC and/or their food caused by pollution from sediment release affecting water quality and smothering habitats during construction of the tracks alongside 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 from disturbance** during construction due to the proposed development site being approximately 1km upstream and so outwith the disturbance distance for River Spey SAC otter. This aspect is therefore not considered further.

2. Cairngorms SAC

NO likely significant effects: There will be no direct effects on the SAC habitats or those habitats supporting SAC species, due to the type and location of the proposed development, the distance between the development and the SAC and the intervening existing infrastructure. The proposed tracks are next to existing well used tracks and footpaths (and buildings). The new tracks would not encourage people to go off into areas that are not already well used.

There will not be any likely significant effects due to disturbance to otter, as there would be no change to the existing levels or patterns of human activity caused by the implementation of the proposed development. (Although the Allt a choire chais could in theory be used by otter associated with the SAC, the area in which the proposed development is situated is well used by

people and vehicles on the existing tracks, footpaths and buildings, which is likely to deter otter/any otter using the watercourse will be habituated to the existing level of disturbance, which would not change.) As there are no likely significant effects identified, the SAC is not considered further.

3. Cairngorms SPA

NO likely significant effects: There will be no direct effects on the habitat supporting SPA species due to the type and location of the proposed development, the distance between the development and the SPA and the intervening existing infrastructure. The proposed tracks are next to existing well used tracks and footpaths (and buildings). The new tracks would not encourage people to go off into areas that are not already well used. There will not be any likely significant effects due to disturbance, as there would be no change to the existing levels or patterns of human activity caused by the implementation of the proposed development. As there are no likely significant effects identified, the SPA is not considered further.

STAGE 4:

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

1. River Spey SAC

The proposed development has the **potential to prevent the conservation objectives being met for the River Spey SAC**. **This would occur due to:**

- **The very high risk of sediment release** entering the Allt a choire chais watercourse that flows into the River Spey SAC **during construction work,** due to proximity of works alongside the Allt a choire chais. This would 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, **a Construction Method Statement (CMS) should be able address the risk of sediment release** through appropriate pollution prevention and control measures, such that the pollution risk could be minimised. **A detailed Construction Method Statement would need to be secured by condition to be agreed in writing with CNPA prior to construction starting, should planning permission be granted.**

STAGE 5:

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

1. River Spey SAC

Provided the below condition is applied to planning permission (should permission be granted) requiring a CMS, then the conservation objectives will be met and there will 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 the Allt a choire chais during construction.

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