AGENDA ITEM 8

APPENDIX 2

2021/0143/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0143/DET Temporary change of use of farmyard, to form car park, associated toilets, and refuse facilities, land at Clarack farm buildings, by Dinnet, Aboyne, Aberdeenshire, AB34 5LP
Appraised by	Alan Atkins – Planning Officer Nina Caudrey, Planning Officer
Date	26/05/2021
Checked by	
Date	

INFORMATION

European site details

Name of European site(s) potentially affected

1. **Muir of Dinnet Special Protection Area**

   (The Muir of Dinnet Ramsar site covers the same area as the Muir of Dinnet Special Protection Area (SPA), and has the same greylag goose interest as the SPA. Therefore, the assessment for the SPA covers the Ramsar site.)

2. **Muir of Dinnet Special Area of Conservation**
3. **River Dee Special Area of Conservation**

Qualifying interest(s)

1. **Muir of Dinnet SPA**

   Non breeding: greylag goose, waterfowl assemblage

2. **Muir of Dinnet SAC**

   Otter, degraded raised bogs, dry heaths, clear water lakes and lochs, transition mires, and quaking bogs

3. **River Dee SAC**

   Freshwater pearl mussel, Atlantic salmon, otter

Conservation objectives for qualifying interests

1. **Muir of Dinnet SPA**

   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.

   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.

2. **Muir of Dinnet SAC**

2. To ensure that the integrity of Muir of Dinnet SAC is restored by meeting objectives 2a, 2b and 2c for each **HABITAT** qualifying feature.

2a. Maintain the extent and distribution of the clear-water lakes or lochs with aquatic vegetation

and poor to moderate nutrient levels habitat within the site

2b. Maintain the structure, function and supporting processes of the clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels habitat

2c. Maintain the distribution and viability of typical species of the clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels habitat

2a. Restore the extent and distribution of the dry heaths habitat within the site

2b. Restore the structure, function and supporting processes of the dry heaths habitat

2c. Restore the distribution and viability of typical species of the dry heaths habitat

2a. Restore the extent and distribution of the raised bog habitat within the site

2b. Restore the structure, function and supporting processes of the raised bog habitat

2c. Restore the distribution and viability of typical species of the raised bog habitat

2a. Maintain the extent and distribution of the Very wet mires often identified by an unstable 'quaking' surface habitat within the site

2b. Maintain the structure, function and supporting processes of the Very wet mires often identified by an unstable 'quaking' surface habitat

2c. Maintain the distribution and viability of typical species of the Very wet mires often identified by an unstable 'quaking' surface habitat

1. To ensure that the qualifying **HABITAT** features of Muir of Dinnet SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

2. To ensure that the integrity of Muir of Dinnet SAC is restored by meeting objectives 2a, 2b and 2c for the **OTTER** qualifying feature.

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

1. To ensure that the qualifying **OTTER** feature at Muir of Dinnet SAC is in favourable condition and makes an appropriate contribution to achieving favourable conservation status

3. River Dee SAC

2. To ensure that the integrity of the River Dee SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel)

2a. Restore the population of freshwater pearl mussel as a viable component of the site

2b. Restore the distribution of freshwater pearl mussel throughout the site

2c. Restore the habitats supporting the freshwater pearl mussel within the site and availability of food

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

2a. Maintain the population of Atlantic salmon, including range of genetic types, as a viable component of the site

2b. Maintain the distribution of Atlantic salmon throughout the site

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

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

1. To ensure that the qualifying features of the River Dee 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)

Temporary change of use of existing hard standing farmyard at Clarack farm buildings, to the west of Dinnet, to form car park for ~56 motorised vehicles plus cycle spaces, with a mobile sealed toilet unit (regularly exchanged for a clean unit, with waste disposed of off-site), water from the existing supply to the farm yard, and refuse facilities.

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. **Muir of Dinnet SPA**

   Non-breeding greylag geese and waterfowl assemblage: There is potential for **likely significant effect** through disturbance caused by an increase in human activity by users of the car park on existing paths around the SPA that connect via a farm lane to the car park.

2. **Muir of Dinnet SAC**

   Otter: there is potential for **likely significant effect** on otter through disturbance caused by an increase in human activity by users of the car park on existing paths around the SAC that connect via a farm lane to the car park.

   Habitats: there will be no direct, or indirect, effect on any of the habitats, so **no likely significant effects**. The habitats are not considered further in this assessment.

3. **River Dee SAC**

   Atlantic salmon and freshwater pearl mussels: As there are no direct or indirect effects on the habitats or water quality of the SAC, there will be **no likely significant effects**.

   Otter: there is potential for **likely significant effect** on otter through disturbance caused by an increase in human activity by users of the car park on existing paths in the vicinity of the SAC that connect via a farm lane to the car park.

STAGE 4:

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

1. Muir of Dinnet SPA

Distribution of the species within site; No significant disturbance of the species

Although there will be a potential increase in human activity from users of the car park, this will be on existing, well used paths, and the majority of the activity will occur in summer months when the birds are not present. Therefore, the low levels of potential disturbance will not be significant or affect the distribution of the species within the site. Therefore, these conservation objectives will be met.

Distribution and extent of habitats supporting the species; Structure, function and supporting processes of habitats supporting the species

There will be no direct, or indirect, effects on habitats, and, therefore, these conservation objectives will be met.

Population of the species as a viable component of the site

As the other conserve objectives will be met, there will be no effect on the population, and therefore this conservation objective will be met

2. Muir of Dinnet SAC

(As there will be no likely significant effect on habitats, all the habitat conservation objectives will be met and so are not considered here.)

2. To ensure that the integrity of Muir of Dinnet SAC is restored by meeting objectives 2a, 2b and 2c for the OTTER qualifying feature.

2b – Maintain the distribution of otter throughout the site.
The closest part of the SAC is located approximately 200+ metres from the proposed car park area. Although there would be a potential increase levels of human activity in the SAC caused by users of the car park going for walks in the vicinity, this would occur on well used existing paths. Any disturbance would be low level in areas already experiencing disturbance, ie areas unlikely to be used by otter for resting during daytime when the car park would be in use. Therefore the distribution of otter throughout the site would not be affected. Therefore this conservation objective would be met.

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

There will be no direct, or indirect, effects on habitats, or food, for otter, and therefore this conservation objective will be met.

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

As the other conserve objectives will be met, there will be no effect on population, and therefore this conservation objective will be met

1. To ensure that the qualifying feature at Muir of Dinnet SAC is in favourable condition and makes an appropriate contribution to achieving favourable conservation status

As all the other conservation objectives have been met, the condition, and conservation status, of the species will not be affected by this proposal.

3. River Dee SAC

(As there will be no likely significant effect on Atlantic salmon or freshwater pearl mussel, all their conservation objectives will be met and so they are not considered here.)

2. To ensure that the integrity of the River Dee SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel)

2b – Maintain the distribution of otter throughout the site.
The closest part of the SAC is located approximately 50 metres from the proposed car park area. The proposed car park area is already in use as a farm yard, with existing human activity. Although there would be a potential increase levels of human activity in the vicinity of the SAC caused by users of the car park going for walks in the vicinity, this would occur on well used existing paths that are located away from this part of the SAC. Any disturbance would be low level in areas already experiencing disturbance, ie areas unlikely to be used by otter for resting during daytime when the car park would be in use. Therefore the distribution of otter throughout the site would not be affected. Therefore this conservation objective would be met.

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

There will be no direct, or indirect, effects on habitats, or food, for otter, and therefore this conservation objective will be met.

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

As the other conserve objectives will be met, there will be no effect on population, and therefore this conservation objective will be met

1. To ensure that the qualifying feature at River Dee SAC is in favourable condition and makes an appropriate contribution to achieving favourable conservation status

As all the other conservation objectives have been met, the condition, and conservation status, of the species will not be affected by this proposal.

STAGE 5:

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

As all the conservation objectives will be met for all the protected areas, **there will not be an adverse effect on site integrity** for any of them.