



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Richard Smith
Planning Officer
Development Services
Environmental Services Department
The Moray Council
High Street
ELGIN
IV30 1BX

Date: 22nd December 2015
Our ref: CNS/DC/MOR

Dear Richard,

Planning application consultation
Planning application ref. no. 15/02188/APP
Change of use of vacant land to provide fenced enclosure for ancillary use to existing business on site adjacent to Seaview Caravan Park, Findhorn Road, Kinloss, Moray

I refer to your e-planning consultation received on 16th December 2015 requesting comments from Scottish Natural Heritage (SNH) on the above application.

We advise that the Moray Council should seek additional information to satisfy itself that the proposal will not result in damage to or pollution of habitats which are interests of protected areas given below.

Advice in relation to protected areas

The proposal directly adjacent to the following protected areas:

- Moray and Nairn Coast Special Protection Area
- Moray and Nairn Coast Ramsar site
- Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest

The status of the Special Protection Area (SPA) means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Moray Council is required to consider the effect of the proposal on this site before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

The Moray and Nairn Coast Ramsar site and Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest (SSSI) may also be affected but the interests of these designations are fully addressed as part of the following consideration of the SPA.

The proposal is not directly connected with or necessary for the conservation management of any of the protected areas listed above, hence further consideration is required.

The Moray and Nairn Coast SPA is designated for a number of wintering waterfowl species and foraging osprey. We advise that the proposal has the potential to affect the bird interests of the SPA by way of impacts on the intertidal habitats of Findhorn Bay on which the birds depend, namely saltmarsh and mudflats/sandflats.



Our advice is that potential impacts might arise as a result of pollution including sediments, storage of materials and access by vehicles. The application is supported by a design statement but there is little information on working methods. For example, it would be helpful for the applicant to confirm that:

- Drainage will be adequate to prevent surface water running from the site to the SPA
- All proposal activities will remain outwith the SPA boundary at all times, including the storage of materials and access by vehicles
- Full consideration will be given to the presence of giant hogweed in order to ensure that there is no spread of this species during any ground works
- All contractors will be made aware of the environmental sensitivities adjacent to the site and the boundary of the SPA will be clearly marked in order to guarantee the above points

It is very likely, given the scale of the proposal, that the proposal can be carried out in such a way that there will be no impacts on any of the interests of the above protected areas. However, we advise that the Moray Council should seek confirmation that this is the case.

We would appreciate it if you would inform us of any modifications or amendments that may affect natural heritage interests. This may include the siting of caravans on the proposal area. Please let me know if you require any further information.

Yours sincerely

Shirley Reid
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