APPENDIX B HABITATS REGULATIONS APPROPRIATE ASSESSMENT (AA)

HABITAT DIRECTIVE 92-43-EEC
THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

The Habitat Regulations 1994 apply to the Inner Clyde SPA which is designated under European legislation for its population of wintering redshank, *Tringa totanus*.

An AA is required to be undertaken in cases where any plan or project which:
(a) either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation;

and

(b) is not directly connected with the management of the site.

NatureScot have taken the view that during the construction phase, overwintering redshank might be liable to disturbance. Also, any significant pollution from the construction site could damage the quality of feeding habitat locally. For these two reasons NatureScot have advised that the proposal is likely to have a significant effect on the SPA interest unless appropriate conditions and controls are placed upon any permission. Unless they are satisfied with the proposed conditions their default position is of objection. In these circumstances an AA is therefore required to be carried out by Argyll and Bute Council as competent authority.

Nigel Rudd Ecology has provided appropriate Ecological Assessment as supporting information (May 2020) in order to inform and assist with the Council's Appropriate Assessment.

The Inner Clyde SPA accommodates one of Britain's highest densities of overwintering redshank and as the closest part of the SPA is located some 30 metres from the site, NatureScot have required an analysis of the extent to which the current habituation of redshank to railway noise might raise their threshold for disturbance by abrupt construction noise.

The potential impacts of the development in relation to the Inner Clyde SPA conservation objectives have been considered. Each conservation objective and any likely impacts are summarised below:

To maintain the population of redshank as a viable component of the site: Any disturbance will be short term and over a single winter season. In addition, the area adjacent to the site forms only a small part of the SPA and there are other areas of available habitat located nearby. Research has indicated that redshank numbers return to previous levels following construction and subject to mitigation measures recommended in the supporting report redshank would not be affected as a viable component of the site.

To maintain the distribution of redshank within the site in the long term: The area is already subject to background noise and it is not considered that small scale and temporary construction noise would have any significant effect on the distribution of the species in the long term subject to measures recommended in the supporting report.

To maintain the distribution of extent of habitats supporting redshank: There will be no impact to the habitats within the SPA subject to strict adherence to appropriate pollution prevention measures in accordance with SEPA guidelines.

To maintain the structure, function and supporting processes of habitats supporting redshank: It is considered that there is no potential for the proposed development to prevent the maintenance in the long term of the structure, function and supporting processes of habitats supporting the SPA subject to acceptable pollution prevention measures in accordance with SEPA guidelines.

No significant disturbance to redshank: Based upon desk study research and in consideration of the maximum train noise recorded at 84dB, it can be assumed that noise at this level on the site would not be likely to have the potential to significantly affect roosting or feeding redshank on the shore next to the site. Where maximum noise levels could be higher, mitigation measures will be in place to limit noise to no more than 70dB.

Potential for visual disturbance is considered to be minimal due to the site sitting lower than the railway line, however, further mitigation is proposed in this respect.

Consideration also has to be given to the cumulative impacts of developments. The Sawmill Field housing site located to the north of the current application site is sufficiently distant from the SPA to have no impact upon it and is therefore not material to the consideration of the potential impacts of the current proposals on the SPA.. .

The following mitigation measures are proposed in the supporting information:

> *5.13 The potential adverse effects on the habitats can be readily mitigated by ensuring there is no discharge of untreated surface water runoff from the site to the SAC mudflats. This will be implemented through the surface water drainage plan which will be approved by SEPA. Contamination of the SAC by windblown material will be dealt with by secure containment of construction materials and dampening down of bare ground areas of the site during extended dry periods of weather.*
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> *5.14 Disturbance of redshank using the mudflats to the south of the Site is more likely to occurring during the construction phase of development, when operations will be carried out that generate intermittent noise or vibration. Increased human activity will be introduced at this time. The simplest way to avoid disturbing the visiting birds would be to only undertake this work between May to August. This is unlikely to be acceptable so other measures should be employed.*
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> *5.15 Disturbance by movement and some sound can be achieved by screening the Site from the SAC using visual and sound attenuation barriers. There are two existing screening elements between the Site and the SAC, tree cover to the north of the railway line, and the railway embankment itself.*
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> *5.16 Construction activity inevitably involves the use of equipment that generates intermittent and loud noises and potentially vibrations. The presence of the measures set out above will not address operations such as percussive piling or drilling which can generate both loud noises and shock vibrations. These factors can be addressed by style of construction and foundation excavation employing designs which do not result in excessive noise generation, or where this is not possible creating piling supports using CHD (Continuous Helical Displacement) which is very quiet relative to other methods, generates no percussive vibrations and is much quicker than other methods, such that the work can be completed in a shorter time further reducing the potential impacts.*

5.17 It is proposed that the impacts on the SAC are minimised by retaining the tree cover between the Site and the railway line, installing screens between the Site and the SAC, employing sound attenuation technology to site machinery and using CED technology.

5.18 It is SNH's experience that adopting an approach as recommended in 5.17 addresses the Appropriate Assessment of Effects requirement and avoids the need for an excessively restrictive condition on a planning consent. It will be the responsibility of the main contractor and the developer to ensure that the approach is adhered to and it is recommended that an Ecological Clerk of Works to inspect, where necessary supervise, and to keep a record of compliance with the proposed working methods.

5.19 There is one Local Nature Conservation Site within 1km of the Site. The LNCs is not directly connected with the development site and will be unaffected by development as proposed.

Summary
5.29 Development of the Cardross Road Site has the potential to adversely affect the population redshank visiting the Inner Clyde SAC. It is proposed that the potential effects will be mitigated by the timing of operations and the use of methods which reduce disturbance of the birds. It is considered employing of the measures discussed above will ensure there is no significant adverse effect on the redshank population and no compromise of their conservation status, such that the integrity of the SAC is not compromised.

NatureScot have advised that the Planning Authority can consider their objection withdrawn if: the following condition is imposed on any grant of planning permission;.

All construction activity shall be scheduled out with the redshank wintering period (ie confined to the months of May to August inclusive

Or

That all of the following measures are adopted –

- *That prior to any development work commencing during the maximum extent of the redshank wintering months of September to April inclusive, a visual screen should be put in place sufficient to visually obscure all site operations during remediation and development from the point of view of redshank feeding within areas of the SPA out to a distance of 150metres from the site boundary. The visual screening will only be necessary for areas where further site investigation suggests that existing riverside vegetation may currently be inadequate to screen the site up to the top level of the new buildings. Any screens installed should be adequately maintained throughout all development activities taking place during these wintering months.*

- *That all piling during the months of September to April inclusive is undertaken using the Helical Displacement method with no piling undertaken during hours of darkness.*

- *That any site lighting is directed away from the Clyde foreshore/the SPA*

- *That SEPA Guidelines for controlling run off, drainage and pollution are adhered to in full*

Officers propose to impose such a condition on any grant of PPP and therefore it is considered that any potentially harmful impacts of the development on the SPA are capable of acceptable mitigation through the use of this planning condition.

In conclusion, an AA has been undertaken in relation to the conservation objectives of the Inner Clyde SPA. This has revealed that subject to mitigation measures, secured through planning conditions, that the proposal would not have an adverse impact on these objectives.