

## **1. Introduction**

The European Court of Justice ruled in October 2005 that all Development Plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can only be approved after an appropriate assessment of the policies and proposals on the sites has been carried out.

The Finalised Moray Structure Plan covers the whole Moray local authority administrative area and was submitted to Scottish Ministers on 14 April 2006. This Assessment considers the likely impacts of the 2 policies of the Finalised Moray Structure Plan against the SPA and SAC sites in Moray and concludes that with appropriate safeguarding and mitigation the finalised Moray Structure Plan will not adversely affect the integrity of any Natura site.

## **2. Finalised Structure Plan Strategy and Policies**

The Moray Structure Plan provides the broad strategic land use policy framework for considering development proposals. The Moray Local Plan and Cairngorms National Park Local Plan provide the detailed policy criteria for assessing development proposals.

The central pillar of the Structure Plan strategy is to promote economic growth whilst safeguarding and enhancing the natural and built environment, and promoting overall sustainability. The strategy seeks to stem out-migration, attract in-migrants, build on a revised and expanded business development portfolio, support local services and offer improved housing choice to stabilise population levels.

The strategy requires;

- i) provision of adequate land for development focused upon the existing settlement hierarchy with a preference for using brownfield land before greenfield;
- ii) promotion of sustainable communities through the provision of levels of growth which respect the settlement hierarchy. The focus of major development will be on the primary and secondary centres;
- iii) securing and targeting resources to promote economic development, tourism and employment opportunities;
- iv) securing a modern, sustainable transport and communications network;
- v) protecting, conserving and enhancing the valued elements of the natural and built environment;
- vi) promotion of sustainable construction, siting and design principles;
- vii) Sustainable use of natural resources;
- viii) Promotion of well designed and located low impact development in rural areas;
- ix) Promotion of sustainable solutions to flooding and controlling development in areas where there is a risk of flooding.

The Strategy is supported by two broad strategic level policies which are set out below with the main issues which have been identified in the Plan.

## **POLICY 1: DEVELOPMENT AND COMMUNITY**

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy –

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the local plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

The main development and community issues identified in the Plan are:-

- to diversify the local economy and exploit opportunities to respond to a range of economic challenges and create an economy with a significantly higher proportion of knowledge based jobs;
- identify a site for a high quality business park in Elgin and smaller scale amenity developments in Buckie, Keith and Lossiemouth;
- support tourism developments to grow the local economy that takes account of the local environment;
- provide land for an additional 2750 houses with provision for affordable housing;
- maintain the viability of rural communities through supportive policies for new housing in the countryside;
- focus retail and commercial development in or immediately adjacent to town centres with out of centre proposals subject to the sequential test;
- promote a range of transport infrastructure improvements to the road, rail, air, harbours and cycling and walking.

## **POLICY 2: ENVIRONMENT AND RESOURCES**

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;
- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas out with settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS);
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and considering development proposals against the Flood Risk Framework set out in Table 4;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime quality agricultural land.

The main environmental issues highlighted in the Plan are;-

- the importance of safeguarding the natural heritage resources, including the range of statutory and non statutory designated sites;
- the safeguarding of the quality of Moray's landscape and coastline through the identification of Areas of Great Landscape Value and a Coastal Protection Zone;
- conservation, enhancement and promotion of Moray's built heritage including listed buildings, conservation areas, ancient monuments, archaeological sites and designed landscapes;
- promoting sustainable waste management ;
- promoting a sustainable response to alleviate flooding;
- providing a positive framework for renewable energy.

### **3. Assessment Methodology**

The Council has been assisted by staff from Scottish Natural Heritage to follow the guidance and methodology set out in the Scottish Executive Interim Guidance on "Assessing Development Plans in terms of the need for Appropriate Assessment".

The Finalised Structure Plan policies have been assessed against each Natura 2000 site to consider whether the policy would be likely to have a significant effect on the site. The policies and their potential impacts have been discussed with staff from Scottish Natural Heritage. A matrix has been completed to consider each policy against each of the Natura 2000 sites and identify where there is:

- no likely significant effect (i.e. no impact) on the qualifying interests;
- a likely significant effect (i.e. an impact that will need further assessment) requiring an appropriate assessment to determine whether or not there will be an adverse impact on the integrity of the Natura 2000 site;

Likely significant effect is defined as any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated.

Proposals having no, or minimal, effects have been progressed without further assessment. Where it has been concluded that there is likely to be a significant effect then an appropriate assessment has been undertaken to consider each policy against the conservation objectives for the designated site and sensitivities of the relevant habitats/species.

After undertaking an appropriate assessment one of the following conclusions can be reached:

- the policy/sub policy will adversely affect the integrity of the Natura site, or
- the policy/sub policy will not adversely affect the integrity of the Natura site.

Mitigation measures and changes have been identified, where appropriate, to address any residual effects. Uncertain effects have been covered by safeguarding conditional wording to ensure assessment at a more detailed plan / project stage.

The strategic nature of the Structure Plan limits the number of site specific proposals. However, the Moray Local Plan is being reviewed at the same time as the Structure Plan and this has also been subject to Natura 2000 assessment.

## Natura 2000 Sites in Moray (See Key Diagram)

### Special Areas of Conservation (SAC)

Cairngorms  
Creag nan Gamhainn  
Culbin Bar  
Hill of Towanreef  
Ladder Hills  
Lower Findhorn Woods  
Lower River Spey – Spey Bay  
Moidoch More  
Moray Firth  
River Spey

### Special Protection Areas (SPA)

Cairngorms  
Loch Spynie  
Moray and Nairn Coast  
Tips of Corsemaul and Tomore  
Darnaway and Lethan

The Plan is not considered to have any significant impact out with Moray although some of the above designations cross local authority boundaries. Most of the sites are also subject to the policies of the Moray Local Plan. The Cairngorms SAC and SPA, Creag nan Gamhainn SAC and Ladder Hills SAC are subject to the policies of the Cairngorms National Park Local Plan.

### Safeguarding Policies

The Structure Plan contains policies to protect the international, national and local nature conservation designations. Other policies aim to safeguard the coastline and countryside around towns and avoid pollution. To supplement these principal policies there are a number of Local Plan policies, supplementary planning guidance and other plans/procedures which provide safeguards for Natura 2000 sites.

Scottish Natural Heritage have identified that Policy 2a) is not "Natura Compliant" as it fails to define "inappropriate development". **It is therefore recommended to the Scottish Executive that a modification be proposed to define "inappropriate development" in the supporting text.** Scottish Natural Heritage have also objected to the wording of a number of the Local Plan policies included below. The Local Plan policies may be subject to change as the Plan progresses from the finalised stage, through modifications to adoption. However, the overall aim of the policy is unlikely to change.

The policies and site designations will be subject to a separate Natura 2000 Assessment and there will be instances where the Structure Plan Assessment leaves the detailed assessment for the Local Plan Assessment.

<b>Primary Safeguarding Plans/Policies</b>	
Sensitivities	Policy
All sensitivities	<b>Finalised Structure Plan Policy 2a</b> aims to protect international, national and local nature conservation and scenic designations from inappropriate development.

<b>Primary Safeguarding Plans/Policies</b>	
Coastal development Run off/pollution of watercourses	<b>Finalised Structure Plan Policy 2d</b> aims to restrict development within coastal areas (undeveloped coast) to only that in which social and economic benefits outweigh environmental impact. (In the case of Natura sites, the social and economic reasons would have to be of international importance and would be determined by the Scottish Executive.)
All sensitivities	<b>Finalised Structure Plan Policy 2e)</b> aims to provide protection from development to the countryside around the five main towns.
Pollution of watercourses	<b>Finalised Structure Plan Policy 2k)</b> aims to safeguard the area from pollution and contamination
All sensitivities	<b>Finalised Moray Local Plan Policy E1</b> sets out a framework for assessing proposals which will affect international and national nature conservation designations. Proposals which will affect a designated or proposed SAC, SPA or Ramsar site will be refused unless the developer demonstrates that it will not adversely affect the integrity of the site or there is no alternative solution, and there are imperative reasons of overriding public interest in support of the development.
Coastal development Run off/ pollution of watercourses	<b>Finalised Moray Local Plan Policy E8 “Coastal Protection Zone”</b> identifies the types of development proposals which will be acceptable within the identified Coastal Protection Zone.
All sensitivities	<b>Finalised Moray Local Plan Policy E9 “Settlement Boundaries”</b> sets the limit to which settlements can expand during the Local Plan period. Development proposals immediately outwith the boundaries will not be acceptable.
All sensitivities	<b>Finalised Moray Local Plan Policy E10 “Countryside Around Towns”</b> identifies the types of development proposals acceptable within the CAT areas around the five main towns.
All sensitivities	<b>Cairngorms National Park Local Plan GP3</b> sets out a framework for considering development proposals which would have an adverse impact on the interests, features or integrity of a designated site or identified interests.
All sensitivities	<b>Cairngorms Policy 1: Natura 2000 and Ramsar sites</b> identifies the requirement for appropriate assessment for any development likely to have a significant effect on Natura 2000 sites.
<b>Secondary Safeguarding Plans/ Policies</b>	
Waste management proposals	<b>Finalised Moray Local Plan Policy EP1 “Waste Management and Disposal Facilities”</b> sets out a framework for considering proposals for the development of new facilities for the management or disposal of waste. The policy includes criteria on “the proposal should be located where it will not generate a significant adverse impact on international, national, regional or locally significant designated areas.

Secondary Safeguarding Plans/ Policies	
All sensitivities	<b>Finalised Moray Local Plan Policy EP5 “Watercourses”</b> sets out the framework for assessing proposals which will affect watercourse.
All sensitivities	<b>Finalised Moray Local Plan Policy EP7 “Pollution”</b> requires that a detailed assessment be undertaken where there is likely to be significant pollution and appropriate mitigation identified.
Renewable Energy proposals	<b>Finalised Moray Local Plan Policy ER1 “Renewable Energy Proposals”</b> sets out a framework for considering renewable energy proposals including criteria on “they are compatible with policies to safeguard and enhance the built and natural environment.”
Forestry and developments in woodlands	<b>Finalised Moray Local Plan policy ER3 “Development in Woodlands”</b> aims to protect the biodiversity, recreational and commercial value of woodlands.
Mineral Extraction	<b>Finalised Moray Local Plan Policy ER5 “Minerals”</b> sets out a tiered approach to considering proposals for mineral extraction. Within Tier 1 designations (SPA/ SAC/ Ramsar) permission will only be granted where there are exceptional circumstances, the existing habitats and species will be protected from the development and there is an outstanding national requirement for material and no reasonable alternative exists.
Development on Agricultural Land	<b>Finalised Moray Local Plan Policy ER6 Agriculture</b> supports the agricultural sector by presuming against irreversible development on prime agricultural land and supporting farm diversification proposals in principle.
All sensitivities	<b>Finalised Moray Local Plan Policy IMP1 “Development Requirements”</b> sets out a list of criteria for new development to meet including, “conservation of natural and built environment resources” and “pollution, including groundwater must be avoided”
All sensitivities	<b>Finalised Moray Local Plan Policy IMP2 “Development Impact Assessments”</b> requires applicants to provide further detailed assessments including Environmental Assessment which will be required for all developments within or adjacent to international or national natural heritage designations and for other major proposals that are likely to have significant environmental effects under the terms of the EA regulations.
Rural Business Proposals	<b>Finalised Moray Local Plan Policy ED8 “Rural Business Proposals”</b> sets out criteria for considering new/ extensions to business activities in the countryside including, “environmental considerations, including the impact upon natural and built heritage designations..”

<b>Secondary Safeguarding Plans/Policies</b>	
Tourism proposals	<b>Finalised Moray Local Plan Policy ED9 “Tourism Facilities and Accommodation”</b> sets out criteria for supporting proposals which contribute towards Moray’s role and image as a tourist area. Includes the requirement to “be compatible with policies to safeguard and enhance the built and natural environment.”
<b>Other Safeguarding Plans/Policies</b>	
Renewable Energy proposals	<b>Wind Energy Policy Guidance</b> – approved December 2005. The Guidance identifies Preferred Search areas for small, medium and large scale wind farms. Constraints including international, national and local nature conservation designations are identified as Unsuitable.
Forestry Proposals	<b>Moray Forestry Strategy</b> October 2002 identifies Preferred, Potential, Sensitive and unlikely areas for forestry. Sensitive category includes SPA’s and Ramsar sites. Unlikely includes Special Areas of Conservation.
Proposals affecting River Spey	<b>River Spey Catchment Management Plan</b>
All sensitivities	<b>Environmental Impact Assessment Regulations</b>
Coastal Development	<b>The Moray Firth candidate Special Area of Conservation</b>
Forestry Management	<b>Long Term Forest Plans</b>

**Assessment of Likely Significant Effects**

Matrices 1 and 2 set out an assessment of Policies 1 and 2 against the Natura 2000 sites in Moray. The matrices highlight which policies are likely to have a significant effect on Natura sites and those where it is considered that there is no likely significant effect on the qualifying interests.

Explanatory text to support the conclusions is also provided. Where the matrices have highlighted that a policy is likely to have a significant effect on a Natura site then the policy has been examined in further detail against the conservation objectives of the designated site and sensitivities of the relevant habitats/ species. Where the effects were uncertain the policy has been included under likely significant effect

The key to the matrices is;

	No likely significant effect
	Likely significant effect

**Matrix 1: Policy 1/SPA's/SAC's/Ramsar Sites**

Policy 1: Development and Community															
SPA's						SAC's									
	Cairngorms (& Ramsar)	Loch Spynie (& Ramsar)	Moray and Nairn Coast (& Ramsar)	Tips of Corsemaul and Tomore	Darnaway and Lethen	Cairngorms	Creag nan Garmhainn	Culbin Bar	Hill of Towanreef	Ladder Hills	Lower Findhorn Woods	Lower River Spey – Spey Bay	Moidoch More	Moray Firth	River Spey
	Red	Red	Red	Green	Green	Green	Green	Green	Green	Red	Green	Red	Green	Green	Red
b)	Red	Red	Red	Red	Red	Red	Red	Red	Green	Red	Green	Red	Green	Red	Red
c)	Green	Red	Red	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red
d)	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
e)	Red	Red	Red	Red	Red	Green	Red	Green	Red	Red	Green	Red	Green	Green	Red
f)	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
g)	Green	Red	Green	Green	Green	Green	Red	Green	Green	Green	Green	Red	Green	Red	Red
h)	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red
i)	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green

<b>Policy</b>	<b>Comment</b>	<b>Principal Structure Plan Safeguards</b>	<b>Conclusion</b>
1a	Requires the identification in Local Plans of land for business and industrial use. Although the majority of new land requirements will be located within existing settlements, there is an allowance for the rest of Moray.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments.	Likely significant effect on Cairngorms SPA and SAC, Loch Spynie, Moray and Nairn Coast, Ladder Hills, Lower River Spey- Spey Bay, Moidach More, Moray Firth and River Spey.
1b	Promotes tourism opportunities but does not set out site specific proposals.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments Policy 2d) restricting development within coastal areas out with settlements to only that in which social and economic benefits outweigh environmental impact	Likely significant effect on all Natura sites except Lower Findhorn Woods, Moidach More and Hill of Towanreef because of topography and ground conditions.
1c	Requires Local Plans to identify sites for 2750 houses, focussed on the settlement hierarchy. Some designations such as the Cairngorms will not be affected. Could have a likely significant effect on designations close to settlements identified for growth.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments Policy 2d) restricting development within coastal areas out with settlements to only that in which social and economic benefits outweigh environmental impact	Likely significant effect on Loch Spynie, Moray and Nairn Coast, Lower River Spey - Spey Bay, Moray Firth and River Spey designations.
1d	Provision of affordable housing	Considered to be a sub policy of 1c above. Affordable housing will be provided with housing sites.	No likely significant effect.
1e	Encourages low impact, well designed housing in the countryside to support the rural economy. The impact, especially cumulative, could have a significant effect upon Natura 2000 sites.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments	Likely significant effect on all Natura sites except Culbin Bar, Cairngorms, Moidach More and Lower Findhorn Woods because of ground conditions and topography.
1f	Supports retail and commercial development in accordance with the sequential approach and could have a significant adverse effect on Loch Spynie and the Moray and Nairn Coast designations.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments	Likely significant effect on Loch Spynie, Moray and Nairn Coast and Moray Firth designations.
1g	Promotes improvements to Moray's transport infrastructure and some of the proposals, particularly for upgrading of the A96 trunk road is likely to have a significant impact.	Policy 2e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth	Likely significant effect on Loch Spynie, Creag nan Gamhainn, Lower River Spey-Spey Bay, Moray Firth and River Spey.
1h	Seeks to provide facilities for community use, healthcare, sport and recreation. This is to be in accordance with the settlement strategy and may have an impact upon some	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate developments	Likely significant effect on Loch Spynie, Lower River Spey - Spey Bay, Moray Firth and River Spey designations.

Policy	Comment	Principal Structure Plan Safeguards	Conclusion
	Natura 2000.		
1i	Requires developer contributions as appropriate. No impact upon Natura 2000 sites.		No likely significant effects.

**Matrix 2: Policy 2/SPA's/SAC's/Ramsar Sites**

Policy 2: Environment and Resources															
SPA's						SAC's									
	Cairngorms (& Ramsar)	Loch Spynie (& Ramsar)	Moray and Nairn Coast (& Ramsar)	Tips of Corsemaul and Tomore	Darnaway and Lethen	Cairngorms	Creag nan Gamhainn	Culbin Bar	Hill of Towanreef	Ladder Hills	Lower Findhorn Woods	Lower River Spey – Spey Bay	Moidoch More	Moray Firth	River Spey
a)															
b)															
c)															
d)															
e)															
f)															
g)															
h)															
i)															
j)															
k)															
l)															
m)															

<b>Policy</b>	<b>Comment</b>	<b>Implementation Safeguards</b>	<b>Conclusions</b>
2a	Protects nature conservation and scenic designations. Policy has no likely significant effect.		No likely significant effect.
2b	Protects the wider natural environment and local biodiversity. Policy has no likely significant effect.		No likely significant effect.
2c	Promotes working in partnership with the Cairngorms National Park Authority. Policy has no likely significant effect.		Likely significant effect on Cairngorms, Creag nan Gamhainn and River Spey.
2d	Aims to restrict development within coastal areas. There is a likely significant effect on coastal Natura 2000 sites.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate development	Likely significant effect on Moray and Nairn Coast, Culbin Bar, Creag nan Gamhainn, Lower River Spey- Spey Bay, River Spey and Moray Firth designations.
2e	Provides protection from development to the countryside around the five main towns. Policy has no likely significant effect.		No likely significant effect.
2f	Aims to conserve and enhance the area's built heritage. Policy has no likely significant effect.		No likely significant effect.
2g	Supports proposals for regeneration. Policy has no likely significant effect.		No likely significant effect.
2h	Provision of waste management facilities. No specific sites identified. Policy has no likely significant effect.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate development	Likely significant effect on Loch Spynie, Tips of Corsemaul and Tomore SPA,, Moray and Nairn Coast, Lower River Spey to Spey Bay and River Spey designations.
2i	Promoting SUDS. No further detail provided in the policy. Policy has no likely significant effect.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate development	Likely significant effect on Moray and Nairn Coast and River Spey.
2j	Promoting schemes to alleviate flooding. Policy could have a likely significant effect on the Loch Spynie, Moray and Nairn Coast, Lower Findhorn Woods River Spey and Lower River Spey sites.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate development. Policy 2d) restricting development within coastal areas out with settlements to only that in which social and economic benefits outweigh environmental impact.	Likely significant effect on Loch Spynie, Moray and Nairn Coast, Tips of Corsemaul and Tomore, Creag nan Gamhainn, Culbin Bar, Lower Findhorn Woods, Lower River Spey- Spey Bay, Moray Firth and River Spey designations.
2k	Aims to safeguard the area from pollution and contamination. Policy has no likely significant effect.		Likely significant effect on Moray Firth and River Spey.
2l	Promotes sensitive development of renewable energy. No site specific proposals in the Plan so it	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate	Likely significant effect on all Natura designations except Lower Findhorn Woods.

<b>Policy</b>	<b>Comment</b>	<b>Implementation Safeguards</b>	<b>Conclusions</b>
	could have a likely significant effect on Natura sites.	development Policy 2d) restricting development within coastal areas out with settlements to only that in which social and economic benefits outweigh environmental impact	
2m	Safeguards agricultural, forestry and agricultural resources. Plan does not specify preferred areas and therefore it could have a likely significant effect on Natura sites.	Policy 2a) protecting international, national and local nature conservation and scenic designations from inappropriate development	Likely significant effect on all Natura designations except Lower Findhorn Woods and Moray Firth.

## **Loch Spynie SPA**

### **Conservation Objectives**

To avoid deterioration of the habitats of the qualifying species (Greylag Geese) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure this for the qualifying species the following need to be maintained in the long term:

- Population of the species as a viable component of the site.
- Distribution of the species within the site.
- Distribution of extent of habitats supporting the species.
- Structure, function and supporting processes of habitats supporting the species.
- No significant disturbance of the species

Greylag geese - present during winter months and use the loch as a night-time roost. Sensitive to disturbance from humans, human activity, construction. Sensitive to loss of roost habitat, changes in roost habitat (i.e. water levels, quality)

The following policies were assessed as having no likely significant effect:

<b>Pol.</b>	<b>Reason</b>
1d	Affordable housing – does not affect anything on the ground, it is a sub-policy of housing
1i	Developer contributions - does not affect anything on the ground, it is a sub- policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment
2c	Policy seeking to work in partnership with the Cairngorms NPA
2d	Coastal protection policy – Loch Spynie is not within or adjacent to the Coastal Protection Zone to be affected
2e	CAT policy to create a buffer zone between the northern extent of Elgin and Loch Spynie
2f	Conserving and enhancing built heritage no affect on Loch Spynie
2g	Regeneration of built heritage – only Spynie Palace – no effect likely even if Palace were to have regeneration work done.
2i	SUDS policy - safeguarding policy will benefit Loch Spynie
2k	Safeguarding policy against pollution will benefit Loch Spynie

### **Appropriate Assessment**

The following policies were considered likely to have a significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for greylag geese. These policies have met the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on geese:

<b>Pol.</b>	<b>Reason why conservation objectives met</b>
1a, 1b,	SP policies 2a, 2b, 2e, 2i, 2k and part of 2j protect the site and the land around Loch Spynie against this type of development. Land around Loch

1e, 1f, 1h, 2h, 2l	Spynie is very wet and floods frequently and would therefore be unsuitable for most forms of development. Pollution prevention policies and use of SUDS will safeguard the site and the processes that support the site and therefore the geese. Within the policies themselves there is additional safeguarding to ensure that the sequential approach to choosing development sites is used.
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Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Loch Spynie - geese

CO	1a	1b	1c	1e	1f	1g	1h	2h	2j	2l	2m
1	Y	Y	N	Y	Y	N	Y	Y	N	Y	N
2	Y	Y	N	Y	Y	N	Y	Y	N	Y	N
3	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N
4	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N
5	Y	Y	N	Y	Y	N	Y	Y	N	Y	N
	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policies, without further additional safeguarding or mitigation, will not meet the conservation objectives for geese.

Qualifying Interest	Potential Development Issues	Safeguarding Policies	Mitigation	Qualifying Interest Conclusion
Greylag Geese	<p>1c), New Housing. The Structure Plan identifies a requirement in Elgin for sites for 950 houses. Development to the north of Elgin could increase noise and disturbance through leisure activities such as dog walking.</p> <p>Direct disturbance to species - affecting distribution on site and the population as a viable component of the site.</p> <p>Indirect disturbance - Geese could be impacted by increased recreational activity, especially dog walking if housing increases to the north of Elgin.</p>	<p>CAT policy (2e) can provide a buffer between Elgin and Loch Spynie and this should be retained to ensure that housing has no direct access into the site.</p> <p>Structure Plan policy 2a) Local Plan policies E1, EP7, E10, IMP1</p>	<p>Development proposals will be required to demonstrate how they will avoid disturbance to the geese. This might include improvements to access and recreation facilities away from the loch and minimum distances for houses and gardens.</p>	<p>Providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there will be no adverse impact on integrity of SPA as a whole.</p>

Qualifying Interest	Potential Development Issues	Safeguarding Policies	Mitigation	Qualifying Interest Conclusion
	<p>1g - Transport – Specifically Elgin By-pass route to north of town – direct disturbance during construction and operation of by-pass.</p> <p>Changes in catchment drainage and pollution from by-pass surface waters could indirectly alter the Loch's chemistry and affect the habitats that support the geese.</p>	<p>Structure Plan Policies 2a), 2k) Local Plan policies E1, EP7, E10, IMP1</p>	<p>Development proposals will be required to demonstrate how they will not adversely affect the geese. Construction activities should be programmed to avoid sensitive periods for the geese. Provision of natural noise screens for the by-pass. Consideration of the potential effects of lighting on the bypass and the effect on geese.</p> <p>A catchment study for Loch Spynie is required to determine the impacts of the by-pass on natural drainage pathways that could support Loch Spynie's habitats and therefore the geese.</p> <p>Drainage plan to control surface water in a way that does not affect water chemistry in Loch or the amounts of water entering the Loch.</p>	
	<p>2J – flood alleviation - Promoting flood schemes and considering development proposals against the Flood Risk Framework - Although the latter part of this policy would help safeguard Loch Spynie and the geese, the Elgin flood alleviation scheme and any potential downstream works could disturb geese and could affect the catchment in a way that alters water levels and chemistry that could affect the supporting habitats of the geese.</p>	<p>Structure Plan policies 2a), 2k) Local Plan policies E1, EP5, EP7, IMP1</p>	<p>Any scheme must retain conditions within the catchment of the site that will ensure that the habitats and the processes supporting those habitats are maintained in the long term. Construction should be programmed to avoid sensitive periods for geese.</p> <p>A catchment study may help to understand the relationship between the supporting processes and the water quality and habitats on the site</p>	
	<p>2m Minerals, forestry, agricultural land. Just minerals could affect the geese, because of the potential for direct disturbance and impacts on the catchment drainage that could affect supporting processes.</p>	<p>Structure Plan Policy 2a), Local Plan policies E1, ER5, EP5, IMP1</p>	<p>Avoid the site's catchment for identification of mineral developments. There are existing quarries nearby that may be possible to focus any development on continues extraction here or small expansion.</p>	

## Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Loch Spynie SPA. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals likely to have significant effects on the qualifying interests of the Loch Spynie SPA will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## River Spey SAC

### Conservation Objectives

#### Freshwater pearl mussels, sea lamprey, Atlantic salmon and otter

To avoid deterioration of the habitats of the qualifying species or 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 the qualifying features.

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
- distribution and viability of the species host species
- structure, function and supporting processes of habitats supporting the species host species

The main stem of the Spey and many of its tributaries are designated as SAC. Freshwater pearl mussels and sea lamprey are only known to be within the main stem. Atlantic salmon and otters can be found on the tributaries as well as the Spey. Many watercourses within the catchment are not designated as SAC because they were not identified as providing good salmon spawning ground. However, development impacts on these non-designated tributaries within the catchment of the Spey could still have an impact on the quality and quantity of water within the SAC. Therefore, it is good practice to consider the implications for the Spey SAC when dealing with any proposal that could affect a watercourse within the Spey's catchment. In Moray this means that development in many towns, villages and in the wider countryside areas could impact on the River Spey SAC.

The first 3 species are aquatic with otters being semi-aquatic. Otter breed and rest on land and feed mainly in the water. Otter are therefore likely to be more sensitive to direct disturbance (noise, lighting) from development close to rivers. Although the 3 aquatic species require different river condition and habitat to successfully complete their life cycle, they are all sensitive to similar sorts of impacts to the water environment. The life cycles of these species are reliant on the success of each other. Sea lamprey prey on salmon, otter prey on salmon, lamprey and freshwater pearl mussels, and freshwater pearl mussels depend on salmon to complete their life cycle. Because of this the assessment shows that it is the same development pressures that could impact on all four species, so they will be considered within one table and any specific mitigation for any particular species will be detailed.

The species depend greatly on suitable habitat availability, food sources, breeding habitat and the water quality and quantity. The latter tends only to be an issue in smaller tributaries during dry years and where water is extracted usually for distillery purposes.

Development can result in pollution – either from surface or foul water drainage systems, and from sediment being carried by runoff from construction sites into the rivers. Development close to a watercourse may require bank-work to defend against erosion and this can reduce the bankside and instream habitat value in the long term, as well as damaging habitats that are present. Flood schemes could have major impacts on river habitats and the river processes that support the habitats and therefore the species. River engineering, dredging, extraction and pipe or outfall laying can damage habitats and disrupt processes.

It should however be possible with the correct precautions and sensitivity of approach to mitigate any adverse impacts.

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1d	affordable housing – does not affect anything on the ground it is all housing
1f	The SAC is not in any town
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment
2e	CAT policy – site not near enough to any of the CAT areas to be affected
2f	Conserving and enhancing built heritage no effect on River Spey
2g	Unlikely to affect because it is regeneration of existing built or natural areas

Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect River Spey – all interests

CO															
		1a	1b	1c	1e	1g	1h	2c	2d	2h	2i	2j	2k	2l	2m
Fwpm	1	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N
	2	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N
	3	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N
	4	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N
	5	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N
Sea L	1	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	2	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	3	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	4	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	5	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
At. Sal.	1	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	2	N	N	N	N	N	N	Y		N	Y	N	N	N	N
	3	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	4	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	5	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
Otter	1	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N

	2	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	3	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	4	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
	5	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
		<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for each SAC interests. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact the SAC interests.

Pol.	Reason why conservation objectives met for <b>SAC species</b>
2c	Working in Partnership with the Cairngorms NPA – the upper parts of the Spey and many tributaries are within the CNP. This policy should help protect the SAC
2d	Coast - The majority of the SAC is unaffected by any development that could affect the coast. The mouth of the Spey could however be affected by coastal development. Atlantic salmon and sea lamprey both spend time at sea and must navigate along the coastline to the mouth of the Spey before migrating upstream to spawn. The integrity of the river mouth is therefore important for these species. Otter are also often seen at the mouth. Freshwater pearl mussels are not found at the mouth or in the lowest stretches of the Spey because the gravel is too mobile to support the habitat they require. There are some existing safeguards that help protect, 2a, 2b, 2j.  Presuming that the mouth of the Spey will always exist and taking into account the fact that it is quite mobile and moves about under its own processes, even if coastal development were to impact on coastal processes and result in changes to the mouth, salmon and sea lamprey should still be able to find the mouth and navigate up it.
2i	Use of SUDS – this should help protect watercourses from surface water runoff that can include products, which if directly discharged into a watercourse could have a deleterious effect on water quality.

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for **the SAC interests**

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
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Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Freshwater Pearl Mussel	<p>1a) Identification of industrial and business land using the settlement hierarchy and with preference to brownfield sites before greenfield.</p> <p>This has been assessed as not meeting any of the conservation objectives for all the species, because there could be brownfield sites within settlements such as Rothes, Aberlour, and other towns in proximity to the SAC, that although have had an historical use, redevelopment on site could still result in pollution via drainage arrangements. Sediment from construction both entering the SAC and could also disturb otters. Proposals may require defence against flooding or erosion that could damage banks, habitats and river processes.</p>	<p>There are some safeguarding policies. 2a, 2b, 2c, 2i, 2j (second part) &amp; 2k Local Plan policies E1, EP5, EP7, IMP1, ED8, ED9 River Spey Catchment Management Plan</p>	<p>Additional mitigation for any proposals, which because of their proximity to watercourses or their nature, could impact on the water quality, habitats and processes, should include;</p> <p>Brownfield sites will only be considered for business/Industrial re-use if it can be demonstrated that these areas are not subject to flooding or river erosion and would therefore not require flood or bank defence now or in the future.</p> <p>An otter survey and mitigation report to determine whether or not the site is used by otters is likely to be required.</p> <p>All new surface water drainage arrangements should encourage the use of SUDS or, where this is not possible must satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>All foul drainage should be to waste water treatment works or to foul treatment systems (septic tanks etc) that satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>A construction method statement will need to be provided detailing how construction on site will avoid sediment release into any watercourse – this might include the provision of vegetation buffer zones to filter out surface water runoff or straw bales in smaller watercourses to catch sediment, good site management and the storage of loose materials (sand, gravel, dirt) away from watercourses on site.</p> <p>Similar mitigation would apply for any greenfield sites.</p>	<p>Plan will not adversely affect the freshwater pearl mussel with appropriate mitigation and safeguarding.</p>
	<p>1b) This policy could still impact on the SAC species and supporting habitats and processes without additional safeguarding or mitigation.</p> <p>To promote tourism developments could include those proposed near the SAC that could have direct impacts through construction and could result in increased people/human activity/new</p>	<p>Existing safeguards (2a, 2b, 2c, 2i, 2j (second part) &amp; 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies E1, EP5, EP7, IMP1,</p>	<p>The promotion of tourism developments should be concentrated on those that will not impact directly on the SAC and those where there is an existing development that could accommodate increases in visitor activity without damaging the SAC habitats.</p> <p>There is safeguarding policy 2a that should prevent development on the SAC but tourism opportunities could be proposed outwith the SAC.</p> <p>The SOAC exists and should mean that people visit sites like this</p>	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	tracks/buildings/access/paths, and if the business is water based – this could have direct impacts on the species and their habitats.	ED8, ED9 River Spey Catchment Management Plan.	<p>and act responsibly towards wildlife and habitats. Should any tourism development be proposed that could increase visitor numbers within the SAC, the following mitigation may be required.</p> <p>Any development will have to make provision for the education and management of their customers. This could be by means of interpretation/notices/leaflets/rangers and could also mean identifying certain parts of the SAC where some activities, that could be damaging, cannot be allowed. There may be restrictions on timing of developments and activities that could take place. The developer may also be required to monitor visitor activity.</p> <p>In addition any construction, buildings etc that are close enough to the watercourses to have an impact would have to be subject to mitigation similar to that required for 1a;- All new surface water drainage arrangements should encourage the use of SUDS or, where this is not possible must satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>All foul drainage should be to waste water treatment works or to foul treatment systems (septic tanks etc) that satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>A construction method statement will need to be provided detailing how construction on site will avoid sediment release into any watercourse – this might include the provision of vegetation buffer zones to filter out surface water runoff or straw bales in smaller watercourses to catch sediment, good site management and the storage of loose materials (sand, gravel, dirt) away from watercourses on site.</p> <p>Depending on the nature and location of the development, various survey and mitigation reports may be required. (i.e. otter, freshwater pearl mussels)</p>	
	1c) Housing allocations – There are several towns and villages that are in relatively close proximity to the Spey and its tributaries. Construction of	Existing safeguards (2a, 2b, 2c, 2i, 2j (second part) & 2k) exist but the	Any developments that are close enough to the watercourses to have an impact would be subject to mitigation similar to that required for 1a)- All new surface water drainage arrangements should encourage the use of SUDS or, where this is not possible	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>housing developments creates a risk of sediment runoff and pollution during construction when sites are close to watercourses. The operational drainage arrangements for surface water and foul water for housing could have an impact on adjacent watercourses.</p> <p>Proposals could impact on otter breeding and resting habitat and result in ongoing disturbance during construction and occupation of the site.</p>	<p>sensitivities of the SAC are such that additional mitigation is required.</p> <p>Local Plan policies E1, EP5, EP7, IMP1 River Spey Catchment Management Plan</p>	<p>must satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>All foul drainage should be to waste water treatment works or to foul treatment systems (septic tanks etc) that satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>A construction method statement will need to be provided detailing how construction on site will avoid sediment release into any watercourse – this might include the provision of vegetation buffer zones to filter out surface water runoff or straw bales in smaller watercourses to catch sediment, good site management and the storage of loose materials (sand, gravel, dirt) away from watercourses on site.</p> <p>An otter survey and mitigation report may be required.</p>	
	<p>1e)Housing in the countryside – although these are small scale developments in relative terms, the proliferation of single houses being proposed throughout the catchment of the Spey could easily begin to have a cumulative effect. Local Plan policies have suggested that the use of woodland edges and watercourses are appropriate boundaries to set single houses into their surroundings. This is resulting in many proposals being very close to Spey tributaries, many within the SAC. Each of these developments requires their own foul and surface water system and construction on site poses the real risk of sediment runoff because of its proximity to the watercourses.</p>	<p>There are few safeguarding policies to protect the SAC from this type of development. 2a may protect against housing in the SAC, but housing can be proposed very close to the SAC or on tributaries that are not SAC, but sediment and pollution can still have an effect on water quality and habitats downstream.</p> <p>Local Plan policies E1, EP5, EP7,H8, IMP1 Housing in the Countryside Design Guidance</p>	<p>Mitigation should be relatively easily achieved to avoid these impacts, and so long as developers are made aware of these, proposals can be developed accordingly.</p> <p>Any proposal should be sited a sufficient distance from any watercourse to allow for the accommodation of a surface and foul drainage arrangement that satisfies all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>No direct discharges to watercourses will be approved.</p> <p>A construction method statement will need to be provided detailing how construction on site will avoid sediment release into any watercourse – this might include the provision of vegetation buffer zones to filter out surface water runoff or straw bales in smaller watercourses to catch sediment, good site management and the storage of loose materials (sand, gravel, dirt) away from watercourses on site.</p> <p>An otter survey and mitigation report may be required.</p>	
	Transport – several roads/bridges and	Existing safeguards	A construction method statement will be provided detailing the	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>the Aberdeen to Inverness rail line, and the Keith - Dufftown rail link traverse the Spey and its tributaries. Several roads lie very close to the Spey and its tributaries. Work on transport infrastructure that crosses or is close to the SAC can have impacts on the species.</p> <p>Otters can be directly disturbed. Pollution and sediment runoff can occur during construction. The subsequent operational drainage arrangements for any new section of road could affect the species. Work can sometimes require bank strengthening work</p>	<p>(2a, 2b, 2c, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies E1, EP5, EP7, IMP1 River Spey Catchment Management Plan.</p>	<p>following;</p> <p>how the proposal will not affect the river banks or that the bank work will be done in a manner that will not damage or disturb the species or their habitats – this could include the timing of works to avoid the time of year when spawn might be present in gravels.</p> <p>How construction activities will avoid pollution or sediment runoff entering any watercourse.</p> <p>New road drainage arrangements will be such that there is no risk for motor products (oil etc) and grit/salt from road surfaces from entering watercourses directly without first having passed through some form of pollution prevention system to filter out pollutants.</p> <p>An otter survey and mitigation report may be required.</p>	
	<p>1h) New provision of community facilities including sport and recreation. These facilities are most likely to be proposed in and around towns and villages. They could therefore have an impact where the SAC is close to such places. The only forms of community use that are likely to be found close to the SAC are those that could be subject to flooding without concerns such as sports pitches. Although these are less likely to have as much impact as other development, there may still be construction required, and proximity to watercourses could cause problems with erosion and flooding in the future. Changes in natural topography can also alter surface runoff patterns that could lead to erosion of banks in location sensitive for fwpm.</p>	<p>Existing safeguards (2a, 2b, 2c, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies E1, EP5, EP7, IMP1 River Spey Catchment Management Plan.</p>	<p>Facilities that do not include any buildings should not be accepted in locations where they may be subject to river erosion in the future that might require bank defence to protect them. All proposals should therefore be stepped back from watercourses to avoid this.</p> <p>If forms of construction are required -a construction method statement will be provided detailing the following;</p> <p>How construction activities will avoid pollution or sediment runoff entering any watercourse.</p> <p>And how surface water will be managed.</p> <p>An otter survey and mitigation report may be required.</p>	
	<p>2h) Waste – any waste management facilities are likely to be near centres of population and transport links in Moray and therefore not in proximity to the Spey. If however a proposal came</p>	<p>Structure Plan policies 2a), 2c), 2k) exist but the sensitivities of the SAC are such that</p>	<p>Brownfield sites will only be considered for re-use if it can be demonstrated that these areas are not subject to flooding or river erosion and would therefore not require flood or bank defence now or in the future.</p>	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>forward that would be close enough to the SAC to have an impact, the impacts would be similar to those of business/industry and housing. Waste facilities would be subject to stringent pollution controls so there should be no greater risk to the SAC species than if it were housing etc.</p> <p>Proposals may occupy brown or greenfield sites.</p>	<p>additional mitigation is required. Local Plan policies E1, EP5, EP7, IMP1, River Spey Catchment Management Plan.</p>	<p>An otter survey and mitigation report to determine whether the site is used by otters may be required.</p> <p>All new surface water drainage arrangements should encourage the use of SUDS or, where this is not possible must satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC. Special consideration would have to be given depending on the types of waste present.</p> <p>All foul drainage should be to waste water treatment works or to foul treatment systems (septic tanks etc) that satisfy all pollution prevention regulations, the Moray Council and SEPA and must not have a deleterious effect on the water quality within the SAC.</p> <p>A construction method statement will need to be provided detailing how construction on site will avoid sediment release into any watercourse – this might include the provision of vegetation buffer zones to filter out surface water runoff or straw bales in smaller watercourses to catch sediment, good site management and the storage of loose materials (sand, gravel, dirt) away from watercourses on site.</p> <p>Similar mitigation would apply for any greenfield sites.</p>	
	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>Roths flood scheme has been under development for some time. The River Spey SAC has been considered in the development of the scheme. It is likely therefore that the final proposal will be designed to ensure that for all species, their conservation objectives can be met.</p> <p>It is not known what form a flood scheme to protect Garmouth and</p>	<p>The second part of this policy – assessing proposals against a flood risk framework will protect the SAC species as it would directly discourage development in flood risk areas. Local Plan policies E1, EP5, EP7, IMP1 River Spey Catchment Management Plan</p>	<p>For a flood scheme at Garmouth and Kingston - existing safeguarding is not sufficient in this case. Depending to some extent on what is actually proposed and on the scale of any proposal. If the proposal is likely to affect the coastline and the lowest stretches of the river it will have to consider whether this is likely to impact on the habitats that support the species. An appropriate assessment may be required.</p> <p>Mitigation will include developing a flood scheme that does use sustainable and sensitive ways of using the existing ecosystem and processes – as stated in the policy. The use of hard engineering will be unacceptable and soft options will be the only type of defence acceptable.</p> <p>Timing of any works to avoid migration times.</p>	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	Kingston from coastal and river flooding would take, however there is the potential that any scheme affecting the river mouth or coastline at Spey Bay could affect the river and coastal processes and have knock-on affects for the species of the SAC. Key impacts would include those that could affect Atlantic salmon and sea lamprey migration upstream and those that could disturb otters or destroy holts etc.		Schemes will not create any barrier to fish migration upstream and must retain the natural river and coastal processes that help form this section of the SAC.	
	<p>2k) Although this policy aims to protect against pollution and contamination, remedies to such issues could impact on the Spey. It is however unlikely that with all other safeguards and pollution prevention regulations that any proposals would actually result in increased pollution or disturbance to the SAC species and their habitats.</p> <p>There could however, be the need to upgrade or replace existing infrastructure such as outfall pipes, discharges etc. This could impact on freshwater pearl mussels directly by crushing from machinery. It could damage spawn and spawning habitats for Atlantic salmon and sea lamprey. New outfalls could impede fish migration and work on river banks to outfalls etc could disturb otters and destroy holts.</p>	Existing safeguards (2a, 2b, 2c, 2i, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies E1, EP5, EP7, IMP1 River Spey Catchment Management Plan.	<p>If any existing outfall type structure, that is located within the bed of the SAC, requires to be replaced or maintained the following must be considered.</p> <p>Are there alternatives to using this outfall, i.e. can it be made redundant and left if it would cause damage to species through its removal.</p> <p>If there are no alternatives, and depending on its location a survey for freshwater pearl mussels must be carried out. If freshwater pearl mussels are found to be close and in a location where sediment could smother them or they could be killed by machinery the proposal will be refused.</p> <p>If the habitat around the structure is suitable for either spawning salmon or sea lamprey, then the timing of any works will be dependent on when spawn may be present and also on whether the work can be done without destroying the spawning habitat in the long-term. If it cannot be done without destroying habitat long term then it should be refused.</p> <p>An otter survey and mitigation report may be required.</p>	
	<p>2l) renewables - hydro and wind small/medium or large all have potential to impact on the species.</p> <p>Key impacts are likely to come from the runoff from newly constructed tracks and from any public road upgrades that</p>	Existing safeguards (2a, 2b, 2c, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies	<p>No hydro schemes are proposed and no hydro schemes should be approved within the Spey's catchment</p> <p>Any public road upgrades for wind farms would be subject to the same mitigation as 1g above (please refer).</p> <p>Further mitigation will include construction method statement to</p>	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	may be required.	E1, ER1, EP5, EP7, IMP1 Wind Energy Policy Guidance River Spey Catchment Management Plan.	demonstrate how site drainage and surface water will be managed on the wind farm site and all associated tracks and infrastructure to avoid any release of sediment or pollutants to any watercourses. This is likely to involve managed sediment traps, straw bales in small drainage ditches, ongoing maintenance of tracks and monitoring of the situation throughout all phases of the development.  It may also require mitigation for otters.	
	2m) Minerals/forestry etc.  Forestry is managed within the catchment with conservation for the SAC species in mind and is having a positive effect.  There are several quarries in existence within the catchment that function to the detriment to the SAC species.  New proposals could have an impact.  Any extraction of river gravel from the SAC or area immediately adjacent to it could affect the species.	Existing safeguards (2a, 2b, 2c, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required. Local Plan policies E1, ER5, EP5, EP7, IMP1 River Spey Catchment Management Plan.	Continued use of existing quarries will be encouraged before new ones are proposed.  New proposals would have to demonstrate that their activities and site drainage is designed to avoid sediment and pollution entering any watercourses. Specific mitigation may include protecting nearby watercourses by means of buffer zones or bunds and tree planting.  No extraction of river gravel from the SAC will be permitted. Any proposals adjacent to the SAC will have to demonstrate that extraction will not affect the river processes and that the above considerations regarding drainage and watercourses on site is adhered to. In addition, if there is a proposal close to the SAC, alternative locations to extract shingle may need to be considered if there is doubt as to whether there could be an impact on the river in the long-term, should for example the river be prone to movement, such is the case in its lower stretches.	Conclusion on freshwater pearl mussels, sea lamprey, Atlantic salmon and otter – providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there should be no adverse impact on integrity of SAC as a whole.

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of River Spey SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the River Spey SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Tips of Corsemaul and Tomore SPA

### Conservation Objectives

To avoid deterioration of the habitats of the qualifying species (common gull) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure this for the qualifying species the following need to be maintained in the long term:

- population of the species as a viable component of the site
- distribution of the species within the site
- distribution of the extent of habitats supporting the species
- structure, function and supporting processes of habitats supporting the species
- no significant disturbance of the species

Common gull - present during bird breeding season. These birds use the hill as their breeding grounds. Sensitive to disturbance from humans, human activity, construction. Sensitive to loss of habitat, changes in habitat – management (muirburn, grazing levels). Affected also by food sources outwith control of the Structure Plan policies

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1a	The SPA occupies an upland hillside and is not near any towns and it is not likely that business or industrial proposals would be proposed in this location
1c	The SPA occupies an upland hillside and is not near any towns and it is not likely that housing would be proposed in this location
1d	affordable housing – does not affect anything on the ground, it is a sub-policy of housing
1f	The SPA is not in any town
1g	No roads are likely to be proposed over the hill and there are no major roads near to the site
1h	Community facilities etc unlikely to be proposed up on the hills
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	Policy seeking to work in partnership with the Cairngorms National Park
2d	Coastal policy – the SPA is not within or adjacent to the Coastal Protection Zone
2e	CAT policy – site not near any CAT areas
2f	Conserving and enhancing built heritage – no affect on site
2g	No built heritage and not near a town
2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it.

### Appropriate Assessment

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for common gull. These policies have met the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on geese.

Pol.	Reason why conservation objectives met
1b, 1e, 2h, 2j, 2m	SP policies 2a, 2b, 2k will protect the SPA and the surrounding land from impacts these proposal could have. Tourism, waste, flood and minerals developments are still quite unlikely up on the hillside, likewise housing in the countryside would tend to favour lower lying locations.

	1b	1e	2h	2j	2l	2m
1	Y	Y	Y	Y	N	Y
2	Y	Y	Y	Y	N	Y
3	Y	Y	Y	Y	Y	Y
4	Y	Y	Y	Y	Y	Y
5	Y	Y	Y	Y	N	Y
<b>N = conservation objective not met</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for common gull.

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Aggregations of Breeding birds – Common Gull	2l) Renewables policy. There is a possible impact from small/medium/large scale wind development. There is the risk of common gulls colliding with turbines. The SPA site and the habitats and the processes supporting the habitats will be safeguarded by existing policies, but a wind farm may not necessarily be in the proximity of the SPA to have a collision risk impact.  There are no preferred search areas for large scale wind farms in Moray that could affect the gulls, however proposals could be put forward. Medium/small scale	Existing policies (2a, 2b) will go some way to protecting but it is considered that additional mitigation is needed. Local Plan policies E1, ER1, IMP1.	Any potential scheme small/medium or large would have to consider whether there is a collision risk to common gulls due to the proposed location. Any possible impact would need to be assessed and would have to demonstrate that it would not pose a significant risk of disturbance/collision to common gulls  Development proposals likely to have significant effects on the qualifying interests of the Tips of Corsemal and Tomore SPA will require appropriate assessment to establish whether the proposal would have an adverse effect on the integrity of the site. Developments where it cannot be shown that they will not adversely affect the site will be refused unless a case can be made that there are	Implementation of the Structure Plan will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	developments could be proposed close to the site or in areas used by the gulls to fly to and from their breeding and feeding areas.		no alternatives and imperative reasons of public interest.	

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Tips of Corsemaul and Tomore SPA. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Tips of Corsemaul and Tomore SPA will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Culbin Bar

### Conservation Objectives

To avoid deterioration of the qualifying habitats;-

- coastal shingle vegetation
- Atlantic salt meadows
- embryonic shifting dunes

thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving FCS for each of the qualifying features.

To ensure that for the qualifying habitats that the following are maintained in the long term:

- extent of the habitat on site
- distribution of habitat within the 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

All these interests can be founding the site and are dependent upon coastal processes and wind and will all be sensitive to the same sorts of developmental pressures. Any development proposals that could directly damage the interests or could upset/change the coastal processes that support these habitats would have a likely significant affect that would need to be considered further. The three interests, saltmarsh, dunes and shingle will be considered together in this case because what would affect one would affect the others.

### Saltmarsh, dunes and shingle (SAC)

The following policies were assessed as having no likely significant effect;-

Pol.	Reason
1a	Business and industrial land allocations for the towns. Even development at Forres would not affect these habitats.
1c	Housing would not be proposed in locations that could affect these habitats
1d	affordable housing – does not affect anything on the ground it a sub-policy of housing
1e	There are existing safeguards to protect these areas (2a, 2b, 2j) that would prevent single houses being proposed on areas of the habitat or surrounding area
1f	The SAC is not in any town
1g	There are no existing roads near the site and no transport improvements would affect the site.
1h	Community and recreational facilities etc unlikely to be proposed in this area
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites

2b	Safeguarding policy for the wider natural environment etc
2c	Policy seeking to work in partnership with the NPA – SAC is outwith CNPA
2e	CAT policy – site not near CAT areas
2f	Conserving and enhancing built heritage-no built heritage near the site
2g	No built heritage and not near a town
2h	Not a likely location for waste facilities due to inaccessibility and not likely to be affected by any proposals elsewhere
2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it anyway

### **Appropriate Assessment**

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the three types of habitat. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on saltmarsh, dunes and shingle.

Pol.	Reason why conservation objectives met
1b, 2m.	SP policies 2a, 2b, 2k will protect the SAC and the surrounding land from impacts these proposals could have. Tourism development could include improvements to existing harbours which is unlikely to affect coastal processes and there are no new harbours proposed. Visitors are well managed at this site by landowners and managers. Mineral developments are unlikely to be proposed within coastal zones and are therefore unlikely to affect coastal processes that could affect the site. Forestry adjacent to the site is well managed to include conservation of these habitats.

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Culbin Bar saltmarsh, dunes and shingle

	1b	2d	2j	2l	2m
1	Y	N	N	N	Y
2	Y	N	N	N	Y
3	Y	N	N	N	Y
4	Y	N	N	N	Y
5	Y	N	N	N	Y
6	Y	N	N	N	Y
7	Y	N	N	N	Y
<b>N = conservation objective not met</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policies without further additional safeguarding or mitigation, will still not meet the conservation objectives for saltmarsh, dunes and shingle

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Atlantic salt meadows Embryonic Shifting dunes Perennial Vegetation of stony banks	<p>2d) Although this policy is designed to restrict development outwith settlements to only that in which the social and economic benefits outweigh environmental impact, this could still mean that development which could impact on the SAC habitats could be allowed.</p> <p>It would depend on the scale of development and whether or not it would require coastal defences against erosion and flooding now or in the future.</p> <p>Any development along the coast requiring either coastal defences, or coastal engineering works could affect the coastal processes that support the three habitats.</p>	<p>There are some existing safeguards that help, 2a, 2b, 2j - (assessing development proposals against a flood risk framework). However these alone may not be sufficient to safeguard the SAC interests. Local Plan policies E1, E8, IMP1</p>	<p>Depending to some extent on the scale and nature of any proposal, if the proposal is likely to affect coastal processes it will have to consider whether this is likely to impact on those processes that support the SAC habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment.</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.</p>
	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>It is not known what form a flood scheme to protect Garmouth and Kingston from coastal and river flooding would take. However there is the potential that any scheme affecting the coastline at Spey Bay could affect the coastal processes and have knock-on effects along the coastline and potentially affect the processes that support the SAC habitats.</p>	<p>The second part of this policy – assessing proposals against a flood risk framework will protect the SAC area itself from damage because the area is subject to tidal water and flooding and is therefore unsuitable itself for any form of development. Structure Plan policy 2a) Local Plan policy E1, EP5, E8, IMP1</p>	<p>Existing safeguarding is not sufficient in this case. Depending to some extent on what is actually proposed and on the scale of any proposal. If the proposal is likely to affect coastal processes at Spey Bay it will have to consider whether this is likely to impact on those processes that support the Culbin Bar SAC habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment.</p>	<p>Implementation of the Structure Plan will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.</p>

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	2l) Renewables – the only form of renewables that could impact on the habitats would be offshore wind and potentially some forms of wave and tidal schemes, due to the fact that if they could affect the supporting coastal processes they could impact on the habitats. Impacts could be due to structures and construction of any scheme. If the proposals were far enough offshore to avoid affecting the coastal processes then this might be okay. However if they were proposed close to the land this could affect the processes	Existing policies safeguard against renewables on site but not offshore. Offshore proposals are outwith the scope of the Moray Structure and Local Plan.	Existing safeguarding is not sufficient in this case. If the proposal is likely to affect coastal processes along the Moray coast it will have to consider whether this is likely to impact on those processes that support the Culbin Bar SAC habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment.	Implementation of the Structure Plan will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Culbin Bar SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Culbin Bar SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding

## Creag Nan Gamhainn SAC

### Conservation Objectives

To avoid deterioration of the qualifying habitat, hard water springs, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving FCS for each of the qualifying features.

To ensure for the qualifying habitat(s) that the following are maintained in the long term:-

- extent of the habitat on site
- distribution of the habitat within the site
- structure and function of the habitat
- processes supporting the habitat
- distribution of typical species of the habitat
- viability of typical species of the habitat
- no significant disturbance of typical species of the habitat

Hard water springs depositing lime - qualifying interests of SAC (priority interest). The springs can be found throughout the SAC. The SAC is mostly on a very steep slope and in parts is either side of the A939 Tomintul to Cock Bridge road. Providing the processes that allow water to filter through the hillside and emerge as springs are maintained, the springs should continue to deposit lime (tufa). The interest is therefore sensitive to any works that could affect the actual site and to any works a out with the site and above the hillside that could affect the amount of water or the geology that it filters through.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

### Springs - (SAC)

**The following policies were assessed as having no likely significant effect;-**

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1c	Housing would not be proposed in locations that could affect the springs – slopes are too steep and there are no existing settlements nearby.
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1f	The SAC is not in any town
1h	Community and recreational facilities etc unlikely to be proposed in this area due to steepness and remoteness from towns
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2e	CAT policy – site not near enough to any CAT areas to be affected
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	Not a likely location for waste facilities due to inaccessibility, steepness of slope and not likely to be affected by any proposals elsewhere

2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it anyway

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the springs. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on the springs.

Pol.	Reason why conservation objectives met
1e,1g, 2c	SP policies 2a, 2b, 2k will protect the SAC and the surrounding land from impacts these proposal could have. 1e – no housing will be proposed on the site due to its steepness. Housing above the site on the slope may be proposed but single houses are unlikely to affect the quality and quantity of water filtering through the hillside and should therefore not affect the springs. Single house construction should also not significantly affect any geology that the springs depend on. 1g The A939 Tomintoul to Cock Bridge road has suffered landslips in the past that may have damaged the springs. This is an existing road which is not identified as a strategic link to be promoted. This policy therefore does not affect the springs. 2c – The objectives of the CNPA include those to protect and enhance the natural heritage and this policy will therefore safeguard the springs.

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Creag nan Gamhainn SAC - hard water springs

CO	1e	1g	2c	2l	2m
1	Y	Y	Y	N	N
2	Y	Y	Y	N	N
3	Y	Y	Y	N	N
4	Y	Y	Y	N	N
5	Y	Y	Y	N	N
6	Y	Y	Y	N	N
7	Y	Y	Y	N	N
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policies, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the springs

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Hard water springs depositing lime	2l) It is unlikely that any wind farms will be proposed in the locality of the SAC, however road upgrades to transport wind farm materials may be required. The A939 would be likely to need work done to it to prevent the landslides if it were to have to take construction traffic. Likewise any potential biomass proposals within the area could require similar upgrades. Upgrades to strengthen the road could damage the springs themselves and could affect the supporting processes	2a and 2k will help safeguard but are not sufficient alone to ensure the integrity of the springs. Cairngorms Local Plan policies.	Given the relative remoteness of the road, that leads to Tomintoul before passing over the Lecht or back down Glenlivet towards Speyside again, it is very unlikely that wind farm traffic would require to use this route. There are also other routes to reach Tomintoul. Biomass traffic is likely to be less than wind farm traffic and consist of timber lorries. These lorries could easily use alternative routes.  The use of alternative routes to the A939 for renewable traffic movement in particular wind farm traffic, should ensure that the springs are not affected	Providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there should be no adverse impact on integrity of SAC as a whole.
	2m) The SAC is woodland and used for grazing. Its steepness makes it unsuitable for plantation forestry. Forestry could however be proposed above the site and this could affect the water chemistry and quantity that filters through the hillside and emerges as the springs. Mineral development is unlikely to be suitable on site due to steepness and other safeguarding policies (2a). There is an existing quarry that is closed nearby that does not affect the site as it is not directly above the SAC.	2a, 2k will help safeguard but are not sufficient alone to ensure the integrity of the springs. Cairngorms Local Plan policies	The land above the SAC is a small knoll and any forestry proposals must avoid this area.  Minerals development should be encouraged to re-open, with the possibility of extension of the existing quarry rather than develop above the SAC on the hillside.	

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Creag Nan Gamhainn SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Creag Nan Gamhainn SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding

## Ladder Hills SAC

### Conservation Objectives

To ensure for the qualifying habitat(s) 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

Blanket bog (priority interest), alpine and boreal heaths, European dry heaths - qualifying interests of SAC. These moorland habitats, although different, can be found throughout the SAC. The supporting processes include the soil – the peat, rainfall and climate. Most of the site is high altitude and is therefore not hospitable and is consequently less susceptible to many development pressures. The habitats are all sensitive to the same pressures and have therefore been considered together because what could affect one habitat would affect the others.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

### **Blanket bog (priority interest), alpine and boreal heaths, European dry heaths - (SAC)**

**The following policies were assessed as having no likely significant effect:-**

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1c	Housing developments would not be proposed that could affect the site because of the remote and upland location.
1d	affordable housing – does not affect anything on the ground it is a sub-policy of housing
1f	The SAC is not in any town
1h	Community and recreational facilities etc unlikely to be proposed in this area due to remoteness from towns
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural heritage etc
2d	Site is not near the coast
2e	CAT policy – site not near any CAT areas to be affected
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	Not a likely location for waste facilities due to inaccessibility, remoteness of site and upland setting
2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site

2j	No flood schemes proposed and policy helps protect against developments in flood prone areas.
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it anyway

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the habitats. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on the habitats.

Pol.	Reason why conservation objectives met
1e, 1g, 2c, 2l, 2m	SP policies 2a, 2b, 2c, 2k will protect the SAC and the surrounding land from impacts these proposal could have. 1e – Single housing within the SAC is extremely unlikely due to the location and altitude of the SAC. 1g – the only transport link through the site is the A939 over the Lecht. Any promotion of this link is unlikely to result in damage to the habitats adjacent to the road. These in the most part have been disturbed and are unlikely to be the qualifying habitats. 2c will significantly protect the interests of this SAC being quite central to the CNP. Park objectives include to protect and enhance the natural habitats so this should provide good protection for the SAC. 2l – policies 2a, 2c should protect the SAC area from renewable proposals. 2m - policies 2a, 2c, should ensure that there is no impact from minerals (including peat extraction) and forestry proposals. The SAC land is, in any case, unsuitable for forestry.

Appropriate Assessment Summary table taking into consideration existing SP safeguards. Structure Plan policies likely to significantly affect blanket bog, alpine and boreal heaths, European dry heaths.

CO	1b	1e	1g	2c	2l	2m
1	N	Y	Y	Y	Y	Y
2	N	Y	Y	Y	Y	Y
3	Y	Y	Y	Y	Y	Y
4	Y	Y	Y	Y	Y	Y
5	N	Y	Y	Y	Y	Y
6	N	Y	Y	Y	Y	Y
7	N	Y	Y	Y	Y	Y
	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policies, without further additional safeguarding or mitigation, will not meet the conservation objectives.

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Blanket bog, alpine and boreal	1b) To promote tourism developments could include those proposed on or near the SAC	Structure Plan Policy 2a)	The promotion of tourism developments should be concentrated on those that will not impact on the SAC habitats	Policy will not adversely affect the

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
heaths, European dry heaths.	that could affect the habitats. Increased people/human activity/new tracks/buildings/access etc onto the site could adversely affect the habitats	Cairngorms National Park Local Plan	and those where there is an existing development that could accommodate increases in visitor activity without damaging the SAC habitats, or the peat structure that supports them.	qualifying interest with appropriate mitigation and safeguarding.

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Ladder Hills SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Ladder Hills SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interests.

## Lower River Spey- Spey Bay SAC

### Conservation Objectives

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 FCS for each of the qualifying features.

To ensure for the qualifying habitat(s) 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

Perennial vegetation of stony banks (vegetated shingle) and alluvial forests (floodplain alder woodland) - qualifying interests of SAC.

These two types of habitat are quite different. They have formed in different ways and the processes that support them, although linked to river and coastal processes are different. The development pressures that could affect these habitats is therefore slightly different for each habitat. This assessment shall therefore take each habitat individually.

The **vegetated shingle** is found outwith the tidal area and has been formed by a retreating coastline over the past 10,000 years. Vegetation has established naturally on the shingle ridges (old beach lines) and in some places the shingle remains bare except for lichens growing on the stones. This area of bare shingle is probably one of the most valuable shingle habitats in the UK because so many other areas of shingle have been destroyed by development throughout the UK. The vegetated shingle is very sensitive to any surface damage that could include any forms of development that would disturb the shingle surface. Even people walking on the bare shingle can cause damage to the lichens. The shingle is obviously a potential mineral resource and could be significantly damaged irreparably by extraction within the SAC. The site is very close to the shoreline and could be damaged by coastal erosion if this were to occur as a result of any development. Planting forests would also damage this habitat.

The **floodplain woodland** is found in a different area of the SAC on the banks and on the shingle islands of the River Spey. This woodland establishes within the floodplain of the River Spey and when shingle islands become stable enough to support vegetation, woodland will establish on these. The River Spey's natural processes of erosion and deposition mean that these woodlands are in a constant flux of establishment and destruction. i.e. as one shingle island or river bank with mature woodland on it is eroded, another new bank or island is deposited for vegetation to establish. The supporting processes of this habitat are those of the river (the hydrogeomorphology). Any development that could directly result in the loss of woodland would damage the interest. Some developments could indirectly affect the woodland by directly affect the hydrogeomorphology. Hard river defence, river engineering, dredging, flood schemes and shingle extraction on or from the river could all affect the ability of the natural river processes to act and therefore affect the woodland. The key area of sensitivity for this woodland is the River Spey from the Fochabers Bridge north to its mouth.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

### **Vegetated shingle**

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1a	The shingle is remote from any existing settlements and would therefore not be considered for business/industrial land.
1c	The shingle is remote from any existing settlements and would therefore not be considered for housing
1d	affordable housing – does not affect anything on the ground it is a sub-policy of housing
1f	The SAC is not in any town
1g	There are no existing roads near the shingle
1h	Community and recreational facilities etc unlikely to be proposed in this area
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	Policy seeking to work in partnership with the Cairngorms NPA – SAC is out with CNPA
2e	CAT policy – site not near any CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	Not a likely location for waste facilities due to inaccessibility and not likely to be affected by any proposals elsewhere
2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it anyway
2l	No renewable scheme is likely to be proposed within the SAC and any scheme proposed in the vicinity is unlikely to impact on the SAC shingle. Offshore schemes may have an effect but this is not dealt with by the local authority.

### **Floodplain woodland**

The following policies were assessed as having no likely significant effect;-

Pol.	Reason
1b	Tourism developments and an increase in visitor numbers in the area would be unlikely to affect the woodland or the river processes.
1c	Housing would not be proposed in locations that could affect these habitats – it is on the Spey's flood plain (second part of 2j would safeguard against this)
1d	affordable housing – does not affect anything on the ground it is a sub-policy of housing
1e	There are existing safeguards to protect these areas (2a, 2b, 2j, 2k) that would prevent single houses being proposed on areas of the habitat or surrounding area.
1f	The SAC is not in any town
1h	Community and recreational facilities etc unlikely to be proposed in this area
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	Policy seeking to work in partnership with the Cairngorms NPA – SAC is out with CNPA
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site

2g	No built heritage and not near a town
2h	Not a likely location for waste facilities due to it being on a floodplain and not likely to be affected by any proposals elsewhere
2i	SUDS – no housing schemes/business/industrial likely therefore SUDS policy does not affect this site. SUDS would not necessarily affect the river processes anyway
2k	Pollution safeguarding – would be of benefit to site, but unlikely to affect it anyway
2l	No renewable scheme is likely to be proposed within the SAC and within the River Spey's floodplain and it is therefore unlikely that this could affect the woodland and the river's processes. Offshore schemes may have an effect but this is not dealt with by the local authority.

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the shingle and floodplain woodland. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on shingle and floodplain woodland.

Pol.	Reason why conservation objectives met for <b>shingle</b>
1e	Safeguards such as 2a, exist to prevent housing being proposed on site. Housing close to the site could only be proposed to the south and should not have an impact on the shingle because access can be gained without crossing the SAC.
2m	Protecting policies exist, 2a. Mineral developments are unlikely to be proposed within coastal zones and are therefore unlikely to affect coastal processes that could affect the site. There are areas of shingle out with the SAC where it may be possible to extract shingle resources without damaging the SAC habitat or the supporting processes. Forestry on and adjacent to the site is well managed to include conservation of this habitats.

Pol.	Reason why conservation objectives met for <b>floodplain woodland</b>
1a,	SP policies 2a, 2b, 2j, 2i, 2k, will all prevent housing from being proposed within or on the outskirts of any settlement where it could impact on the river's processes and therefore the woodland
1g	Transport – policies 2a, 2j, 2k will helped safeguard. The potential proposal most likely to affect the floodplain woodland would be if a new A96 bridge is proposed. It is however unlikely to be any lower or closer to the river than the existing one and should therefore have no impact on the river's processes and consequently the woodland habitat.

Appropriate Assessment Summary table taking into consideration existing SP safeguards. Structure Plan policies likely to significantly affect Lower River Spey- Spey Bay SAC – **vegetated shingle**

	1b	1e	2d	2j	2m
1	N	Y	N	N	Y
2	N	Y	N	N	Y
3	N	Y	N	N	Y
4	N	Y	N	N	Y
5	N	Y	N	N	Y
6	N	Y	N	N	Y
7	N	Y	N	N	Y
	<b>N</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

Appropriate Assessment Summary table taking into consideration existing SP safeguards. Structure Plan policies likely to significantly affect Lower River Spey- Spey Bay SAC – **floodplain woodland**

	1a	1g	2d	2j	2m
1	Y	Y	N	N	Y
2	Y	Y	N	N	Y
3	Y	Y	N	N	Y
4	Y	Y	N	N	Y
5	Y	Y	N	N	Y
6	Y	Y	N	N	Y
7	Y	Y	N	N	Y
	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for **vegetated shingle**

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
vegetated shingle	<p>1b) This policy could still impact on the SAC shingle habitat without additional safeguarding or mitigation.</p> <p>To promote tourism developments could include those proposed near the SAC that could affect the habitat. Increased people/human activity/new tracks/buildings/access/paths etc onto the site could disturb and damage the habitat.</p>	<p>Policy 2a) should prevent development on the SAC but tourism opportunities could be proposed outwith the SAC. Moray Local Plan policies E1, E1, E8, EP5, EP7, IMP1</p>	<p>The promotion of tourism developments should be concentrated on those areas that will not impact on the SAC habitat and those where there is an existing development that could accommodate increases in visitor activity without damaging the SAC habitats.</p> <p>The SOAC exists and should mean that people visit sites like this and act responsibly towards wildlife and habitats.</p> <p>Should any tourism development be proposed that could increase visitor numbers within the SAC, the following mitigation may be required.</p> <p>Any development will have to make provision for the education and management of their customers. This could be by means of interpretation/notices/leaflets/rangers and could also mean identifying certain parts of the SAC where some activities, that could be damaging, cannot be allowed. There may be restrictions on timing of developments and activities that could take place. The developer may also be required to monitor visitor activity.</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.</p>

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>2d) Although this policy is designed to restrict development outwith settlements to only that in which the social and economic benefits outweigh environmental impact, this could still mean that development that could impact on the SAC habitats could be allowed.</p> <p>It would depend on the scale of development and whether or not it would require now or in the future coastal defences against erosion and flooding.</p> <p>Any development along the coast requiring either coastal defences, or costal engineering works could result in changes to coastal processes that could impact on the shingle</p>	<p>There are some existing safeguards 2a, 2b, 2j - (assessing development proposals against a flood risk framework). However these alone may not be sufficient to safeguard the SAC interests. Local Plan policies E1, E8, EP5, EP7, IMP1</p>	<p>Depending to some extent on the scale and nature of any proposal, if the proposal is likely to affect coastal processes it will have to consider whether this is likely to impact on those processes that support the SAC habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment.</p> <p>Mitigation may include that any development on the coast should be located away from areas that could be susceptible now and in the future to coastal erosion and flooding. Any development likely to suffer this should be refused or would have to demonstrate that the protection proposed will not impact on the coastal processes and therefore the shingle.</p>	
	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>It is not known what form a flood scheme to protect Garmouth and Kingston from coastal and river flooding would take. However there is the potential that any scheme affecting the coastline at Spey Bay could affect the coastal processes and have knock-on affects along the coastline and potential affect the processes that support the SAC habitat.</p>	<p>The second part of this policy – assessing proposals against a flood risk framework will protect parts of the SAC that are subject to tidal flooding and the risk of erosion. Structure Plan policy 2a) Local Plan policies E1, E8, EP5, EP7, IMP1</p>	<p>For any flood scheme -existing safeguarding is not sufficient in this case. Depending to some extent to what is actually proposed and on the scale of any proposal, if the proposal is likely to affect coastal processes at Spey Bay it will have to consider whether this is likely to impact on those processes that could affect the shingle habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment. Mitigation will include developing a flood scheme that does use sustainable and sensitive ways of using the existing ecosystem and processes – as stated in the policy. The use of hard engineering will be unacceptable and soft options will be the only type of defence acceptable.</p>	
floodplain woodland	<p>2d) Although this policy is designed to restrict development outwith settlements to only that in which the social and economic benefits outweigh environmental impact, this could still mean that development that could impact on the SAC habitats could be allowed.</p>	<p>There are some existing safeguards that help, 2a, 2b, 2j - (assessing development proposals</p>	<p>Depending to some extent on the scale and nature of any proposal, if the proposal is likely to affect coastal processes it will have to consider whether this is likely to impact on those processes that support the SAC habitats i.e. will it affect the ability of the river Spey to act naturally. If coastal development could affect the mouth of the Spey, this could have knock-on affects upstream that could affect the woodland. If an impact</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.</p>

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>It would depend on the scale of development and whether or not it would require now or in the future coastal defences against erosion and flooding.</p> <p>Any development along the coast requiring either coastal defences, or costal engineering works could affect the coastal processes that support the habitat.</p>	<p>against a flood risk framework). However these alone may not be sufficient to safeguard the SAC interests. Local Plan policies E1, E8, EP5, EP7, IMP1</p>	<p>on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment.</p> <p>Mitigation may include that any development on the coast should be located away from areas that could be susceptible now and in the future to coastal erosion and flooding. Any development likely to suffer this should be refused or would have to demonstrate that the protection proposed will not impact on the coastal and River Spey processes and therefore the woodland.</p>	
	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>It is not known what form a flood scheme to protect Garmouth and Kingston from coastal and river flooding would take, however there is the potential that any scheme affecting the coastline at Spey Bay could affect the coastal processes and have knock-on affects along the coastline and potential affect the processes that support the SAC habitat.</p>	<p>The second part of this policy – assessing proposals against a flood risk framework will protect the SAC woodland itself from damage because the area is subject to river flooding.</p>	<p>For any flood scheme -existing safeguarding is not sufficient in this case. Depending to some extent on what is actually proposed and on the scale of any proposal. If the proposal is likely to affect coastal processes at Spey Bay it will have to consider whether this is likely to impact on those processes that could affect the woodland habitats. If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment. Mitigation will include developing a flood scheme that does use sustainable and sensitive ways of using the existing ecosystem and processes – as stated in the policy. The use of hard engineering will be unacceptable and soft options will be the only type of defence acceptable.</p>	
	<p>2m) Minerals, forestry etc.</p> <p>Existing forestry is managed sensitively and for the conservation of this habitat.</p> <p>There have been proposals in the past to extract river shingle from the river or immediately adjacent to it for commercial gain. This could have an extremely damaging affect on the river's processes and the woodland</p>	<p>Existing safeguards 2a should help safeguard the site and the surrounding area from any mineral proposals, however an appropriate assessment is likely to be required for any proposal on or adjacent to the river.</p> <p>Local Plan</p>	<p>There may be little mitigation that could help reduce an impact so any mineral extraction proposals on or adjacent to the River Spey – Spey Bay SAC should be refused or be of such a small scale as not to affect or change the river processes. Any proposal outwith the SAC should ensure that it does not require to take water from the River to process gravel. Any proposals outwith the SAC should not interfere with the banks of the river or the flood plain.</p>	

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
		policies E1, E8, ER5, IMP1		

**Conclusion**

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Lower River Spey- Spey Bay SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Lower River Spey- Spey Bay SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Moray and Nairn Coast SPA

### Conservation Objectives

Qualifying interests of SPA;-

- Foraging grounds for nationally important numbers of breeding osprey,
- over 20,000 wintering waterfowl
- internationally important wintering populations of Icelandic/Greenland pink-footed geese and Icelandic greylag geese and redshank.

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 makes an appropriate contribution to achieving FCS for each of the qualifying species.

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 the site
- distribution and extent of habitats supporting the species
- structure, function and supporting processes of habitats supporting the species by SPA conservation objectives are assessed against relevant conservation objectives for overlapping sites.
- To avoid deterioration of the qualifying habitats and habitats of 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 FCS for each of the qualifying features.

This site is split between Findhorn Bay area and Spey Bay. The majority of waterfowl and geese are found at Findhorn Bay. Ospreys feed at both sites. It is easier to consider the two areas separately because there are differences in the types of development each area may be subject to.

The different species of bird depend on the same areas of habitat to roost and feed. The processes that support these habitats (mudflat, estuaries and saltmarsh) can all be affected by the same sorts of development. This assessment therefore splits the SPA into two sections but considers the species together.

Key impacts are disturbance to the birds themselves and to the habitats they depend on.

### SPA species - Findhorn

The following policies were assessed as having no likely significant effect;-

Pol.	Reason
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1f	The SPA is not in any town
1g	There are no transport links that could affect the site
1h	Community facilities are unlikely to be proposed near the site and that could affect the SPA
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites

2b	Safeguarding policy for the wider countryside etc
2c	CNPA – not in CNPA
2e	CAT policy provides buffer between Forres and Findhorn Bay – positive.
2f	There is no built heritage near the site
2g	There is no built environment near the site
2k	Pollution policy safeguards

### **SPA species – Spey Bay**

The following policies were assessed as having no likely significant effect;-

Pol.	Reason
1d	affordable housing – does not affect anything on the ground it is all housing
1f	The SPA is not in any town
1h	Community facilities are unlikely to be proposed near the site and that could affect the SPA
1i	developer contributions - does not affect anything on the ground
2a	Direct safeguarding policy for N2k sites
2b	Safeguarding policy for the wider countryside etc
2c	CNPA – not in CNPA
2e	CAT policy provides buffer between Forres and Findhorn Bay – positive.
2f	There is no built heritage near the site
2g	There is no built environment near the site
2i	SUDS – would protect and benefit.
2k	Pollution policy safeguards

Appropriate Assessment Summary table taking into consideration existing SP safeguards. Structure Plan policies likely to significantly affect Moray and Nairn Coast – Findhorn – all species

CO	Findhorn									
	1a	1b	1c	1e	2d	2h	2i	2j	2l	2m
1	Y	Y	Y	Y	N	Y	Y	Y	N	Y
2	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
3	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
4	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
5	Y	Y	Y	Y	N	Y	Y	Y	N	Y
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

Appropriate Assessment Summary table taking into consideration existing SP safeguards. Structure Plan policies likely to significantly affect Moray and Nairn Coast – Spey Bay – all species

CO	Spey Bay									
	1a	1b	1c	1e	1g	2d	2h	2j	2l	2m
1	Y	Y	Y	Y	Y	Y	Y	N	N	N
2	Y	Y	Y	Y	Y	Y	Y	N	N	N
3	Y	Y	Y	Y	Y	Y	Y	N	Y	N
4	Y	Y	Y	Y	Y	Y	Y	N	Y	N
5	Y	Y	Y	Y	Y	Y	Y	N	N	N
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the SPA. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on SPA

Pol.	Reason why conservation objectives met for <b>SPA species - Findhorn</b>
1a	Business/industrial land developments will not be close enough to affect the interest of the SPA.
1b	Management of visitors to the area is active and well managed. Tourism opportunities could increase visitor numbers but given the management in place this should not affect the birds or their habitats.
1c	Housing developments will not affect the SPA interest because they will not be in locations that could disturb the species or habitats
1e	Safeguards such as 2a, exist to prevent housing being proposed on site. Houses are unlikely to be proposed in any location that could impact on the species. Most of the SPA is tidal and would therefore be unsuitable for housing.
2h	Not a likely location for waste facilities due to it being on an estuary and tidal and not likely to be affected by any proposals elsewhere.
2i	SUDS – protection policy – direct benefit and reduces strain on waste water treatment.
2j	Forres and Findhorn scheme should not affect the interests
2m	Protecting policies exist, 2a. Mineral developments are unlikely to be proposed within coastal zones and are therefore unlikely to affect coastal processes that could affect the site. Forestry on and adjacent to the site is well managed to include conservation of these habitats and species.

Pol.	Reason why conservation objectives met for <b>SPA species – Spey Bay</b>
1a	Business/industrial land developments will not be close enough to affect the interest of the SPA.
1b	Management of visitors to the area is active and well managed. Tourism opportunities could increase visitor numbers but given the management in place this should not affect the birds or their habitats.
1c	Housing developments will not affect the SPA interest because they will not be in locations that could disturb the species or habitats
1e	Safeguards such as 2a, exist to prevent housing being proposed on site. Houses are unlikely to be proposed in any location that could impact on the species. Most of the SPA is tidal or prone to flooding from the river and would therefore be unsuitable for housing.
1g	Although the Fochabers Bridge and A96 is upstream of the SPA, any upgrades to this are unlikely to affect the rivers processes and therefore the habitat that the birds depend on.
2d	The majority of the SPA is unaffected by any coastal development impacts except for the mouth of the Spey. River processes should remain unaffected and presuming the fish can still gain access through the Spey mouth, then there should be no impact on the birds or their habitats.
2h	Not a likely location for waste facilities due to it being on a river estuary subject to flooding and tides and not likely to be affected by any proposals elsewhere.

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for SPA species;-

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Species - Findhorn	<p>2d) Although this policy is designed to restrict development outwith settlements to only that in which the social and economic benefits outweigh environmental impact, this could still mean that development could have an impact.</p> <p>It would depend on the scale of development and whether or not it would require now or in the future coastal defences against erosion and flooding.</p> <p>Any development along the coast requiring either coastal defences, or coastal engineering works could result in changes to coastal processes that could impact on the habitats that support the birds (especially in the Culbin Sands section – part of Findhorn area)</p>	<p>There are some existing safeguards that help, 2a, 2b, 2j - (assessing development proposals against a flood risk framework). However these alone may not be sufficient to safeguard the SPA interests.</p> <p>Local Plan policies E1, E8, IMP1</p>	<p>Depending to some extent on the scale and nature of any proposal, if the proposal is likely to affect coastal processes it will have to consider whether this is likely to impact on those processes that support the habitats the birds depend on. If an impact on the habitats is likely the proposal will have to be made subject to an appropriate assessment.</p> <p>Mitigation may include that any development on the coast should be located away from areas that could be susceptible now and in the future to coastal erosion and flooding. Any development likely to suffer this should be refused or would have to demonstrate that the protection proposed will not impact on the coastal processes and therefore the birds' habitats.</p>	
	<p>2l) Renewables. Wind farms could impact on the birds species by creating a collision risk. This could include close to the SPA, or in the case of geese further afield. Wind farms located in areas where geese fly-over to migrate annually and to forage could affect the SPA populations</p>	<p>There are existing safeguards to prevent development on the SPA, 2a but this does not prevent proposals elsewhere.</p> <p>Local Plan policies E1, ER1, IMP1</p> <p>Wind Energy Policy Guidance</p>	<p>Development proposals may be refused if a collision risk to SPA birds is deemed significant or mitigation may be required to negate or minimise the risk of collision. This could include where turbines could be located, the times at which the turbines could operate.</p>	

<p>Species – Spey bay</p>	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>It is not known what form a flood scheme to protect Garmouth and Kingston from coastal and river flooding would take, however there is the potential that any scheme affecting the coastline at Spey Bay could affect the coastal processes and have knock-on effects along the coastline and potential affect the processes that support the SAC habitat.</p>	<p>The second part of this policy – assessing proposals against a flood risk framework will protect parts of the SPA that are subject to tidal flooding and the risk of erosion.</p>	<p>For any flood scheme -existing safeguarding is not sufficient in this case. Depending to some extent to what is actually proposed and on the scale of any proposal, if the proposal is likely to affect coastal or river processes at Spey Bay it will have to consider whether this is likely to impact on those processes that could affect the foraging and roosting habitats of the birds. If an impact on the species is likely the proposal will have to be made subject to an appropriate assessment. Mitigation will include developing a flood scheme that does use sustainable and sensitive ways of using the existing ecosystem and processes – as stated in the policy. The use of hard engineering will be unacceptable and soft options will be the only type of defence acceptable. Timing of work to avoid periods when the birds are present may be required.</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding</p>
	<p>2l) Renewables. Wind farms could impact on the birds species by creating a collision risk. This could include close to the SPA, or in the case of geese further afield. Wind farms located in areas where geese fly-over to migrate annually and to forage could affect the SPA populations</p>	<p>There are existing safeguards to prevent development on the SPA, 2a but this does not prevent proposals elsewhere.</p>	<p>A development proposals the may be refused if a collision risk is to SPA birds is deemed significant or mitigation may be required to negate or minimise the risk of collision. This could include where turbines could be located, the times at which the turbines could operate.</p>	
	<p>2m) Minerals/forestry etc.</p> <p>Forestry has little affect on the SPA here.</p> <p>New minerals proposals could have an impact.</p> <p>Any extraction of river gravel/shingle from the River Spey in the SPA or areas immediately adjacent to it could affect the species by altering the river processes and changing the foraging roosting habitats available.</p>	<p>Existing safeguards (2a, 2b, 2c, 2k) exist but the sensitivities of the SAC are such that additional mitigation is required.</p>	<p>Continued use of existing quarries will be encouraged before new ones are proposed.</p> <p>No extraction of river gravel from the SSPA will be permitted. Any proposals adjacent to the SPA will have to demonstrate that extraction will not affect the river processes.</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding</p>

## Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Moray and Nairn Coast SPA. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Moray and Nairn Coast SPA will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## **Moray Firth SAC**

### Conservation Objectives

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 FCS for the qualifying features.

To ensure for the qualifying species that the following are established then 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

To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving FCS for each of the qualifying features.

To ensure for the qualifying habitat 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

Bottlenose dolphins and sandbanks which are covered by sea water at all times. The dolphins are naturally within the water at all times and the sandbanks are a fully submerged marine habitat that is a specific marine community made up of food sources, invertebrates, prey etc that all have a degree of dependence on each other and on the coastal and marine processes that shape the sandbanks that form their habitat.

Because these 2 interests, one a species, the other a habitat, are quite different they will be considered individually.

Dolphins are sensitive to disturbance, changes in water chemistry and availability of food sources.

The sandbanks are sensitive to direct damage and disturbance from changes in the coastal processes that support them.

Although the dolphins and the sandbanks are quite different, because they depend on the marine environment these are likely to be affected by the same sorts of development pressures. Any development along the Moray coast, that requires work within the marine environment could impact on these interests. Harbour improvements, flood defences, outfalls to the firth, waste water works, and tourism developments could affect these interests.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

### **Dolphins and sandbanks - (SAC)**

The following policies were assessed as having no likely significant effect:-

	<u>Dolphins</u>	<u>Sandbanks</u>
Pol.	Reason	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns	Business and industrial land allocations for the towns – the site is away from any towns
1d	affordable housing – does not affect anything on the ground it is a sub-policy	affordable housing – does not affect anything on the ground it is a sub-policy
1e	Housing in the countryside is unlikely to impact on the marine environment	Housing in the countryside is unlikely to impact on the marine environment
1f	The SAC is not in any town	The SAC is not in any town
1g	There are no transport links near the SAC that would impact on the interest	There are no transport links near the SAC that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed offshore and could be accommodated at the coast within settlements without any impacts	Community and recreational facilities are not likely to be proposed offshore and could be accommodated at the coast within settlements without any impacts
1i	developer contributions - does not affect anything on the ground, it is a sub-policy	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc	Safeguarding policy for the wider natural environment etc
2c	This policy affects the CNP and does not affect the Moray Firth	This policy affects the CNP and does not affect the Moray Firth
2e	CAT policy – site not near enough to CAT areas	CAT policy – site not near enough to CAT areas
2f	There is no built heritage near the site	There is no built heritage near the site
2g	No built heritage and not near a town	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interests	It is likely that any waste developments will not impact on the interests
2i	SUDS – any housing proposed near to the SAC, SUDS would have a positive benefit in maintaining the quality of runoff water entering the marine environment	SUDS – any housing proposed near to the SAC, SUDS would have a positive benefit in maintaining the quality of runoff water entering the marine environment
2m	There are unlikely to be mineral/forestry	There are unlikely to be mineral/forestry developments in Moray that could impact on the marine

developments in Moray that could impact on the marine environment	environment
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### **Appropriate Assessment**

The following policies were considered likely to have a significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the dolphins and sandbanks. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on the dolphins and sandbanks.

Pol.	Reason why conservation objectives met
1b	SP safeguarding policies 2a. There are now existing codes of practice for Watching marine wildlife from land, boat and underwater. Any tourism development that would centre on marine wildlife watching would be obliged under responsible access (SOAC) to follow these codes. Any increase in visitors to the marine environment should therefore be well managed and not impact on the dolphins of sandbanks or any supporting processes.
1c	SP safeguarding policies 2a. Housing may be proposed in towns and settlements that would result in increased levels of sewerage requiring treatment. There are however pollution regulations and other policies that ensure that there is capacity within existing treatment works to accommodate increases in housing, or that the appropriate upgrades will be carried out to treat effluent to the correct standards that should therefore not affect dolphins or sandbank communities.

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Moray Firth SAC – dolphins

CO						
	1b	1c	2d	2j	2k	2l
1	Y	Y	N	N	Y	N
2	Y	Y	N	N	Y	N
3	Y	Y	N	N	N	N
4	Y	Y	N	N	N	N
5	Y	Y	N	N	N	N
	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Moray Firth SAC-sandbanks

CO	sandbanks					
	1b	1c	2d	2j	2k	2l
1	Y	Y	N	N	N	N

2	Y	Y	N	N	N	N
3	Y	Y	N	N	N	N
4	Y	Y	N	N	N	N
5	Y	Y	N	N	N	N
6	Y	Y	N	N	N	N
7	Y	Y	N	N	N	N
	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the dolphins and sandbanks

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Bottlenose Dolphin	<p>2d) Although this policy is designed to restrict coastal development outwith settlements to only that in which the social and economic benefits outweigh environmental impact, this could still mean that development that could impact on the dolphins and sandbanks could be allowed.</p> <p>It would depend on the scale of development and whether or not it would require now or in the future coastal defences against erosion and flooding.</p> <p>Any development along the coast requiring either coastal defences, or coastal engineering works could affect the coastal processes that support the sandbanks and dolphins.</p>	<p>There are some existing safeguards that help, 2a, 2b, 2j – (assessing development proposals against a flood risk framework). However these alone may not be sufficient to safeguard the SAC interests. Local Plan policies E1, E8, IMP1</p>	<p>Depending to some extent on the scale and nature of any proposal, if the proposal is likely to affect coastal processes it will have to consider whether this is likely to impact on those processes that support the sandbank habitat.</p> <p>Any development on the coast should be located away from areas that could be susceptible now and in the future to coastal erosion and flooding. Any development likely to suffer this should be refused or would have to demonstrate that the protection proposed will not impact on the coastal processes.</p>	<p>Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.</p>

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	<p>2j) Promotion of flood schemes and considering proposals against a flood risk framework.</p> <p>It is not known what form a flood scheme to protect Garmouth and Kingston from coastal and river flooding would take, however there is the potential that any scheme affecting the coastline at Spey Bay could affect the coastal processes and have knock-on affects along the coastline and potentially affect the processes that support the sandbanks and dolphins.</p>	<p>Existing safeguarding is not sufficient in this case. The use of hard engineering will be unacceptable and soft options will be the only type of defence acceptable. Local Pla policies E1, E8, IMP1</p>	<p>If an impact on the SAC habitats is likely the proposal will have to be made subject to an appropriate assessment. Mitigation will include developing a flood scheme that does use sustainable and sensitive ways of using the existing ecosystem and processes – as stated in the policy.</p>	
	<p>2k) This is a pollution protection policy, however development as a result could require marine outfalls to be constructed. Outfalls could cause direct damage to the sandbanks, and if placed above the seabed or just underneath risk affecting the coastal processes that support the habitats. Construction could disturb the dolphins and affect food supply in the long term.</p>	<p>Although 2a does provide protection, outfalls still may be required to treat and remove effluent of varying kinds. Local Plan policies E1, EP5, EP7, IMP1</p>	<p>To ensure that there would be no adverse impact, any outfalls are likely to have to be directionally drilled some depth under the sea-bed with only a diffuser at the end of the outfall breaking the surface. During any marine work, there will be the requirement to ensure a dolphin watch is undertaken in the vicinity to be able to stop or at least idle the work, to avoid any significant noise or vibration disturbance to dolphins.</p>	

**Conclusion**

The appropriate assessment demonstrates that it is possible to implement the Structure Plan without adverse effect on the integrity of Moray Firth SAC. Further assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Moray Firth SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Lower Findhorn Woods SAC

### Conservation Objectives

To avoid deterioration of the qualifying habitat - Tillio-acerion forest of slopes screes and ravines (woodland)

To ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on the site
- Distribution of the habitat within the 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

This site consists of different types of semi-natural woodland within the River Findhorn Valley. The site occupies a significant gorge that in places is precipitous. The woodland has presumably persisted in this gorge due to its relative inaccessibility. This inaccessibility also significantly reduces the development pressure on the site. The site is unsuitable in most places for any form of development. There could however be pressures from human activity, visitors and forest management.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

### Woodland - (SAC)

**The following policies were assessed as having no likely significant effect:-**

	<u>woodland</u>
Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1b	Tourism – the site is used by visitors and although some locations are popular, the majority of the site is unsuitable for visitors. The site could probably sustain an increase in visitor numbers without an impact on the woodland. There are existing attractions at Logie steading and Darnaway estate is popular. Limited new tourism developments are unlikely to have an impact.
1c	No housing likely because of gorge
1d	affordable housing – does not affect anything on the ground it is a sub-policy of housing
1e	Housing in the countryside is unlikely to impact on woodland. There may be housing proposed on flatter ground adjacent but it would be unlikely to affect. 2a safeguards against single housing inside the site.
1f	The SAC is not in any town
1g	There are no transport links near the SAC that would impact on the interest

1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	This policy affects the CNP and does not affect the woodland
2d	Coast protection – site not near the coast
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interest
2i	SUDS – any housing proposed near to the SAC, SUDS would have a positive benefit in maintaining the quality of runoff water into the site
2j	The nearest flood schemes are Pilmuir, Forres and the River Findhorn and these are downstream of the SAC and will have no impact.
2k	Pollution prevention policy will have no impact, possible benefit if anything
2l	Renewables – the site is unsuitable for wind. No hydro schemes are being considered.
2m	The site is not suitable for mineral developments and current forestry management is for the conservation of the woodland and its supporting processes.

### Conclusion

Due to the nature of this gorge site, all SP policies have been assessed as having no likely significant effect.

## Moidach More SAC

### Conservation Objectives

To avoid deterioration of the qualifying habitat, blanket bog, 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 .

To ensure for the qualifying habitat 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 as components of the habitat

No significant disturbance of species or habitat

The site is very wet, remote, inaccessible and exposed and does not lend itself to most development. There are however some developments that could be proposed that could affect the blanket bog.

Blanket bog habitat depends on rainfall and the peat. Anything that could affect the amount of water draining into the site or could affect the peat and its properties could damage the blanket bog.

Wind farm development, mineral extraction and forestry could impact on the site.

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1b	Tourism – the site is not used by visitors. The Dava Way runs adjacent to it and there is unlikely to be any tourism developments that could affect the bog.
1c	No housing likely because site is a bog and pretty inaccessible.
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1e	Housing in the countryside is unlikely to impact on bog because the site is wet and exposed.
1f	The SAC is not in any town
1g	There are no transport links near the SAC that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	This policy affects the CNP and does not affect the bog

2d	Coast protection – site not near the coast
2e	CAT policy – site not near any CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interest
2i	SUDS – no housing likely to be proposed near SAC
2j	The nearest flood scheme is Forres and Findhorn and these will not impact on the site
2k	Pollution prevention policy will have no impact, possible benefit if anything

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Moidach More SAC – blanket bog

CO	2l	2m
1	N	N
2	N	N
3	N	N
4	N	N
5	N	N
6	N	N
7	N	N
	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

### **Appropriate Assessment**

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the blanket bog. The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the blanket bog

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
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Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Blanket bog	<p>2l) Renewables – this blanket bog site could be significantly damaged by any development on site or on adjacent land where development could affect the hydrological processes supporting the blanket bog.</p> <p>The blanket bog depends on rainfall and drainage into the site and on the stability of the peat and its ability to hold water.</p> <p>Any development that could affect rain water draining into the SAC or damage the peat could adversely affect the interest</p>	<p>Existing policies 2a safeguard against renewables on site. The site would be wholly unsuitable for any form of wind farm because the peat is very deep in places and unlikely to be able to support the infrastructure and turbines. Preferred areas for large wind farms have avoided the SAC itself, however, locations around the SAC have been highlighted as potential locations.</p> <p>Local Plan policies E1, ER1, EP5, EP7, IMP1 Wind Energy Policy Guidance</p>	<p>No wind farm development small/med/large will be permitted within or outwith the SAC– if it could impact on the amount of water received by the SAC or damage the peat.</p> <p>Any development proposal should avoid being within the catchment of the SAC to negate possible interference with the SAC's hydrology.</p>	Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.
	<p>2m) Minerals/forestry The site is unsuitable for forestry because it is too wet.</p> <p>It is possible that mineral extraction, including extraction of peat could damage the blanket bog habitats and affect the supporting processes - hydrology of the site and the peat.</p>	<p>Existing policy 2a) safeguards against mineral development on site.</p> <p>Local Plan policies E1, ER5, EP5, EP7, IMP1</p>	<p>No extraction of peat will be allowed within the SAC or in areas adjacent that could impact on the amount of water received by the SAC or damage the peat within the SAC.</p> <p>Any development proposal should avoid being within the catchment of the SAC to negate possible interference with the SAC's hydrology.</p>	

### Conclusion

The appropriate assessment demonstrates that it is possible to implement the Structure Plan without adverse effect on the integrity of Moidach More SAC. Further assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Moidach More SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not

adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest

## Darnaway and Lethen Forest SPA

### Conservation Objectives

To avoid deterioration of the habitats of the qualifying species (Capercaillie) 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

- 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

Capercaillie are found and breed within the SPA. They mainly stay within the woodland and forest plantation areas, and depend on this habitat to survive and rear young. Caper can disperse from sites to other woodlands, and it is therefore important that there are other suitably managed woodland habitats available for them to disperse to.

Key impacts on Capercaillie would include those that immediately affect their forest habitat and could include increased human activity, forestry operations, removal of habitat for housing/minerals/renewables etc.

Caper may also be affected to a lesser extent by development outwith the SPA, and the sort of impacts could include those from a wind farm placed on a dispersal route between forest areas. The impact here could be collision risk, which could be extremely adverse given the relatively few number of birds. It is the females that will disperse.

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1c	No housing developments are likely because there are no settlements within the site or nearby that would be suitable for housing developments
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1f	The SPA is not in any town
1g	There are no transport links near the SPA that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	This policy affects the CNP and does not affect the site but may be of benefit as other caper forests are mostly within the CNP.
2d	Coast protection – site not near the coast
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site

2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the caper
2i	SUDS – any housing proposed near to the SPA, SUDS would have a positive benefit in maintaining the quality of runoff water into the site
2j	There are no flood scheme that would affect caper
2k	Pollution prevention policy will have no impact, possible benefit if anything

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Darnaway and Lethen Forest SPA - capercaillie

	1b	1e	2l	2m
1	N	N	N	N
2	N	N	N	N
3	Y	Y	N	N
4	Y	Y	N	N
5	Y	N	N	N
	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

### **Appropriate Assessment**

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for caper. The assessment has shown that the following policies, without further additional safeguarding or mitigation, will still not meet the conservation objectives for Capercaillie.

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
Capercaillie	1b) Tourism – tourism developments could be proposed near the SPA that could result in visitor numbers increasing on the SPA. Studies have been done and it was found that caper are most likely to be disturbed by dog walkers, especially with dogs of leads, and cyclists, especially mountain biking, where this takes bikes away from main tracks.	Policies 2a should prevent development on the SPA but tourism opportunities could be proposed out with the SPA. Local Plan policies E1, IMP1	The SOAC exists and should mean that people visit sites like this and act responsibly towards wildlife and habitats. Should any tourism development be proposed that could increase visitor numbers within the SPA, the following mitigation may be required.  Any development will have to make provision for the education and management of their customers. This could be by means of interpretation/notices/leaflets and could also mean identifying certain parts of the SPA where activities such as mountain biking cannot be allowed because caper may be present. There may be restrictions on timing of developments and activities that could take place. The developer may also be required to monitor visitor activity.	Policy will not adversely affect the qualifying interest with appropriate mitigation and safeguarding.

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
	1e)Housing in the countryside – single houses proposed near woodland edges could increase the usage of the woodland and the presence of dogs and cats. Loose dogs have the potential to cause significant disturbance to caper, especially during the breeding season.	2a should help protect the capercaillie, and houses out with the SPA should not affect the supporting habitats and processes. Local Plan policies E1, H8, IMP1	Houses immediately adjacent to the SPA should be discouraged. If they are proposed, the applicant may be required to carry out survey work to determine the value of the adjacent woodland for caper and whether or not it is used as a brood or breeding area. If the area has value for caper and caper present are likely to be disturbed than the proposal will be refused.	Conclusion on capercaillie – providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there will be no adverse impact on integrity of SPA as a whole.
	2l) Renewables - wind farms placed on a dispersal route between forest areas could affect the caper population. The impact here could be collision risk, which could be extremely adverse given the relatively few number of birds and it is the females that will disperse.	The site is safeguarded against wind farm development on the SPA (2a). Local Plan policies E1, ER1, IMP1 Wind Energy Policy Guidance	Any wind farm proposal within a forest (not the SPA) that requires to be felled as part of the proposal will have to assess the value of that woodland for caper. If it is deemed of value to caper, it may be refused or mitigation may include the improvement of forest elsewhere on site or near to for the benefit of caper.	
	2m)Minerals, forestry Any increase in forestry if managed appropriately could benefit the caper. Mineral development could affect caper but probably only if it were proposed on or very close to the SPA. Noise and dust from any quarry could disturb the birds or affect the habitat that supports them respectively.	Safeguarding policies 2a and 2m should prevent mineral development on the SPA Local Plan policies E1, ER5, IMP1	Mineral proposals near to the SPA would have to consider the following mitigation.  Provision of natural dust and noise screens to avoid disturbance to caper and the habitats.	

### Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Darnaway and Lethen Forest SPA Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Darnaway and Lethen Forest SPA will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown

that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding

## Hill of Towanreef SAC

### Conservation Objectives

qualifying interests of SAC:

- Calaminarian grasslands;
- European dry heaths;
- alpine and boreal heaths;
- juniperous communities;
- blanket bogs;
- yellow marsh saxifrage.

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 FCS for each of the qualifying features.

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

This site is fairly remote and on the boundary between Moray and Aberdeenshire. These are upland habitats and the species – yellow marsh saxifrage can be found in only a few locations within the site. Grampian is a stronghold for this species and it may be present in areas nearby outwith the SAC. The site is a mix of these habitats on upland hillsides. Although different in character the habitats depend on the same supporting processes that include the presence of existing soils and geology, rainfall and peat. The species depends on these habitats remaining present and able to support its growth and life cycle.

Development pressures are unlikely to be high on this site, however key issues like wind farm development, mineral extraction and forestry could impact on the site. The impacts that affect one habitat are likely to impact on the others and could affect the yellow marsh saxifrage, therefore the following two tables consider all the interests together. The two tables at the end look at the conservation objectives for the habitats and the species initially.

The following policies were assessed as having no likely significant effect:

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1b	Tourism – this is a remote site and is unlikely to come under any pressure from tourism developments that could affect the interests
1c	No housing likely because site is so remote
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1e	Housing in the countryside is unlikely to impact on because site is remote exposed and generally wet.
1f	The SAC is not in any town

1g	There are no transport links near the SAC that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2c	This policy affects the CNP and does not affect this site
2d	Coast protection – site not near the coast
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interest
2i	SUDS – no housing likely to be proposed near SAC
2j	No flood schemes near the site
2k	Pollution prevention policy will have no impact, possible benefit if anything

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Hill of Towanreef SAC – grassland, heath, bog and juniper scrub

	2l	2m
1	N	N
2	N	N
3	N	N
4	N	N
5	N	N
6	N	N
7	N	N
	<b>N</b>	<b>N</b>

Y = conservation objective (CO) met, N = conservation objective not met

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Hill of Towanreef SAC – yellow marsh saxifrage

CO	yellow marsh saxifrage	
	2l	2m
1	N	N

2	N	N
3	N	N
4	N	N
5	N	N
	<b>N</b>	<b>N</b>

### **Appropriate Assessment**

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the habitats and species. The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the habitats and species

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
European dry heaths	2l) Renewables – this SAC is in an elevated position. The surrounding hills are not SAC and wind farm proposals may be likely but it is unlikely that wind farms on surrounding hills would affect the habitats and species of the SAC, providing natural catchment drainage from the proposal sites does not drain into the SAC	Existing policies 2a safeguard against renewables on site. Local Plan policies E1, ER1, ER5, IMP1 Wind Energy Policy Guidance	No wind farm development small/med/large will be permitted within or out with the SAC – if it could impact on the amount of water received by the SAC or damage the peat.  Any development proposal should avoid being within the catchment of the SAC to negate possible interference with the SAC's hydrology.	Conclusion on calaminarian grasslands, European dry heath, alpine and boreal heath, juniper, blanket bog and yellow marsh saxifrage – providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there should be no adverse impact on integrity of SAC as a whole.
	2m) Minerals/ forestry  The site is unsuitable for forestry because it is too exposed, high and wet.  It is possible that mineral extraction, including extraction of peat could damage the habitats and affect the supporting processes - hydrology of the site and the peat.	Existing policy 2a) safeguards against minerals on site. Local Plan policies E1, ER5, EP5, IMP1	No extraction of peat will be allowed within the SAC or in areas adjacent that could impact on the amount of water received by the SAC or damage the peat within the SAC.  Any development proposal should avoid being within the catchment of the SAC to negate possible interference with the SAC's hydrology.	

**Conclusion**

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Hill of Towanreef SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Hill of Towanreef SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Cairngorms SAC

### Conservation Objectives

Avoid deterioration of qualifying habitats, the habitats of 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.

To ensure this for the qualifying habitats the following need to be maintained in the long term:

- extent of habitat on the site
- distribution of habitat within site
- structure and function of habitat
- processes supporting the habitat
- distribution of typical species as components of the habitat
- no significant disturbance of typical species of habitat

### European priority interests

- Species-rich *Nardus* grassland, on siliceous substrates in mountain areas (and sub mountain areas in continental Europe)
- Blanket bogs
- Petrifying springs with tufa formation (*Cratoneurion*)
- Alpine pioneer formations of the *Caricion bicoloris-atrofuscae*
- Caledonian forest
- Bog woodland

### European interests (habitats)

- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
- Natural dystrophic lakes and ponds
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- Alpine and Boreal heaths
- Sub-Arctic *Salix* spp. scrub
- *Juniperus communis* formations on heaths or calcareous grasslands
- Siliceous alpine and boreal grasslands
- Semi-natural dry grasslands and scrubland faces: on calcareous substrates (*Festuco-Brometalia*)
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- Transition mires and quaking bogs
- Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
- Calcareous rocky slopes with chasmophytic vegetation

- Siliceous rocky slopes with chasmophytic vegetation

**European interests (species)**

- *Lutra lutra* (Otter)
- *Buxbaumia viridis* (Green shield moss) The part of the SAC that is in Moray is within the CNP and is in an upland and mountainous area and is very remote and pretty inaccessible. Not all the habitats and species can be found within the Moray section, but for the purposes of this assessment, the majority of the habitats found are upland and are dependent on climate, their altitude, aspect, geology and soils including peat. Otter can be found within the site.

Although different in character the habitats depend on the same supporting processes that include the presence of existing soils and geology, rainfall and peat. The species depend on these habitats remaining present and able to support their survival and growth in respect of moss.

Development pressures are unlikely to be high on this site, however key issues like tourism, wind farm development, mineral extraction and forestry could impact on the site. The impacts that affect one habitat are likely to impact on the others and could affect the otters and moss, therefore the following two tables consider all the interests together. The two tables at the end look at the conservation objectives for the habitats and the species initially.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

**Habitats and species of Cairngorms SAC**

**The following policies were assessed as having no likely significant effect;-**

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1c	No housing likely because site is so remote
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1e	Housing in the countryside is unlikely to impact on because site is remote exposed.
1f	The SAC is not in any town
1g	There are no transport links near the SAC in Moray that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2d	Coast protection – site not near the coast
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interest

2i	SUDS – no housing likely to be proposed near SAC
2j	No flood schemes near the site
2k	Pollution prevention policy will have no impact, possible benefit if anything

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Cairngorms SAC - habitats

	1b	2c	2l	2m
1	N	Y	Y	Y
2	N	Y	Y	Y
3	N	Y	Y	Y
4	N	Y	Y	Y
5	N	Y	Y	Y
6	N	Y	Y	Y
7	N	Y	Y	Y
	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Cairngorms SAC - species

	1b	2c	2l	2m
1	N	Y	Y	Y
2	N	Y	Y	Y
3	N	Y	Y	Y
4	N	Y	Y	Y
5	N	Y	Y	Y
	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

### **Appropriate Assessment**

The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the habitats and species. These policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on the dolphins and sandbanks.

Pol.	Reason why conservation objectives met
2c	The objectives of the CNPA include those to protect and enhance the natural heritage and this policy will therefore safeguard the habitats and species.
2l	policies 2a, 2c should protect the SAC habitats and species from renewable proposals.
2m	policies 2a, 2c, should ensure that there is no impact from minerals (including peat extraction) and forestry proposals and hill tracks. The SAC land in Moray, is in any case, unsuitable for forestry plantation

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the habitats and species

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
All habitats and species	1b) This is the only policy that could still impact on the SAC habitats without additional safeguarding or mitigation. To promote tourism developments could include those proposed on or near the SAC that could affect the habitats and species. Increased people/human activity/new tracks/buildings/access etc onto the site could adversely affect the habitats	Structure Plan policy 2a), 2c) Cairngorms Local Plan Policies	<p>The promotion of tourism developments should be concentrated on those areas that will not impact on the SAC habitats and species and those where there is an existing development that could accommodate increases in visitor activity without damaging the SAC habitats, or the peat structure that supports them.</p> <p>There are safeguarding policies 2a and 2c that should prevent development on the SAC but tourism opportunities could be proposed out with the SAC.</p> <p>The SOAC exists and should mean that people visit sites like this and act responsibly towards wildlife and habitats.</p> <p>Should any tourism development be proposed that could increase visitor numbers within the SAC, the following mitigation may be required.</p> <p>Any development will have to make provision for the education and management of their customers. This could be by means of interpretation/notices/leaflets/rangers and could also mean identifying certain parts of the SAC where some activities, that could be damaging, cannot be allowed. There may be restrictions on timing of developments and activities that could take place. The developer may also be required to monitor visitor activity.</p>	Providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there should be no adverse impact the qualifying habitats

## Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Cairngorms SAC. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Cairngorms SAC will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## **Cairngorms SPA**

### Conservation Objectives

Avoid deterioration of qualifying habitats, the habitats of qualifying species (highly specialised populations of zooplankton and phytoplankton) 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.

To ensure that for the qualifying habitats the following need to be maintained in the long term:

- extent of habitat on the site
  - distribution of habitat within site structure and function of habitat
  - processes supporting the habitat
  - distribution of typical species as components of the habitat
  - no significant disturbance of typical species of habitat
- 
- Scottish Crossbill
  - Golden Eagle
  - Peregrine
  - Merlin
  - Osprey
  - Capercaillie
  - Dotterel

All of these birds can be found within the SPA and some species may have home ranges that include areas outwith the SPA. The part of the SPA that is in Moray is within the CNP and is in an upland and mountainous area and is very remote and fairly inaccessible. Not all the species can be found within the Moray section, but for the purposes of this assessment, the majority of the species are dependent on the habitats of the Cairngorms and the processes that support these habitats i.e. climate, their altitude, aspect, geology and soils including peat. Many of these bird species are particularly susceptible to disturbance and this is probably the key impact along with any potential damage to supporting habitats and processes.

Although different in their needs to survive they depend on the range of habitats found in the Cairngorms which can support them.

Development pressures are unlikely to be great on this site, however key issues like tourism, wind farm development, mineral extraction and forestry could impact on the site and therefore the species. Development outwith the SPA could also impact on the longer ranging and migratory species. The impacts that affect one species are likely to be similar to those that would impact on the others, therefore the assessment considers all the bird species together.

The impact of each Structure Plan policy must be considered against each of the qualifying interests for the site.

## **Species of Cairngorms SPA**

**The following policies were assessed as having no likely significant effect;-**

Pol.	Reason
1a	Business and industrial land allocations for the towns – the site is away from any towns
1c	No housing likely because site is so remote
1d	affordable housing – does not affect anything on the ground it is a sub-policy
1e	Housing in the countryside is unlikely to impact on because site is remote exposed.
1f	The SPA is not in any town
1g	There are no transport links near the SPA in Moray that would impact on the interest
1h	Community and recreational facilities are not likely to be proposed on site
1i	developer contributions - does not affect anything on the ground, it is a sub-policy
2a	Direct safeguarding policy for Natura sites
2b	Safeguarding policy for the wider natural environment etc
2d	Coast protection – site not near the coast
2e	CAT policy – site not near CAT areas
2f	There is no built heritage near the site
2g	No built heritage and not near a town
2h	It is likely that any waste developments will not impact on the interest
2i	SUDS – no housing likely to be proposed near SPA
2j	No flood schemes near the site
2k	Pollution prevention policy will have no impact, possible benefit if anything

Appropriate Assessment Summary table taking into consideration existing SP safeguards.  
Structure Plan policies likely to significantly affect Cairngorms SPA – all species

CO	1b	2c	2l	2m
1	N	Y	Y	Y
2	N	Y	Y	Y
3	N	Y	Y	Y
4	N	Y	Y	Y
5	N	Y	Y	Y
	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

Y = conservation objective (CO) met, N = conservation objective not met

**Appropriate Assessment** The following policies were considered to have a likely significant effect and have therefore been made subject to an appropriate assessment. The appropriate assessment has assessed the potential impacts of each policy against the conservation objectives for the species. These

policies have met all the conservation objectives because there are existing safeguarding policies within the Structure Plan that will ensure that there will be no adverse impact on the bird species

Pol.	Reason why conservation objectives met
2c	The objectives of the CNPA include those to protect and enhance the natural heritage and this policy will therefore safeguard the habitats and species.
2l	policies 2a, 2c should protect the SPA species from renewable proposals within the site and out with the site as part of the consideration of any proposal.
2m	policies 2a, 2c, should ensure that there is no impact from minerals (including peat extraction) and forestry proposals and hill tracks. The SPA land in Moray, is in any case, unsuitable for forestry plantation

The assessment has shown that the following policy, without further additional safeguarding or mitigation, will still not meet the conservation objectives for the species

Qualifying Interest	Potential Development Issues	Safeguarding	Mitigation	Qualifying Interest Conclusion
All species	<p>1b)This is the only policy that could still impact on the SPA species without additional safeguarding or mitigation.</p> <p>To promote tourism developments could include those proposed on or near the SPA that could affect the species and the supporting habitats. Increased people/human activity/new tracks/buildings/access etc onto the site could disturb the species and damage their supporting habitats</p>	<p>There are safeguarding policies 2a and 2c that should prevent development on the SPA but tourism opportunities could be proposed outwith the SPA. Cairngorms Local Plan Policies</p>	<p>The promotion of tourism developments should be concentrated on those that will not impact on the SPA species and supporting habitats and those where there is an existing development that could accommodate increases in visitor activity without damaging the supporting habitats of the species or disturbing the species.</p> <p>The SOAC exists and should mean that people visit sites like this and act responsibly towards wildlife and habitats.</p> <p>Should any tourism development be proposed that could increase visitor numbers within the SPA, the following mitigation may be required.</p> <p>Any development will have to make provision for the education and management of their customers. This could be by means of interpretation/notices/leaflets/rangers and could also mean identifying certain parts of the SPA where some activities, that could be damaging, cannot be allowed. There may be restrictions on timing of developments and activities that could take place. The developer may also be required to monitor visitor activity.</p>	<p>Providing the additional mitigation/safeguarding can be implemented and further information made available at the time of any application, there should be no adverse impact on integrity of SAC as a whole.</p>

## Conclusion

Assessment of the Structure Plan policies has confirmed that it will be possible to implement the policies without adverse effects on the integrity of Cairngorms SPA. Assessment of detailed policies and specific allocations will be required at the Local Plan and planning application level, incorporating the identified safeguards. All development proposals, likely to have significant effects on the qualifying interests of the Cairngorms SPA will require appropriate assessment to establish whether the proposal would adversely affect the qualifying interests. Developments where it cannot be shown that they will not adversely affect the qualifying interests will not conform to the Structure Plan, unless it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest.

## Conclusions

The Finalised Moray Structure Plan policies have been assessed to consider whether they would be likely to have a significant effect on Natura 2000 sites.

Matrices have been completed highlighting the policies, which would have no significant effect and those where there is likely to be a significant effect. Those with likely to significantly affect the qualifying interests of the sites have been subject to an appropriate assessment to consider in more detail the specific sensitivities of each site against the conservation objectives of the qualifying interests.

The assessment concludes that the finalised Structure Plan policies (including a modification to Policy 2a) to define "inappropriate development") will not adversely affect the integrity of the Natura sites. However the Assessment recognises that the strategic nature of the policies and proposals means that further assessment at the Local Plan, planning application and Environmental Assessment stages will be required. Examples of potentially significant proposals include the flood alleviation schemes for the River Spey, Findhorn and Lossie and the trunk road improvements.

The proposed modification to support Policy 2a) is to reword the supporting text on page 26, paragraph 2 to read, "The quality of the nature conservation assets of the Moray planning area has been recognised at the European level through the designation of the Cairngorms National Nature Reserve, Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's). The Habitats Directive (which compliments the Birds Directive of 1979) was adopted in May 1992 and aims to protect the diversity of wildlife in Europe through the designation of a series of SAC's. Together SAC's and SPA's form a network of internationally important sites within the European Union, known as Natura 2000. Development likely to have significant effects on the qualifying interests of a Natura site will require to undergo appropriate assessment to ascertain whether there will be adverse effects on the integrity of the site. Development will not be permitted except where it can be demonstrated that there are no alternative solutions and there are imperative reasons of over riding public interest.

Site designations to meet the strategic land requirements identified in the Plan will be subject to detailed assessment through the Moray Local Plan Natura Assessment.

It is therefore concluded that the policies of the Structure Plan can be implemented without adversely affecting any of the Natura 2000 sites in Moray.

## **References**

Managing Natura 2000 Sites – the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

Aberdeenshire Local Plan Natura Appropriate Assessment June 2006, Aberdeenshire Council.

Assessing Development Plans in Terms of the Need for Appropriate Assessment – Interim Guidance. May 2006. The Scottish Executive.

Directive 92/43/EEC Conservation of Natural Habitats and Wild Fauna and Flora.

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