

Annex B

Elgin Transport Strategy

Appropriate Assessment

July 2017



moray
council

Contents

	Page
Introduction	1
1. Methodology	2
2. Appropriate Assessment Matrices	4
3. Natura 2000 Sites – Elgin Area	10
4. Appropriate Assessment	11
5. Mitigation	17
6. Conclusions	17
Abbreviations	18
Definitions	19

Introduction

This annex considers the requirement for an appropriate assessment (AA) of the draft Elgin Transport Strategy (draft ETS) in accordance with Article 6(3) and 6(4) of European [Council Directive 92/43/EEC](#) (Habitats Directive), and the Conservation (Natural Habitats, &c.) Regulations 1994 ([amended 2012](#)). The regulations require that:

- Competent authorities carry out a Natura Assessment / Appropriate Assessment (AA) of plans and projects that, in isolation or in combination with other plans and projects, are likely to have a significant effect on Natura 2000 sites (European protected sites)
- Where the development is out with the European site boundary, an AA of the implications for the nature conservation interests of the site must be undertaken

Natura 2000 sites have been designated for their international quality of habitats and / or species and provide a European network of protected sites.

Special Protection Areas (SPA) are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

Special Areas of Conservation (SAC) are strictly protected sites designated under the EC Habitats Directive.

1. Methodology

Scottish Natural Heritage (SNH) advised Moray Council that the draft ETS *'could raise significant environmental impacts including impacts on watercourses, natural and built heritage, as well as potential positive impacts in reducing impacts air pollution from standing traffic, safer travel and promoting behavioural change and active travel.'*

SNH further advised *'If any proposals contained within the Strategy are assessed as having likely significant environmental effect these will be considered and appropriate measures adopted to mitigate any adverse effects while maximising the environmental benefits.'*

The Scottish Environmental Protection Agency advised Moray Council *'that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have significant interest in waste) and climatic factors) the Transport Strategy for Elgin is likely to have significant environmental effects. Based on the information available to date we consider that significant effects are most likely with respect to air, water, soil, human health and climatic factors.'*

Based on the advice from these agencies, the proposals of the draft ETS have been screened in order to determine whether or not there would be an impact on Natura 2000 sites (see Table 1 and 2 below).

SNH define **likely significant effect** as *'one that cannot be ruled out on the basis of objective information. The test is a 'likelihood' of effects rather than a 'certainty' of effects'... 'Where a project is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on the site. The assessment of that risk must be made in the light, amongst other things, of the characteristics and specific environmental conditions of the site concerned.'*¹

Draft ETS proposals not considered to have an impact on Natura 2000 sites have been identified and justification for this decision has been provided. These parts of the plan have not been assessed further.

Natura 2000 sites affected by draft ETS proposals have been identified in Table 3.

Draft ETS proposals which could impact on Natura 2000 sites have been subject to an Appropriate Assessment (Table 4).

Depending on the nature of the 'Objective' or the 'Proposal' one of the following conclusions has been reached on completion of the appropriate assessment:

- The draft ETS proposal will adversely affect the integrity of the Natura 2000 site
- Or
- The draft ETS proposal will not adversely affect the integrity of the Natura 2000 site

¹ <http://www.snh.gov.uk/docs/A1500925.pdf>

Mitigation and requirements for further assessment at project level has been specified in Section 5 of this Annex.

2.0 Appropriate Assessment Matrices

2.1 Table 1 Appropriate Assessment Screening Matrix – Draft Elgin Transport Strategy Objectives

Draft ETS Objective		Appropriate Assessment Required	Justification
Objective 1	Make it easier for people to get between home, work, social activities and services.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.
Objective 2	Make how long it takes to get around Elgin more predictable and consistent.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.
Objective 3	Reduce the time it takes to get around Elgin by bicycle, on foot or by public transport.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.
Objective 4	Make journeys feel and be safer.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.
Objective 5	Get more people using public transport, bicycle and walking for all or some of their journey, rather than using cars.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.
Objective 6	Enhance Elgin's appearance by sensitively integrating any physical changes.	No	Scottish Natural Heritage advise that this is a high level objective which is not location specific, therefore, no assessment is required.

2.0 Appropriate Assessment Matrices

2.2 Table 2 Appropriate Assessment Screening Matrix - Draft Elgin Transport Strategy Proposals

Draft ETS Proposal		Appropriate Assessment Required	Justification
Ref: I4B	Ashgrove Road - New cycle / pedestrian north-south rail bridge to complement new road link.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4F	Station Road - Cycle Lanes.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4H	Linkwood Road - Cycle Lanes.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4I	Cycle Parking where active travel routes enter the town.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4K	Pinefield to East End Primary School - Active Travel route.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4M	A941 / Lesmurdie Road – Improve pedestrian / cycling provision and crossing.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M1A	Edgar Road - Pedestrian crossing improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M1B	Station Road / Maisondieu Road - Pedestrian crossing improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.

2.0 Appropriate Assessment Matrices

2.2 Table 2 Appropriate Assessment Screening Matrix - Draft Elgin Transport Strategy Proposals

Draft ETS Proposal		Appropriate Assessment Required	Justification
Ref: M1C	A96 in Elgin - Pedestrian crossing improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M1D	Thornhill Road - Pedestrian crossing improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I2A	Moss Street - one-way (Northbound) with improved pedestrian / cycle facilities.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I2E	South Street - Pedestrianise between Commerce Street and Batchen Street.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I2Fa	A96 Northfield Terrace to Pansport Roundabout - partial streetscape treatment (remove barriers to pedestrian movements).	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I2J	Elgin Schools - Measures to reduce vehicle movements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3A	New Elgin Road – Junction improvements at Edgar Road and Laichmoray roundabouts.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3B	A96 Northfield Terrace to North Street – Junction improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.

2.0 Appropriate Assessment Matrices

2.2 Table 2 Appropriate Assessment Screening Matrix - Draft Elgin Transport Strategy Proposals

Draft ETS Proposal		Appropriate Assessment Required	Justification
Ref: I3C	Maisondieu Road - Junction improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3D	A941 Hay Street/South Street - Junction improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3H	Edgar Road / The Wards - Junction improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3K	A941 North Street/Morrison Road - signal improvements.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I1B/C	Ashgrove Road to Maisondieu Road - New north-south rail bridge.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M3A	Elgin - Use of technology to manage demand responsive bus service.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M3B	Elgin Bus Station - Re-design / improve operation.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M3D	Park and Change sites at main entry points to active travel corridors.	Yes	Potential for significant adverse impacts as a result of engineering interventions to the south west of the Natura 2000 site.

2.0 Appropriate Assessment Matrices

2.2 Table 2 Appropriate Assessment Screening Matrix - Draft Elgin Transport Strategy Proposals

Draft ETS Proposal		Appropriate Assessment Required	Justification
Ref: M2B	Urban Traffic Control for congested areas.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: M4A	Travel Plan for Moray Council.	No	No physical intervention. No impact on Natura 2000 sites.
Ref: M4B	Expand Moray Council Travel Plan to other businesses.	No	No physical intervention. No impact on Natura 2000 sites.
Ref: M4C	Development specific Travel Plans.	No	No physical intervention. No impact on Natura 2000 sites.
Ref: M4D	School Travel Plans.	No	No physical intervention. No impact on Natura 2000 sites.
Ref: IN1A	Travel Information to support use of all modes of transport.	No	No physical intervention. No impact on Natura 2000 sites.
Ref: I4C	Bilbohall Road - New cycle / pedestrian north-south rail bridge.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3G	Mayne Road / Fleurs Road / Wards Road / Bilbohall Road – rationalisation.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I3J	Morrison Road/A96 junction improvement.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: I4E	Reiket Lane to Elgin South Development pave and light dismantled railway path.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.

2.0 Appropriate Assessment Matrices

2.2 Table 2 Appropriate Assessment Screening Matrix - Draft Elgin Transport Strategy Proposals

Draft ETS Proposal		Appropriate Assessment Required	Justification
Ref: DSO1	Linkwood Bridge replace bridge to enable two-way operation and provide cycle path on both sides of bridge.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.
Ref: DSO2	Linkwood Road improve road alignment and provide cycle path on both sides of road.	No	Proposed intervention within existing settlement of Elgin. No impact on Natura 2000 sites.

3.0 Natura 2000 Sites - Elgin

3.1 Table 3 Natura 2000 Site - Qualifying Feature

Special Protection Area			
Ref	Site	Qualifying Feature	Conservation Objectives
8540	Loch Spynie	Greylag goose (<i>Anser anser</i>)	<p>To avoid deterioration of the habitats of the qualifying species (Greylag goose) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • 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 • No significant disturbance of the species

3.2 Loch Spynie

Loch Spynie is a wetland area to the North East of Elgin. Loch Spynie is remote from the proposed schemes within the draft ETS proposals and, therefore, would not be directly affected.

However there is a potential for indirect repercussions to the water quality within the loch itself, which is a shallow water body regulated by a dam and sluice. Loch Spynie is naturally fairly high in nutrients, the risk of additional nutrient input from increased water run-off could increase nutrient levels giving rise to algal blooms and encouraging vegetation growth which could decrease the extent of open water through time. The open water is important for the geese to safely roost at night.

4.0 Appropriate Assessment

The draft ETS includes a proposal for Park and Change sites at main entry points to the active travel corridors and existing bus routes. The land in the indicative area is currently undeveloped. However, the land is allocated as site Elgin I8 in the Moray Local Development Plan 2015 (MLDP 2015). At this stage, detailed assessment proposals for this intervention would be developed in line with the policies of the MLDP 2015.

An AA (see Tables 4 to 6 below) has been undertaken to assess the potential impacts on the Natura 2000 site listed in Table 3 above, however, further detailed assessment will be required at the project level.

Potential impacts arising from implementation of draft ETS proposals shown in Table 3 above could include the following:

- Proposal may adversely impact biodiversity, flora, fauna and the numerous water courses within the Natura 2000 site
- Indirect hydrological changes in relation to the treatment of surface water e.g. flooding, pollution etc.

4.0 Appropriate Assessment

4.1 Table 4 Appropriate Assessment – draft ETS Proposal

Proposal	Description	Natura 2000 Site	Qualifying Feature	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
M3D	Park and Change at main entry points to active travel corridors.	Loch Spynie	Greylag goose	See Table 5 and 6 below	See Table 5 and 6 below	No	No	See Table 5 and 6 below

4.2 Table 5 Appropriate Assessment – Loch Spynie Natura 2000 Site

Ref	Natura 2000 Site	Qualifying Feature	Sensitivities	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
8540	Loch Spynie	Greylag goose	Indirect loss of or disturbance to habitat Disturbance to roosts, feeding areas.	PP2 - Climate Change E1 - Natura 2000 Sites and National Nature Conservation Sites E2 - Local Nature Conservation Sites and Biodiversity	Requirement for a further AA and / or EIA. Method Statements and Design Specifications to be submitted to SNH.	No	No	Due to additional impermeable surfaces and increased water run-off associated with the Park and Change site, there is concern regarding drainage.

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4.0 Appropriate Assessment

4.2 Table 5 Appropriate Assessment – Loch Spynie Natura 2000 Site

Ref	Natura 2000 Site	Qualifying Feature	Sensitivities	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
8540	Loch Spynie	Greylag goose	Indirect loss of or disturbance to habitat Disturbance to roosts, feeding areas.	E3 - Protected Species EP5 - Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) EP6 - Waterbodies EP7 - Control of Development in Flood Risk Areas EP8 - Pollution EP12 - Air Quality T2 - Provision of Access	Design Specifications text to make reference to following requirement: Post development run off should match pre-development run off and this should be achieved through the use of appropriate levels of SUDS This should mitigate against the impact of increased water run-off associated with additional impermeable areas. SUDS should and be used to treat surface water prior to distance given size and sensitivity of the catchment.	No	No	Increased water and the potential to make Loch Spynie too nutrient rich and impact on flooding regime within the catchment of Loch Spynie. Submission of the information set out as mitigation should demonstrate that the overall proposal will not adversely affect this Natura 2000 site. Park and Change site proposal must demonstrate there will be no adverse effect on the integrity of the Loch Spynie through suitable mitigation measures.

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4.0 Appropriate Assessment

4.2 Table 5 Appropriate Assessment – Loch Spynie Natura 2000 Site

Ref	Natura 2000 Site	Qualifying Feature	Sensitivities	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
8540	Loch Spynie	Greylag goose	Indirect loss of or disturbance to habitat Disturbance to roosts, feeding areas.	IMP1 - Development Requirements	Full treatment would be required. A drainage impact assessment and full SUDS design will be required at an early stage. All mitigation to be implemented on site.	No	No	

4.0 Appropriate Assessment

4.3 Table 6 Appropriate Assessment – Loch Spynie Natura 2000 Site

Ref	Natura 2000 Site	Qualifying Feature	Sensitivities	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
8540	Loch Spynie	Greylag goose	Meso-eutrophic Loch, associated wetland habitats and rare plants Changes in water quality, hydrology	PP2 - Climate Change E1 - Natura 2000 Sites and National Nature Conservation Sites E2 - Local Nature Conservation Sites and Biodiversity E3 - Protected Species EP5 - Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) EP6 - Waterbodies	Requirement for a further AA and / or EIA. Method Statements and Design Specifications to be submitted to SNH. Design Specifications text to make reference to following requirement; <ul style="list-style-type: none"> Post development run off should match pre-development run off and this should be achieved through the use of appropriate levels of SUDS. All mitigation to be implemented on site.	No	No	Works associated with the Park and Change site could impact on hydrology in the localised area. There could be the risk of construction run off, pollution and disturbance to geese during construction. Park and Change site proposals may have significant effects on the qualifying interests of the Natura 2000 site and would require an Appropriate Assessment.

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4.0 Appropriate Assessment

4.3 Table 6 Appropriate Assessment – Loch Spynie Natura 2000 Site

Ref	Natura 2000 Site	Qualifying Feature	Sensitivities	Safeguarding	Mitigation	Residual Effects	Plan Modification	Conclusion
8540	Loch Spynie	Greylag goose	Meso-eutrophic Loch, associated wetland habitats and rare plants Changes in water quality, hydrology	EP7 - Control of Development in Flood Risk Areas EP8 – Pollution EP12 - Air Quality T2 - Provision of Access IMP1 - Development Requirements	This should mitigate against the impact of increased water run-off associated with additional impermeable areas. SUDS should and be used to treat surface water prior to distance given size and sensitivity of the catchment. Full treatment would be required. A drainage impact assessment and full SUDS design will be required at an early stage.	No	No	Early consultation, and an EIA to assess the impacts, should enable methods to be proposed to ensure that works will not adversely impact on the integrity of this Natura 2000 site. Park and Change site proposal must demonstrate there will be no adverse effect on the integrity of the Loch Spynie through suitable mitigation measures.

5.0 Mitigation

5.1 Mitigation through Plan Modification

There is no requirement to modify the wording of the draft ETS. The draft ETS sits within a hierarchy of plans e.g. Moray Local Transport Strategy 2011 (MLTS 2011) and the MLDP 2015 which seeks to minimise environmental impacts and safeguard environmental assets within the Moray region. A major component of the draft ETS is to safeguard the environment by encouraging modal shift to sustainable travel, walking and cycling as part of an individual's daily life.

5.1.1 Mitigation required during implementation of draft Elgin Transport Strategy

- The location of proposed draft ETS interventions should be checked against Natura 2000 site locations that surround Elgin. Annex A (Environmental Baseline Assessment) of the Draft ETS SEAE Report provides an overview and description of these sites
- SNH will be consulted by Moray Council Transportation in relation to any proposed engineering works that could have a potential impact on a designated site. Method statements and design specifications may have to be submitted to SNH for approval prior to work being undertaken
- Interventions with potential to significantly impact upon a Natura 2000 site will only be progressed after further AA is undertaken in consultation with SNH. A project level EIA may also be required
- Mitigation resulting from further AA would be implemented
- Draft ETS proposals that have the potential to impact on the water environment should be cognisant of the additional requirements in relation to ecological sensitivity e.g. protection of species and sites
- A fundamental consideration for all draft ETS proposals taken forward will be The Nature Conservation (Scotland) Act 2004 which requires all public bodies to further the conservation of biodiversity

6.0 Conclusion

This assessment concludes that the draft ETS, with appropriate safeguarding and mitigation, would not adversely affect the integrity of the Natura 2000 site. SNH will be consulted on any proposals connected to the site. Further detailed AA, EIA or code of construction practice / method statement for construction would be prepared in consultation with SNH.

Abbreviations

AA	Appropriate Assessment
EIA	Environmental Impact Assessment
Draft ETS	Draft Elgin Transport Strategy
MLDP 2015	Moray Local Development Plan 2015
MLTS 2011	Moray Local Transport Strategy 2011
SEA	Strategic Environmental Assessment
SEAE Report	Strategic Environmental Assessment Environmental Report
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage

Definitions

Active Travel	The use of non-motorised modes of transport.
Appropriate Assessment ²	<p>Analysis of sufficient information to allow a competent authority to ascertain whether the plan or project will not adversely affect the site's integrity. An AA can be broken down into two distinct phases:</p> <ol style="list-style-type: none">1. A scientific appraisal of all the likely significant effects of the plan or project on the relevant qualifying interests of a Natura site.2. A decision-making process based on this scientific appraisal, i.e. coming to a conclusion regarding the integrity of a Natura site.
Biodiversity, flora and fauna	The variety within, and between, all species of plants, animals and micro-organisms and the ecosystems within which they live and interact.
Environmental Baseline	A description of the environment likely to be significantly affected by the proposal including air; biodiversity, flora and fauna, climatic factors, cultural heritage, human health, landscape, material assets, population, soil, water and the inter-relationships between them.
Hydrology	The properties, distribution, and circulation of water on and below the earth's surface and in the atmosphere.
Meso-eutrophic	Having moderate / high amount of dissolved nutrients, especially nitrogen and phosphorous.
Natura 2000 Site	Special Protection Areas (SPA) and Special Areas of Conservation (SAC) which are protected sites designated under the European Habitats Directive.

² <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/hra-appropriate-assessment/>

Safeguarding / Mitigation

Measures taken to prevent, reduce or offset, as fully as possible, adverse effects on the environment.