



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
**nature.scot**

Walter Wyllie  
Angus House  
Planning Service  
Orchardbank Business Park  
Forfar  
DD8 1AN

Date: 19 December 2019  
Our ref: CNS/DC/Angus  
Your ref: 19/00901/PRIORN

Dear Mr Wyllie

**Prior notification for forestry-related building works (non-residential) - maintenance and upgrading of existing access tracks and formation of new access tracks, turning areas, borrow pit and water crossings  
Caddam Plantation, Glen Clova  
Town and Country Planning (Scotland) Act 1997**

Thank you for your email of 12 December 2019 consulting us on the above development proposal.

### **Summary**

This proposal could be progressed with appropriate mitigation. We therefore advise **that the works are done strictly in accordance with a site specific construction method statement, as detailed in our below.**

### **Appraisal**

The proposal is within the Cairngorms Massif Special Protection Area classified for its golden eagle and could affect the River South Esk Special Area of Conservation (SAC) designated for its Atlantic salmon and freshwater pearl mussels.

The sites' status mean that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Angus Council is required to consider the effect of the proposal on the SAC and SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

Scottish Natural Heritage, Inverdee House, Baxter Street, Torry, Aberdeen AB11 9QA  
Tel: 01224 266 500 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Taigh Inbhir Dhè, Sràid Baxter, Torraidh, Obar Dheathain AB11 9QA  
Fòn: 01224 266 500 [www.nature.scot](http://www.nature.scot)

In our view, this proposal is likely to have a significant effect on freshwater pearl mussels, Atlantic salmon and golden eagle. Consequently, Angus Council, as competent authority, is required to carry out an appropriate assessment in view of the sites' conservation objectives for their qualifying interests.

#### River South Esk SAC

In our view, on the basis of the information provided, if the proposal is undertaken strictly in accordance with the following a site specific construction method statement, then the proposal will not adversely affect the integrity of the River South Esk SAC. We note that a 'Diffuse Pollution Emergency Plan' has been submitted with the application and that the supporting statement includes further information on construction methods. However, this is generic in nature. It necessary to ensure that the site specific measures are identified and complied with. For example, the location of refuelling sites, and where silt fencing and silt traps are required, should be identified in a site specific method statement.

#### Cairngorms Massif SPA

In relation to the Cairngorms Massif SPA we advise that, in our view, based on the information provided, the proposal will not adversely affect the integrity of the site. This is because:

- there are no known eagle eyries in locations that are likely to be disturbed by the construction operations;
- any disturbance to foraging as a result of construction would be temporary;
- given that the track is within existing woodland, loss of foraging habitat is minimal

#### Protected Species

We are aware that the ecological survey found signs of protected species in the vicinity of the proposed works. We fulfil our advisory role on protected species through the provision of standing advice which is available at [Planning and development: protected animals](#) and [Planning and development: birds](#). If there are exceptional circumstances, not covered by the relevant standing advice please feel free to get back in touch. You should consider the need for species licences as part of any development and contact [licensing@nature.scot](mailto:licensing@nature.scot) regarding any licence application.

Please let me know if you need any further information or advice from SNH in relation to this development proposal.

Yours sincerely

**ISLA MARTIN**

Operations Officer, Tayside and Grampian  
[isla.martin@nature.scot](mailto:isla.martin@nature.scot)