



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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Darren Westmacott
Clerk to the Moray Local Review Board
Legal and Democratic Services
The Moray Council
Council Offices
High Street
Elgin, IV30 1BX

Date: 01 March 2016
Our ref: CNS/DC/MOR
Your ref: DW/LR149

Dear Mr Westmacott

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Notice of Review: Planning Application 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

Thank you for your letter dated 01 March 2016 referring to the above Notice of Review.

Our letter to you dated 22 December 2015 and our subsequent correspondence with Mr Stephen Gauld, copied to you on 27 January 2016, makes comments related to the following protected areas; -

- Moray and Nairn Coast Special protection Area (SPA)
- Moray and Nairn Coast Ramsar
- Culbin Sands, Culbin Forest and Findhorn Bay Site of Special Scientific Interest (SSSI)

For the avoidance of doubt we make no comment in relation to the Coastal Protection Zone (CPZ).

Yours sincerely

Jennifer Heatley
Operations Officer - Tayside and Grampian
jennifer.heatley@snh.gov.uk



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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.



Scottish Natural Heritage, Alexander Fleming House, 8 Southfield Drive, Elgin, IV30 6GR

Tel: 01343 540 631 Office email: tayside_grampian@snh.gov.uk

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
Operations Officer
Tayside and Grampian
shirley.reid@snh.gov.uk

Darren Westmacott

From: Shirley Reid <Shirley.Reid@snh.gov.uk>
Sent: 27 January 2016 15:24
To: Stephen Gauld
Cc: Richard Smith
Subject: RE: Application 15/02188/APP - Site adjacent to Seaview Caravan Park, by Kinloss

Hi Stephen,

Very many apologies for not getting back to you about this – you got lost in the post festive/return to work deluge of messages!

Thanks for providing clarification with respect to potential impacts of your proposal on Findhorn Bay. Given the additional information that you have provided below, I agree that there will be no adverse impacts on any of the interests of 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

Apologies again for not replying sooner.

Best wishes

Shirley

Shirley Reid
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From: Stephen Gauld [<mailto:sg@wittets.co.uk>]
Sent: 30 December 2015 14:45
To: Shirley Reid
Cc: Richard.Smith@moray.gov.uk
Subject: Application 15/02188/APP - Site adjacent to Seaview Caravan Park, by Kinloss

Shirley,

I have read within the Council website your consultation in connection with the above, and note your request for further information.

This can be provided as follows:

1. There would be no impervious hardstandings within the proposed area and surface water would not discharge from the site to the SPA.
2. All proposed activities would remain outwith the SPA boundary at all times, including the storage of materials or access by vehicles
3. Full consideration will be given to the presence of giant hogweed. It is our understanding that there is not any hogweed within the proposed site, and any detected prior to ground works would be referred for specialist removal to ensure that there is no spread occurring.
4. All contractors will be advised of the environmental sensitivities and boundary of the SPA and a plan provided within Pre-Construction Information.

In summary, there should be no impacts on any of the interests of the protected areas. It is not proposed to site caravans on the proposed area.

If you need any further clarification please let us know.

Regards,

Stephen Gauld
Managing Director

Wittets Ltd, Chartered Architects and Principal Designers
26 Hay St, Elgin, Moray, IV30 1NQ

Tel: 01343 543237



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