

**Moray Council**

# **Spynie Hospital Redevelopment**

## **Extended Phase 1 Habitat Survey Report**

**Draft report**

Prepared by LUC


August 2020



## Moray Council

### Spynie Hospital Redevelopment Extended Phase 1 Habitat Survey Report

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# Chapter 1

## Executive Summary

**1.1** LUC was commissioned by Moray Council to undertake an Extended Phase 1 Habitat Survey for a proposed residential development at the Site of the former Spynie Hospital, Elgin.

**1.2** The Site primarily consisted of bare ground and hard standing, which was formed by rubble from the demolished hospital buildings and the remaining tarmac roads which previously serviced them. A large part of the south of the Site comprised woodland of predominantly mature beech trees. An area of dense scrub was present to the north of the demolished buildings.

**1.3** The Site lies on the edge of Elgin within a largely residential setting, however extensive woodland and agricultural land is present to the north and east.

**1.4** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**1.5** The deciduous woodland recorded on Site will be retained as far as possible as it is a habitat listed on the Scottish Biodiversity List.

**1.6** The remaining habitats within the Site boundary pose no ecological constraint to the proposed development.

**1.7** No direct evidence of protected species was identified within the Site.

## Chapter 2

### Introduction

#### Remit

**2.1** In December 2019 LUC was commissioned to provide landscaping, planning and ecology services to Moray Council for a planning application for a proposed residential development at the Site of the former Spynie Hospital in Elgin, hereafter referred to as 'the Site'.

**2.2** An Extended Phase 1 Habitat Survey was undertaken to inform design, and support legal and policy compliance during development.

**2.3** This report presents the methods adopted, the baseline survey findings, and an interpretation of the Site's ecological features. Recommendations for further survey and mitigation requirements are provided where necessary.

#### Site Description

**2.4** The Site is located within a residential setting, just off Duffus Road, in the north of Elgin. It was originally occupied by Spynie Hospital, which closed in 2006. The hospital has since been demolished and the majority of the Site consists of rubble from the demolished buildings and areas of tarmac which previously serviced the hospital buildings. Pockets of grassland and an area of broadleaved woodland surround the areas of rubble and hardstanding. The Site is largely surrounded by new build housing although mature broadleaved woodland borders the Site to the east. A dental centre and care home border the Site to the north.

**2.5** The Site boundary and its location in relation to the wider area is shown on **Figure 1, Appendix A**. Photographs of the Site can be found in **Appendix B**.

#### Proposed Development

**2.6** The proposed development will see the construction of residential properties and associated infrastructure at the Site. The Site was included in the 2015 Local Development Plan (LDP) and designated for residential, offices or community facilities. The Site has been designated for residential use in the proposed 2020 LDP and will assist Moray Council in building homes under the Scottish Government's 'More Homes' initiative.

**2.7** A plan of the proposed development can be found in **Appendix C** and shows the proposed lay-out.

**2.8** While most of the Site's woodland resourced will be retained, small areas of mixed woodland will be removed, while individual trees, scattered across the Site, will be felled to enable development. A number of trees within the woodlands will also be removed on the recommendations of an arboricultural assessment, as a means of ensuring longer-term viability of the woodland resource. Further information relating to tree protection across the Site is provided in a detailed tree survey report<sup>1</sup>.

**2.9** The rest of the Site will be used for the development with all current habitats removed to accommodate the buildings, infrastructure and green spaces.

## Policy and Legislation

**2.10** The report has been prepared in cognisance of relevant legislation and policy, including European and domestic environmental legislation, UK nature conservation policy and local biodiversity guidance.

**2.11** European and National legislation, and Planning Policy and guidance relevant to the Site is listed below:

- The Conservation (Natural Habitats, &c,) Regulations 1994 as amended.
- The Wildlife and Countryside Act 1981 (as amended).
- Protection of Badger Act 1992 (as amended).
- Scottish Planning Policy.
- Scottish Biodiversity List.
- North East Scotland Biodiversity Action Plan.

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<sup>1</sup> PALS Tree Services (2020). Former Spynie Hospital, Elgin – Tree Survey

## Chapter 3

### Methods

#### Overview

**3.1** LUC's work at the Site comprised an Extended Phase 1 Habitat Survey, constituting a desk study and field study:

- **Desk Study** - a review of existing records of Statutory and non-statutory Designated Sites, and protected species within, and in the vicinity of, the Site; and
- **Field Study** – a Phase 1 Habitat Survey of the Site which was 'Extended' to include an assessment of the Site's potential to support protected species.

#### Desk Study

**3.2** The desk study involved a search of all publicly available protected species records within 2km of the Site. This was completed using the National Biodiversity Network (NBN) online database<sup>2</sup>. Records from the year 2000 onwards were included to ensure relevance to current conditions.

**3.3** The desk study also included a search for statutory designated Sites within 2km of the Site, using Scottish Natural Heritage's (SNH) Sitelink<sup>3</sup>. A search for non-statutory designated Sites within 2km of the Site was also carried out using the Moray Council<sup>4</sup> and Scotland's Environment<sup>5</sup> websites.

#### Field Study

**3.4** An Extended Phase 1 Habitat Survey of the Site and 50m buffer (together and hereafter referred to as the 'Survey Area') was completed on 10<sup>th</sup> March 2020. The survey was carried out in accordance with Joint Nature Conservation Committee (JNCC)<sup>6</sup> methodology during dry, sunny, and bright weather conditions.

**3.5** The Phase 1 Habitat Survey technique provides a rapid and standardised approach to documenting and classifying habitats. The 'Extended' part of the survey involves an assessment of the Site's potential to support legally protected and notable fauna, whilst recording direct evidence of these species.

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<sup>2</sup> <https://scotland.nbnatlas.org/>. Accessed 11/03/2020

<sup>3</sup> <https://Sitelink.nature.scot/map>. Accessed 11/03/2020

<sup>4</sup> [http://www.moray.gov.uk/moray\\_standard/page\\_1861.html](http://www.moray.gov.uk/moray_standard/page_1861.html). Accessed 11/03/2020

<sup>5</sup> <https://map.environment.gov.scot/sewebmap/>

<sup>6</sup> JNCC, (2010), Handbook for Phase 1 habitat survey – a technique for environmental audit, JNCC, Peterborough

**3.6** The following were searched for within the Survey Area, as informed by the desk study, aerial imagery, previous Site visits by colleagues and our understanding and experience of surveying for protected species in north-east Scotland:

- field signs of otter activity including spraints, tracks, feeding remains and holts along any watercourses within or adjacent to the Site.
- field signs of badger activity including setts, tracks, snuffle holes and latrines.
- habitat suitability for, and field signs of, red squirrel including feeding remains and dreys within the woodland.
- habitat suitability for, and field signs of, pine marten including scat within woodland and on tracks.
- suitable habitats for nesting birds (including searching for any old nests).
- the most common invasive non-native species (INNS): Japanese knotweed, giant knotweed, hybrid knotweed,

giant hogweed, rhododendron, and Himalayan balsam, all of which are subject to strict legal control.

**3.7** A Bat Roost Potential (BRP) survey was undertaken of any trees and buildings within the Survey Area. The BRP survey is designed to identify and assess features which may provide suitable roosting opportunities for bats and may therefore require targeted survey effort if they are to be affected by development proposals.

**3.8** The survey method takes into account the range of roosting conditions required by bats throughout the year and follows assessment criteria set out in standard guidance prepared by the Bat Conservation Trust<sup>7</sup> (BCT).

**3.9** The criteria used to categorise bat roost potential are summarised in **Table 3.1**. The table also summarises what actions, if any, are required following classification.

**Table 3.1: Bat Roost Potential Categories**

| BRP Category      | Roosting Habitat Features  | Commuting and Habitat Features   | Survey Requirement  |
|-------------------|--|--|---|
| <b>Negligible</b> | Negligible habitat features likely to support roosting, commuting or foraging bats.  |  | No surveys required   |
| <b>Low</b>        | Structures in this category offer one or more potential roost sites for individual, opportunistically roosting bats. These sites do not offer the space, shelter or appropriate conditions to support large numbers of bats or maternity roosts.<br><br>Trees in this category include those of sufficient size and age to support suitable roosting features, but none are visible from the ground. | Habitat on and around the Site could be used by a small number of commuting bats. This category includes densely urbanised landscapes or linear vegetation features poorly connected to the wider landscape (e.g. gappy hedges in an agricultural context).  | One dusk or dawn survey required for structures.<br><br>No surveys required for trees.  |
| <b>Moderate</b>   | Structures and trees in this category offer one or more roost sites that, due to their space, shelter or conditions, offer roosting potential for a range of species. Roosts may be more permanent, rather than opportunistic. Small maternity roosts of common species may form in one of these roost sites.  | Habitat on and around the Site is well-connected to wider continuous habitat and offers commuting and foraging habitat to a larger number of bats across a number of species. (e.g. tree lines or linked gardens in the urban context, or continuous hedge/ tree lines and watercourses in an agricultural setting). | One dusk and one dawn survey required for both structures and trees.<br><br>Tree-climbing may be an appropriate alternative to dusk and dawn surveys. |

<sup>7</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn). The Bat Conservation Trust, London.



| BRP Category | Roosting Habitat Features  | Commuting and Habitat Features  | Survey Requirement   |
|--------------|--|---|--|
| <b>High</b>  | Structures and trees in this category have one or more potential roost sites that are suitable for large number of bats. Roosts are likely to be permanent and include maternity roosts. Potential roost Sites exist for a wide range of species or species of particular conservation interest. | Habitat on and around the Site is diverse, continuous and linked to extensive suitable habitat. This category includes well-vegetated rivers, streams, hedgerows and woodland edge.<br><br>Habitat is sufficiently diverse to offer opportunities to a wide range of species or those of particular conservation interest | Three surveys, including both dusk and dawn elements.<br><br>Tree-climbing may be an appropriate alternative to dusk and dawn surveys. |

## Constraints to Methods

**3.10** Evidence of protected species is not always discovered during a survey. This does not mean that a species is not present; hence the survey also records and assesses the potential for habitats to support protected species. The time frame in which the survey is undertaken provides a 'snapshot' of activity within the Survey Area and cannot necessarily detect all evidence of use by a species.

**3.11** All non-native species are legally controlled under the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2011). The Extended Phase Habitat 1 Survey checked, in particular, for the presence of Japanese knotweed (as well as giant knotweed and hybrid knotweed), giant hogweed, rhododendron and Himalayan balsam. There may be other invasive plant species present within the Survey Area which were not recorded, but it is considered that this survey is sufficient to identify any significant constraints posed by invasive plant species.

**3.12** It is noteworthy that the survey was undertaken outside the optimal season (April – September) for habitat surveys and many botanical species will not have been in flower. However, given the relatively urban context of the Site and the nature of the ground conditions, this is very unlikely to present a constraint to the survey.

**3.13** The large central portion of the Site was fenced for security and safety reasons and was therefore inaccessible by foot. However, the use of Heras fencing, and the level, unvegetated nature of the area meant that visual observations could be made easily. The majority of this area was bare ground covered in the rubble (of the old hospital buildings) and the grassland areas surrounding this could be observed and easily recorded. As such the restrictions imposed by the fencing did not pose a significant constraint to the survey.

**3.14** Some sections of the mixed woodland in the south-east of the Survey Area were inaccessible for health and safety reasons due to dead and fallen trees, and therefore it was not possible to survey these areas in detail. These areas were in

the buffer area of the Site and not expected to pose a constraint due to distance from, and separation from the Site by Duffus road.

## Chapter 4

### Results

#### Desk Study

**4.1** Six historic records of red squirrel were found within the Survey Area between 2008 - 2017.

**4.2** The desk study also identified the following records within a 2km buffer of the Site:

- Otter *Lutra lutra*.
- Badger *Meles meles*.
- Common pipistrelle *Pipistrellus pipistrellus*.
- Soprano pipistrelle *Pipistrellus pygmaeus*.

**4.3** Statutory designated sites located within 2km of the Site are listed in **Table 4.1**, below. Note that two of these sites qualify for their geological features, rather than ecological features.

**Table 4.1: Statutory Designated Sites Within 2km**

| Site Name       | Designation | Qualifying Features         | Proximity to Site (Approx.) |
|-----------------|-------------|-----------------------------|-----------------------------|
| Quarry Wood     | SSSI*       | Upland Oak Woodland         | 700m west                   |
| Cutties Hillock | SSSI        | Permian - Triassic Reptilia | 1.9km west                  |
| Findrassie      | SSSI        | Permian - Triassic Reptilia | 1km north                   |

\*Site of Special Scientific Interest

**4.4** Two non-statutory designated sites were identified within 2km of the Site. The Wards Local Wildlife Site (LWS) is located approximately 1.8km south of the Site and is a wetland area which supports a colony of northern marsh orchid. The habitat is also suitable for wetland birds including snipe and reed bunting. A large area of long-established (of plantation origin) Ancient Woodland was identified approximately 10m to the west of the Site and is known as Oak Quarry/Findrassie Woods.

## Field Study

### Habitats

**4.5** The Survey Area consisted mainly of a small number of common and widespread habitats which are detailed below along with their JNCC codes. Please also refer to **Appendix A, Figure 1: Phase 1 Habitat Survey Results** and **Appendix B: Site Photographs**.

**4.6** Habitat accounts are provided below.

#### Bare Ground (J4)

**4.7** This habitat made up a large part of the centre of the Site and was surrounded by Heras fencing. It was made up of rubble from the demolished hospital buildings and associated tarmac roads which previously serviced them.

#### Semi-Improved Neutral Grassland (B2.2)

**4.8** Two areas of this habitat were recorded adjacent to the bare ground within the fenced off area. These areas were dominated by Yorkshire fog *Holcus lanatus* with occasional thistle *Asteraceae sp.* and dandelion *Taraxacum officinale*. A small number of single buddleja *Buddleja davidii* were scattered across these areas. An area of neutral grassland, (suspected to be a communal green space) was also identified in the south of the Survey Area and contained a single large Scots pine. The grassland was dominated by Yorkshire fog with abundant perennial ryegrass *Lolium perenne* and occasional dandelion.

#### Semi-Natural Broadleaved Woodland (A1.1.1)

**4.9** The area of bare ground was bordered to the east and south by mature broadleaved woodland. The woodland was dominated by beech *Fagus sylvatica* and also contained frequent silver birch *Betula pendula*, with rare holly *Ilex aquifolium* and oak *Quercus sp.* A small number of Scots pine *Pinus sylvestris* individuals were recorded within the woodland, however canopy cover of these did not meet the 10% requirement for a mixed woodland classification. Ground flora was limited and consisted of Yorkshire fog and some areas of dense honeysuckle *Lonicera periclymenum*.

#### Semi-Natural Mixed Woodland (A1.3.1)

**4.10** Three main areas of this habitat were recorded within the Survey Area. The area to the south of the bare ground had approximately 20% conifer canopy cover. The area to the west of the bare ground had a higher proportion of conifers than other areas with a ratio of approximately 40:60, conifer to broadleaved. The broadleaved woodland species were dominated by beech with abundant birch. Scots pine

accounted for the coniferous portion of the canopy cover. Occasional oak and holly were also recorded.

**4.11** The area of this habitat in the south of the Survey Area was dominated by sycamore *Acer pseudoplatanus* with abundant Scots pine. Ivy *Hedera helix* was frequently recorded in patches of woodland where large trees had fallen and been covered in a thick layer of ivy. Ivy was also recorded frequently as ground flora.

#### Semi-Natural Coniferous Woodland (A1.2.1)

**4.12** A small area of Scots pine woodland was identified in the north of the Site, adjacent to the existing dental centre. This woodland was very immature and had been planted very tightly together, and as such no ground flora of note was present.

**4.13** A small area of this habitat was recorded in the far west of the Survey Area. Semi-mature Scots pine was the dominant tree species recorded (approx. 20m tall) whilst the ground flora was dominated by bramble *Rubus fruticosus* agg. with broom *Cytisus scoparius* and holly also recorded.

#### Dense Scrub (A2.1)

**4.14** An area of thick scrub, dominated by gorse *Ulex europaeus* and with abundant broom, was recorded in the northern portion of the Site, adjacent to the bare ground.

**4.15** Another area of dense scrub was identified in the north-east corner of the Survey Area. This area had an approximately equal coverage of gorse and broom.

#### Semi-Improved Neutral Grassland (B2.2)/Broadleaved Scattered Trees (A3.1)

**4.16** The remainder of the northern portion of the Site was a mosaic of neutral grassland with scattered broadleaved trees. The grassland was dominated by Cock's-foot *Dactylus glomerata* with abundant clover *Trifolium sp.* and occasional Yorkshire fog. Scattered dock *Rumex sp.*, thistle and stands of nettle *Urtica dioica* were also identified. The broadleaved trees were small, immature oak.

#### Amenity Grassland (J1.2)

**4.17** A small area of mown lawn with manholes set into it was recorded in the north-east corner of the Site, directly south of the care home. The grass was dominated by Yorkshire fog.

**4.18** A second small area of heavily managed, wet grassland was identified in the west of the Survey Area.

#### Hard Standing (HS)/Amenity Grassland (J1.2)

**4.19** The hard standing constituted the car park and the tarmac roads that serve the dental centre and care home in

the north-east of the Survey Area. Small areas of mown grassland were found in the car park, separating parking bays. These areas were dominated by Yorkshire fog with occasional daisy *Bellis perennis*.

#### Buildings (J3.6)/Hard Standing (HS)

**4.20** The north-east of the Survey Area was largely covered by buildings (dental centre and care home) and their associated car parks.

#### Buildings (J3.6)

**4.21** A new residential development bordered the Site to the north and north-west.

#### Hedgerows (J2.1.2)

**4.22** An intact beech hedgerow ran along the northern border of the rubble, separating this from the scrub and buildings. It appeared to be intensively managed (i.e. regularly trimmed). No understory flora was identified.

### Protected Species

#### Otter

**4.23** Otter was identified in the desk study, however no water features were present within the Survey Area and no suitable habitat for otter was identified during the survey.

**4.24** Otter will not be considered further in this report.

#### Red Squirrel

**4.25** The desk study returned historic records of red squirrel within the Site, however no evidence was identified during the survey. All woodland within the Survey Area was deemed suitable for red squirrel due to the mature nature of the trees and the mixed composition of the woodland, which provides squirrels with a number of food sources from a large number and variety of fruiting age trees. The Survey Area has connectivity to a large expanse of mixed woodland types to the west and a second large area of woodland to the north.

#### Pine marten

**4.26** The desk study returned no historic records of pine marten and no field evidence was recorded. The various woodlands within the Survey Area (coniferous, mixed and broadleaved) provide suitable pine marten habitat with the exception of the area of young pine trees in the north of the Site. Pine martens have relatively large territories (10-25km for males) and the woodlands in the Survey Area have strong connectivity to large areas of woodland to the west and the north,

#### Badger

**4.27** No direct evidence of badger was recorded in the Survey Area. The Survey Area offered potential habitat for badgers with woodland for sett creation and areas of grassland for foraging. The woodland in the Survey Area has connectivity with large areas of woodland to the west and north, all of which are likely to provide suitable habitat for badger. The woodlands in the wider area are bordered by arable and pasture land which provides optimal badger foraging habitat.

#### Bats

**4.28** No buildings or structures were recorded within the Site.

**4.29** [REDACTED]

**4.30** [REDACTED]

**4.31** [REDACTED]

**4.32** [REDACTED]

**4.33** [REDACTED]

**4.34** [REDACTED]

[REDACTED]

**4.42** The habitats within the Study Area provide suitable nesting opportunities for each of these species.

**4.35** The surrounding habitat provides optimal commuting and foraging opportunities for bats including the woodland edges, the pond and watercourse to the north-west and the River Lossie to the south.

**4.36** [REDACTED]

### Nesting birds

**4.37** Suitable nesting habitat was recorded across the Survey Area, particularly the woodland and scrub habitats where remnant bird nests from previous years were recorded. Passerines including wren *Troglodytes troglodytes*, robin *Erithacus rubecula*, blackbird *Turdus merula* and wood pigeon *Columba palumbus* were recorded during the survey.

**4.38** The open areas of bare ground and rubble ostensibly provide opportunities for ground-nesting birds. However, ground-nesting is most usually associated with tussocky vegetation and the protection of some cover. Open habitat within the Study Area is exposed to a considerable risk of predation.

### Invasive Non-Native Species

**4.39** Only one invasive species was identified within the Survey Area. This was a single rhododendron *Rhododendron* sp. plant in the broadleaved woodland directly south of the rubble of the demolished buildings. It is possible, though unlikely, that evidence of other invasive species was missed due to seasonal die-back.

### Anecdotal Data

**4.40** A local resident provided consultation feedback regarding the bird assemblage that they have observed within and around the Site.

**4.41** The following bird species have reportedly been observed within the Site:

- House sparrow, skylark, starling, thrush, mistle thrush, yellowhammer, dunnock, house martin, goldfinch, greenfinch, chaffinch, long-tailed tit, wren, treecreeper, great spotted woodpecker, blackcap, pheasant, snipe, woodcock, great tit, sparrowhawk, wood pigeon, robin and jay.

## Chapter 5

### Discussion

#### Desk Study

**5.1** Records of bats, badger and red squirrel were identified within 2km of the Site, indicating that the surrounding area provides suitable habitat for these species.

**5.2** Three SSSIs were identified within 2km of the Site. Two of these are designated for their geological features and as such will not be impacted in any way by the development. Quarry Wood is an area of upland oak woodland to the west of the Site. The proposed development will not directly impact the Site or the oak woodland for which it is designated. The woodland is already managed by Forest and Land Scotland for recreational purposes (e.g. cycling and orienteering) and is expected to experience increased recreational pressures from the proposed development.

**5.3** The ancient woodland directly west of the Site, across the main Duffus Road may be impacted by the development through increased recreational pressure. The area is already extensively used by public for walking and 'Forest School'; further increased usage could lead to deterioration of the feature.

**5.4** The Wards LWS lies within 2km of the Site. It is however, separated from the Site by the River Lossie, multiple roads and extensive areas of housing. The development of housing at the Site will not have any direct impact on the ecological features of the LWS.

#### Field Study

##### Habitats

**5.5** The Site is dominated in the north by bare ground with smaller sections of neutral grassland, the southern part is composed of woodland. The grassland, bare ground and buildings are common and widespread habitats, especially in urban areas.

**5.6** Lowland mixed deciduous woodland is a UK Biodiversity Action Plan (BAP) habitat. Woodland within the Site supports a number of large and mature trees, which provide potential habitat for protected species. A small number of individual trees are expected to be removed to facilitate the proposed development or as a recommendation of an arboricultural assessment. The limited nature of tree removal is unlikely to

affect the viability of the habitat; indeed the removal of standing deadwood may create new habitat niches.

**5.7** The very young and dense pine woodland in the north of the Site is of a limited ecological value. This is due to its lack of species diversity and its dense composition which has resulted in an absence of ground flora. The loss of this relatively small area is extremely unlikely to have an adverse impact on protected species. There is however a potential impact on nesting birds (see 'Nesting Birds' section below).

**5.8** The overall impact of the proposed development on habitats is considered to be low. None of the habitats which will be lost are of conservation value (construction will primarily take place on bare ground) and therefore habitats do not pose an ecological constraint.

## Protected Species

### Bats

**5.9** No buildings or structures are present within the Site. The buildings adjacent to the Site, within the Survey Area, are not expected to be directly impacted by the proposed development. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

**5.10** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**5.11** It is likely that the site provides a foraging and commuting resource for bats. The retention of woodland and the creation of additional green space will ensure the Site remains available for foraging and commuting.

### Red Squirrel

**5.12** No evidence of red squirrel was identified during the survey, despite historic evidence suggesting their local presence.

**5.13** The woodlands (with the exception of the small area of dense immature pine trees in the north of the Site) were

identified as being suitable habitat due to age, structure and evidence of cone production. Moray is regarded as a 'stronghold' for red squirrel<sup>8</sup>, in part attributable to its network of structurally and functionally connected woodland features. At Spynie, with the exception of a small, immature plantation in the north, much of the woodland resource will be retained and it's structural and functional connectivity with adjacent woodland and forestry retained. The Site will continue to provide suitable habitat for red squirrel post-development.

### Pine Marten

**5.14** The young pine woodland in the north of the Site does not provide suitable habitat for pine marten due to its age-structure which provides no den Site potential and its removal is not expected to negatively impact this species. The remaining mixed and deciduous woodlands in the Survey Area will be retained with only a small number of individual trees removed for safety reasons relating to road access. The mature woodland will continue to provide a potential resource for pine marten.

### Badgers

**5.15** No field evidence of badger was recorded during the survey, indicating badgers are not currently utilising the Site.

**5.16** The small areas of neutral grassland which provide foraging opportunities for badger will be removed to facilitate the development. This is not expected to have a negative impact on any badgers which may be using the area due to the availability of favourable foraging habitat in the wider area (e.g. farmland to the north). The scrub in the north of the Site provides some potential for sett creation due to its dense structure and proximity to foraging habitat. The removal of this scrub is not expected to have an adverse impact on local badger populations as there is abundant favourable (less heavily disturbed) habitat in the wider area (woodland to the north).

**5.17** Badgers are highly mobile mammals, which have been historically identified in the area, and could move into the Site in the intervening time between planning submission and construction. Therefore further surveys are recommended, information about which is provided in **Section 6**, below.

### Nesting Birds

**5.18** Although no active bird nests were recorded during the survey, the woodland, scrub and hedgerow habitats within the Site provide favourable nesting opportunities for birds. A minimal number of trees will be removed but the woodland features will largely be retained. The removal of a minimal

<sup>8</sup> <https://scottishsquirrels.org.uk/squirrel-sightings/>

number of trees is unlikely to have an adverse impact on nesting bird populations.

**5.19** The loss of scrub and neutral grassland is not expected to have a significant effect on bird populations due to the low cover and isolated nature of these habitats. There is also a plentiful supply of alternative suitable habitat both within the Site and in the surrounding area (such as farmland and young woodland to the north).

**5.20** The site supports sub-optimal habitat for ground-nesting birds, principally amongst the open areas of rubble. These areas, however, provide limited protection or cover from predators. Given the Site's proximity to existing residential development, it is likely that predation by domestic cats would be significant. It is unlikely that the site supports a significant assemblage of ground-nesting birds.

**5.21** All wild birds and their nests benefit from legal protection, therefore if construction is planned during nesting season, (typically March to August) mitigation will be required (see **Section 6**).



## Chapter 6

# Recommendations and Mitigation

### Habitats

**6.1** With the exception of the woodland, the habitats that make up the Site are common and widespread within the local area and are considered to be of low conservation value.

**6.2** The deciduous and coniferous woodland should be retained as far as practicable as both require 'conservation action' according to the Scottish Biodiversity List (SBL). The proposals have been informed by an arboricultural assessment which has identified all necessary Root Protection Zones.

**6.3** Native pine woodland is also listed under 'avoid negative impacts' on the SBL. The young, tightly packed pine woodland in the north of the Site is not of high conservation value and the loss of these trees is not anticipated to have an adverse impact on the ecological interests of the Site, in terms of protected species.

### Protected Species

#### Bats

**6.4** No structures within the Survey Area will be affected by the proposed development and no further surveys are required. Where it is safe and practicable to do so, lighting associated with any night-time works should be directed away from features and resources that are likely to be used by bats e.g. woodland.

**6.5** [REDACTED]  
[REDACTED]  
[REDACTED]

**6.6** However, given the dynamic nature of trees, with regard to their potential to support roosting bats, it is recommended that a further inspection of all trees to be removed is undertaken no more than 3 months prior to felling. Should new suitable roosting features be identified, further surveys should be undertaken, in compliance with best practice methods<sup>7</sup>. If bats are identified the necessary licences should be sought<sup>9</sup>. Given the retention of extensive areas of woodland and the ongoing viability of the Site for roosting,

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<sup>9</sup> Details available at <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing>

commuting, and foraging, it is highly likely that licences would be granted.

### Red Squirrel

**6.7** Pre-construction checks for red squirrel should be undertaken no more than 6 months before works are scheduled to commence.

**6.8** Should any dreys be recorded then further surveys may be required and it is likely a licence<sup>10</sup> will be required from SNH to allow disturbance to occur while remaining compliant with wildlife legislation.

### Badger

**6.9** A pre-construction survey for badger is recommended prior to works (including ground preparation). Surveys should be conducted during spring or autumn by a suitably qualified ecologist and should be completed no more than six months before works are scheduled to commence.

### Nesting Birds

**6.10** Birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended in Scotland). This Act gives protection to all species of wild bird with regard to killing and injury, and to their nests and eggs with regard to obstructing, taking, damaging, and destruction.

**6.11** It is highly probable that nesting birds may choose to nest within the scrub, hedgerow and woodland habitats within the Site.

**6.12** It is recommended that any felling or vegetation clearance works, or ground preparation works, happen outwith the nesting bird season (typically March – August, inclusive).

**6.13** If it is not possible to undertake these works outside of the nesting bird season, vegetation should be checked for birds' nests by a suitably qualified ecologist (or an appointed competent person) within 24 hours of the commencement of clearance. In the event an active nest is identified works must halt within the immediate vicinity and an exclusion zone (the size of which is species dependent) will be enforced. Works can only recommence in the exclusion zone once the nest is no longer active.

### General

**6.14** As noted in the 'Limitations' section of this report, protected species populations are dynamic. While the Site is unlikely to support protected species populations of particular ecological value, it is still necessary to comply with legislative

requirements during development works. In order that any unforeseen presence of a protected species is appropriately managed, it is recommended that a Construction Environmental Management Plan (CEMP) is prepared. The CEMP should include:

- A schedule of pre-construction surveys to be undertaken prior to the commencement of any works.
- Details of tool-box talks for construction personnel.
- 'Emergency procedures' to be followed should evidence of protected species be identified during construction activity (incl. appropriate buffer zones and the details of an appropriately experienced Ecologist/Ecological Clerk of Works who will provide support).

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<sup>10</sup> Details available at <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/red-squirrels-and-licensing>

# Appendix A

## Figures

Figure 1: Phase 1 Habitat Survey Results

Figure 2: Protected Species Results



Figure 1: Phase 1 Habitat Survey Results

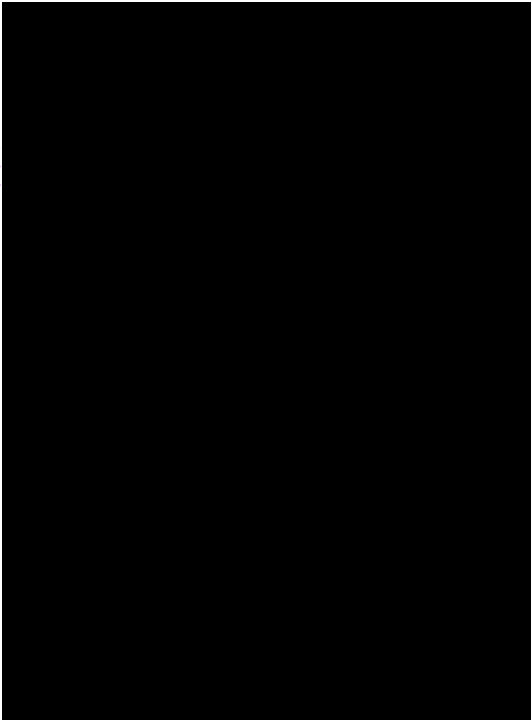


- Site boundary
- 50m buffer of site boundary
- Target note
- Phase 1 code**
- J2.1.2 Intact hedge (species-poor)
- A1.1.1 Broadleaved woodland (semi-natural)
- A1.2.1 Coniferous woodland (semi-natural)
- A1.3.1 Mixed woodland (semi-natural)
- A2.1 Scrub (dense/continuous)
- A2.2 Scrub (scattered)
- B2.2 Neutral grassland (semi-improved)
- B2.2 Neutral grassland (semi-improved)/A3.1 Broadleaved scattered trees
- B4 Improved grassland
- HS Hard standing
- HS Hard standing/J1.2 Amenity grassland
- HS Hard standing/J3.6 Buildings
- J1.2 Amenity grassland
- J3.6 Buildings
- J3.6 Buildings/HS Hard standing
- J4 Bare ground





Figure 2: Protected Species Results



## Appendix B

### Site Photographs



Photograph 1: Bare ground of demolished hospital buildings



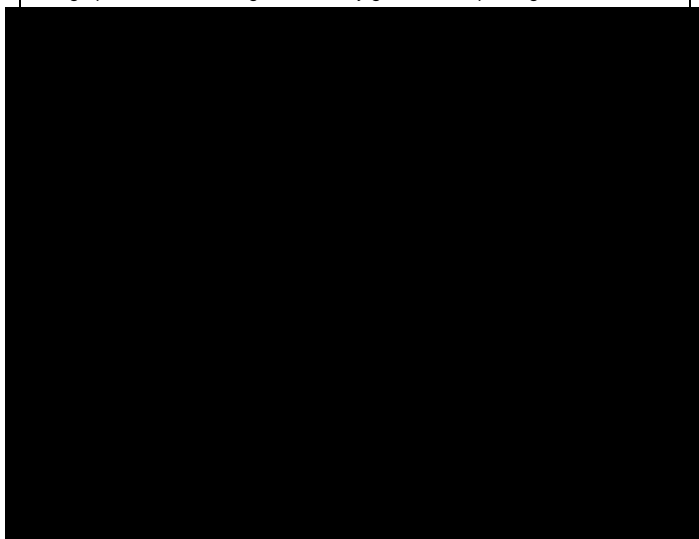
Photograph 2: Broadleaved woodland



Photograph 3: Hard standing and amenity grassland of parking area



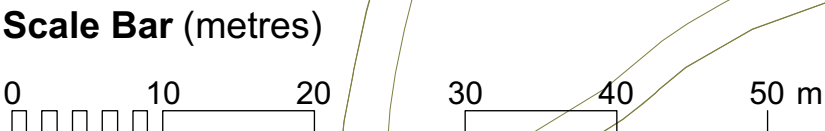
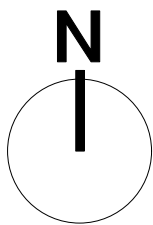
Photograph 4: Semi-improved neutral grassland surrounding rubble



## **Appendix C**

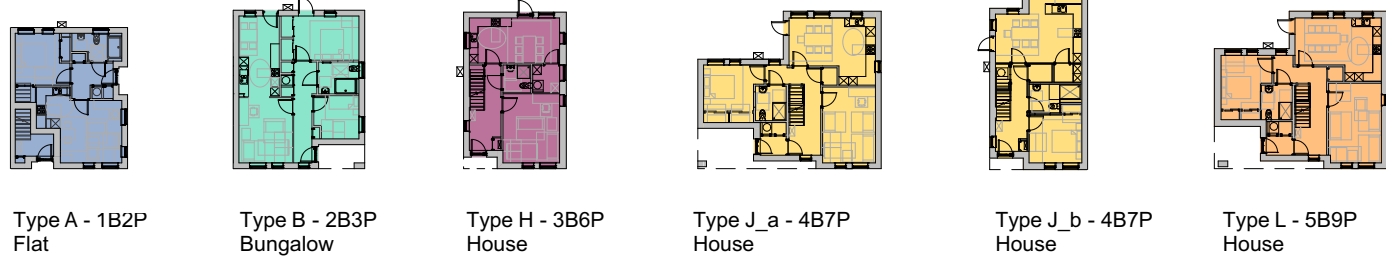
### **Proposed Development Layout**





Drawing contains data © Crown copyright [and database rights] 2020 OS 100023422 Moray Council

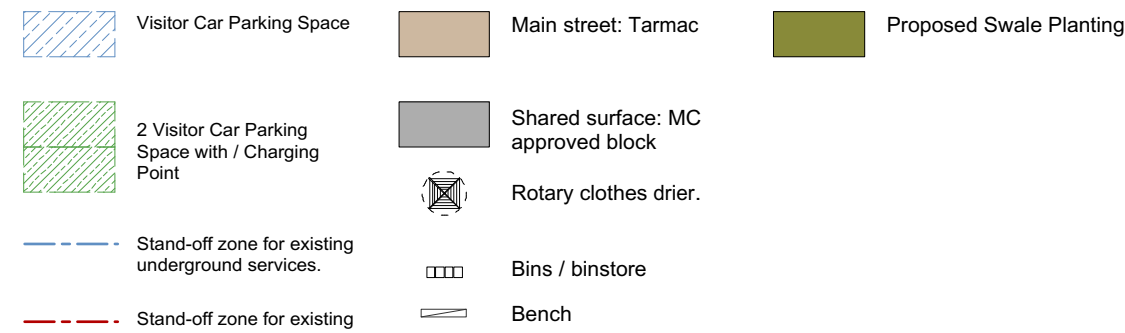
Housing Mix



Housing Schedule

Type A - 20 units  
Type B - 8 units  
Type H - 18 units  
Type J - 15 units  
Type L - 1 unit  
TOTAL - 62 units.

KEY



NOTES -

DO NOT SCALE FROM DRAWING  
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE START OF ANY WORK AND ANY DISCREPANCIES NOTIFIED IN WRITING.  
REFER TO ENGINEERS' DRAWINGS FOR ALL STRUCTURAL, HEATING, LIGHTING, POWER, EXTERNAL AND UNDERGROUND DRAINAGE AND VENTILATION INFORMATION  
ALL BUILDING WORKS TO COMPLY IN ALL RESPECTS TO CURRENT BUILDING STANDARDS FOR COUNTRY IN WHICH SITE IS LOCATED.

PLANNING

|  |              |                      |
|--|--------------|----------------------|
| CLIENT -<br>Moray Council                      |              |                      |
| PROJECT -<br>Former Spynie Hospital Site Elgin |              |                      |
| DRAWING -<br>Proposed Site Plan - Option C     |              |                      |
| DATE -<br>Apr 20                               | BY -<br>AC   | SCALE -<br>1:500@ A1 |
| JOB NO -<br>20202                              | CHKD -<br>AC | DRWG NO -<br>PL_101  |

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|     |          |    |
|-----|----------|----|
| F   | 22/06/20 | AC |
| No. | Date     | By |

|  |
|--|
| Revision Notes   |
| Approved landscape scheme incorporated with some co-ordination changes; house types updated to match approved house type plans; parking amended to address MC roads comments as far as practicable; plot numbering corrected to match proposed numbers; bins and clothes driers added. |