

Appendix 7.2 - Habitats Regulations Appraisal

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Appendix 7.2 - Habitats Regulations Appraisal

Introduction

The Proposed Development as described in Chapter 3 is situated close to two Special Protection Areas (SPAs) namely the Lairg and Strath Brora Lochs SPA (hereafter referred to as “the LSBL SPA”) and the Strath Carnaig & Strath Fleet Moors SPA (hereafter referred to as “the SCSFM SPA”), respectively. Both SPAs are underpinned by Sites of Special Scientific Interest (SSSI) of identical boundaries. The LSBL SPA (site code 8522) was classified in 1999 for its population of breeding black-throated divers (*Gavia arctica*) and the SCSFM SPA (site code 9190) was classified in 2008 for its population of breeding hen harriers (*Circus cyaneus*).

As a result, in addition to the ornithological assessment detailed in Chapter 7, there is a requirement for the completion of a Habitats Regulations Appraisal (HRA).

This appendix provides the information required pursuant to the Conservation (Natural Habitats &c.) Regulations (UK Government, 1994) for the Competent Authority to establish whether or not the construction, operation or decommissioning of the Proposed Development would be likely to have a significant effect on the integrity of those European Sites in view of best scientific knowledge and with regards to the conservation objectives of the European sites, specifically the species for which the sites were classified and the habitats upon which they depend. This Appendix should be read in conjunction with the accompanying chapter and figures.

Objectives

The specific objectives of this appraisal are:

- To assess the potential impacts upon the LSBL SPA and the SCSFM SPA from the construction, operation and decommissioning of the Proposed Development (this assessment is known as the screening stage).
- To consider whether the Proposed Development has the potential to result in adverse impacts upon the integrity of the sites or their conservation objectives and whether there is the potential for likely significant effects to result from those impacts and therefore a requirement for further detailed assessment.

Habitats Regulations Appraisal

Lairg and Strath Brora Lochs SPA

Qualifying Interest of the SPA

The qualifying interest of the LSBL SPA is breeding black-throated diver. The SPA comprises eight lochs split into two discreet groups: four within the Lairg area (Loch Beannach (Dalchork), Loch Dola, Loch Tigh na Creige, Loch Craggie) and four in the Strath Brora area (Loch Beannach (Dalnessie), Loch na Gainemh, Loch Beannach (Dalreavoch) Loch Bad na h-Earba). Of those eight lochs, one, Loch Beannach (Dalchork), lies 1.7 km south-east of the Proposed Development. The three other Lairg area lochs lie at least 5.5 km south-east of the Proposed Development, whilst the four Strath Brora area lochs lie at least 9.7 km east of the Proposed Development.

The LSBL SPA citation reports that, as of November 1999, there were six pairs of black-throated diver within the SPA, three pairs at each of the two groups. Loch Beannach (Dalchork) supports one pair. Two pairs are reported to inhabit the three lochs closest to the Proposed Development, one pair nesting on Loch Dola and one pair nesting on Loch Craggie. The citation indicates that the third loch, Loch Tigh na Creige, is used by the Loch Dola pair as an additional resource, but not as a nesting location. Within the Strath Brora lochs, Lochs Beannach (Dalnessie) and Loch na Gainemh only support one pair between them.

Site Condition and Monitoring

The site is considered to have favourable maintained status, based upon monitoring completed by NatureScot in 2008. The site continues to support six pairs of black-throated divers.

Conservation Objectives

The conservation objectives of the LSBL SPA are:

- To avoid deterioration of the habitats of the qualifying species (black-throated diver) 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; and
 - no significant disturbance of the species.

Existing Conditions

The survey work completed by Ramboll in 2013/2014 and also in 2020, as described in Chapter 7, confirmed the indications within the SPA citation that one pair is present on Loch Beannach (Dalchork). Although the pair was present in 2020, no evidence of successful breeding was recorded. Observations at the Loch recorded no evidence of the birds flying towards or from the direction of the Proposed Development. No flights by black-throated divers were recorded in either 2013/2014 or 2020. No surveys of the other three Lairg lochs were completed as part of this assessment, however, from other work completed by Ramboll in the area, it is known that there is no movement between Loch Beannach (Dalchork) and the other Lairg area lochs. Black-throated divers congregate on Loch Shin/Little Loch Shin at the beginning of the breeding season and once they have moved to the breeding lochs, tend to remain there throughout the season.

Potential Impacts

Impacts on Habitat

Given the distance between the Proposed Development and the LSBL SPA, no potential direct impacts on those components of the SPA are predicted.

Disturbance

Loch Beannach (Dalchork) is the loch situated closest to the Proposed Development. It is approximately 1.7 km south-east from the Proposed Development and, therefore, at far greater distance than the NatureScot identified disturbance distance of 900 m (Ruddock, M. and Whitfield, D.P. (2007), i.e. beyond the distance at which disturbance impacts are considered to be possible. Additionally, dense coniferous woodland plantation lies between the Proposed Development and Loch Beannach (Dalchork), further reducing the potential visual or noise impacts. As such, it is considered that there is no potential for disturbance impacts from the construction, operation or decommissioning of the Proposed Development to impact upon the SPA.

Collision Risk

As no black-throated divers were observed flying over or near the Proposed Development during the 2020 surveys, or the surveys in 2013/2014, there is no predicted risk of collision with turbines at the Proposed Development.

Strath Carnaig and Strath Fleet Moors SPA

Qualifying Interest of the SPA

The qualifying interest of the SPA is breeding hen harrier. The SPA comprises two discreet areas of upland moorland, namely Strath Carnaig and Strath Fleet. At its closest point, the SPA lies 4.9 km south-east of the Proposed Development.

The SPA citation reports that, as of 2002-2004, there were 12 pairs of hen harrier within the SPA and it was upon that count that the site classification was based.

SPA Condition and Monitoring

The site is considered to have favourable (declining) conservation status.

Conservation Objectives

The conservation objectives of the SCSFM SPA are the same as the conservation objectives for the LSBL SPA but relate to hen harrier as the qualifying species.

Existing Conditions

The survey work completed by Ramboll in 2013/2014 and 2020 did not identify any flight activity by hen harrier, neither on, over or near the Proposed Development. The habitats on and immediately surrounding the Proposed Development are largely unsuitable for the species. The closest active hen harrier territory within the SPA known to Ramboll lies over 8 km south of the Proposed Development.

Potential Impacts

Habitat Impacts

As the SPA lies 4.9 km south-east from the Proposed Development and it does not intersect with it in any way, there is no potential for impacts upon habitats.

Disturbance

As the SPA lies greater than the NatureScot recommended disturbance distance of 750 m (Ruddock, M. and Whitfield, D.P. (2007) and no hen harriers were observed during any surveys, there is no potential for disturbance impacts from the construction, operation or decommissioning of the Proposed Development on hen harrier.

Collision Risk

As no hen harriers were observed flying over or near the Proposed Development during the 2020 surveys, or the surveys in 2013/2014, there is no predicted risk of collision with turbines at the Proposed Development.

Conclusions of HRA

Potential impacts upon the qualifying interest species of both SPAs resulting from the construction, operation or decommissioning of the Proposed Development are not considered to be possible.

No records of either black-throated diver or hen harrier, the qualifying interest species of the LSBL SPA and the SCSFM SPA, respectively, were made during flight activity surveys in either 2013/2014 or 2020. Given the distance to the SPAs from the Proposed Development, no impacts on the habitats of the SPA or disturbance of the SPA are possible. The construction, operation and decommissioning of the Proposed Development would not have the potential to result in adverse effects upon the sites' integrity, would not be contrary to their conservation objectives and could not result in likely significant effects upon the two qualifying interest species. As such, it is concluded that an Appropriate Assessment (AA) is not required.

References

Ruddock, M. and Whitfield, D.P. (2007). A Review of Disturbance Distances in Selected Bird Species. Natural Research Projects Ltd. Available at <https://www.nature.scot/sites/default/files/2018-05/A%20Review%20of%20Disturbance%20Distances%20in%20Selected%20Bird%20Species%20-%20Natural%20Research%20Ltd%20-%202007.pdf>. Accessed on: 28 September 2020.