



Agenda item 5

Appendix 2

2025/0167/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2025/0167/DET Construction of forestry extraction track, track upgrading. Land 465M NW Of Golden Acre Glen Road Newtonmore.
Appraised by	Scott Shanks, Ecological Advice Officer
Date	30/09/2025 UPDATED 03/12/2025
Checked by	Anne Elliott NatureScot Operations Officer- Central Highland
Date	13/02/2026

INFORMATION

European site details

Name of European site(s) potentially affected

1) River Spey SAC

Note: Insh Marshes SAC, River-Spey-Insh Marshes SPA and River Spey – Insh Marshes Ramsar were initially considered but subsequently screened out due to distance from potential engineering works. See SEPA guidance on screening distances for aquatic protected sites: [wat-sg-90-sepa-conservation-procedure-for-sacs-spas-and-sssis.pdf](#).

Qualifying interest(s)

1) River Spey SAC

- Otter
- Freshwater pearl mussel (FWPM)
- Sea lamprey
- Atlantic salmon

Conservation objectives for qualifying interests

1) River Spey SAC

Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):

2b. Restore the distribution of **freshwater pearl mussel** throughout the site

2c. Restore the habitats supporting **freshwater pearl mussel** within the site and availability of food

2d. Restore the distribution and viability of **freshwater pearl mussel** host species and their supporting habitats

2a. Restore the population of **freshwater pearl mussel** as a viable component of the site

2b. Maintain the distribution of **sea lamprey** throughout the site

2c. Maintain the habitats supporting **sea lamprey** within the site and availability of food

2a. Maintain the population of **sea lamprey** as a viable component of the site

2b. Restore the distribution of **Atlantic salmon** throughout the site

2c. Restore the habitats supporting **Atlantic salmon** within the site and availability of food

2a. Restore the population of **Atlantic salmon**, including range of genetic types, as a viable component of the site

2b. Maintain the distribution of **otter** throughout the site

2c. Maintain the habitats supporting **otter** within the site and availability of food

2a. Maintain the population of **otter** as a viable component of the site

- **Conservation Objective I.** To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

APPRAISAL

STAGE 1:

What is the plan or project?

Relevant summary details of proposal (including location, timing, methods, etc)

Construction of a track (approximately 4km length) north of Newtonmore connecting two blocks of plantation woodland. Tracks proposed to facilitate timber extraction and connect other existing tracks across the Pitmain and Glenbanchor Estate.

Two new bridges and three new culverts are proposed over tributaries of the River Spey.

Proposed timing for the programme of works has not been stated.

STAGE 2:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

I) River Spey SAC

No, this development is not directly connected with or necessary for the management of the European site for nature conservation.

STAGE 3:

Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?

I) River Spey SAC

Otter: Yes, LSE from direct effects arising during construction activity, including disturbance and potential destruction of holts or other resting sites next to tributaries of the River Spey. Potential for indirect effects on water quality from potential pollution and release of sediment impacts on prey species and the water environment.

Freshwater pearl mussel: YES, LSE from short term effects arising during construction including fine sediment released during construction activity that could smother FWPM populations downstream of the site. Pollution from construction work such as fuel spillages could also enter the watercourse and impact FWPM and host species (salmonids) in the River Spey. Poor biosecurity measures could result in the spread of disease or invasive on-native species (INNS) that could impact FWPM populations and host species.

Sea lamprey: Yes, LSE from short term effects arising during construction activity including impacts on existing habitat and water quality River Spey through release of sediment mobilised from the river banks during construction works, or pollution from construction activity such as fuel spills.

Atlantic salmon: Yes, LSE from short term effects arising during construction activity

including disturbance of existing habitat within the River Spey through release of sediment mobilised from riverbanks during construction works that could smother Atlantic salmon spawning gravels downstream of the site, pollution from construction activity such as fuel spills and disturbance during spawning periods.

STAGE 4:

Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives

1) River Spey SAC

Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):

2b. Restore the distribution of Atlantic salmon and freshwater pearl mussel throughout the site

No works are proposed within the River Spey SAC, so there will be no direct loss of any suitable habitat. As no development will occur within the River Spey SAC, the current and potential distribution of these species would not be directly impacted upon.

However, the proposal includes two new bridges and three new culverts across tributaries of the River Spey and so there is potential for indirect effects from construction activities, e.g. sediment or fuel and oil entering the watercourse. These potential pollution events could indirectly impact the distribution of these species due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats which are used by spawning or juvenile salmon for spawning/juveniles and habitats suitable for supporting FWPM (long term).

Timing of works to avoid the key Atlantic salmon spawning period (mid-October to end of February) would reduce the risk of pollution or mobilised sediment impacting breeding Atlantic salmon during this sensitive time.

A pollution prevention plan is recommended through condition. The pollution prevention plan should include standard good practice, such as maintaining a minimum 30 m buffer for storing chemicals/wash out or any other potential polluting activity (SEPA WAT-SG-75). Other relevant Guidance for Pollution Documents should also be referred to and implemented on site (i.e. GPP5, GPP8, GPP21, GPP22¹) If a pollution prevention plan is conditioned and implemented - this conservation objective would be met.

If the timing of works to avoid the key Atlantic spawning period (mid-October to end of February), and a pollution prevention plan is conditioned and implemented this conservation objective would be met.

2c. Restore the habitats supporting Atlantic Salmon and freshwater pearl mussel within the site and availability of food

¹ [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

The current and potential restoration of the distribution of habitats supporting Atlantic salmon and FWPM within the SAC would not be directly affected as no development will occur within the SAC. However, pollution from construction activities next to/within tributaries of the River Spey could negatively affect supporting habitats if significant amounts of sediment reach the SAC and cause smothering of habitats, reducing the distribution and extent of habitat suitable for salmon spawning and juvenile salmon, and habitats suitable for FWPM (long term).

However, mitigation measures identified for 2b above would reduce the risk of pollution reaching the watercourse to a minimal level and so this conservation objective would be met.

2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats

The distribution and viability of FWPM host species (Atlantic salmon and other salmonids) would not be directly affected as no work will be undertaken within the River Spey SAC, however, as discussed in 2b & 2c, there is potential for pollution from construction activities to indirectly affect the habitats supporting these species which may in turn lead to a change in distribution or in change in health of FWPM host species (Atlantic salmon and trout). However, with the implementation of the mitigation measures mentioned in 2b the risk of pollution events therefore the development would not hinder the distribution or vitality of the host species.

2a. Restore the population of Atlantic Salmon (including a range of genetic types) and freshwater pearl mussel as viable components of the site

As the other conservation objectives can be met for Atlantic salmon and FWPM with mitigation, the proposed development would not hinder or prevent the restoration of the population of Atlantic salmon or FWPM as viable components of site. However, the proposed development will not have an impact on the genetic types of salmon. Therefore, this conservation objective would be met.

2b. Maintain the distribution of sea lamprey throughout the site

The current distribution of sea lamprey would not be directly impacted upon by the development proposals as no works will take place within the SAC. However, there is potential for pollution from construction activities upstream of the SAC which could indirectly impact upon spawning substrates (long term) and water quality (temporary) which may alter the distribution of sea lamprey.

As detailed within 2b for Atlantic salmon & freshwater pearl mussel a pollution prevention plan detailing standard good practice construction activity will reduce the risk of accidental pollution and therefore this conservation objective would be met.

2c. Maintain the habitats supporting sea lamprey within the site and availability of food

The current suitable habitats for supporting sea lamprey will not be directly impacted upon as no works will take place within the SAC. However, there is potential for pollution and mobilised

sediment to enter the watercourse and smoother suitable spawning grounds (long term) making it difficult for the sea lamprey to find suitable habitat. Changes to water quality through suspended solids or chemicals (temporary) may lead to a reduction in food availability through negatively impacting the distribution of fish species.

The implementation of standard pollution prevention measures will reduce the risk of pollution entering the watercourse. Therefore this conservation objective would be met.

2a. Maintain the population of sea lamprey as a viable component of the site

As the other conservation objectives for sea lamprey can be met through the implementation of mitigation, the proposed development would not negatively impact on the current population of sea lamprey within the SAC, therefore this conservation objective would be met.

2b. Maintain the distribution of otter throughout the site

Construction activities including the installation of new bridges and culverts are proposed next to/across tributaries of the River Spey SAC. Therefore, there is a potential for construction-phase disturbance to otters within the River Spey SAC which may negatively impact the otter population, and potential for damage or destruction of otter holts or resting areas close to watercourses.

An otter survey was included in the 'Glenbanchor Track Preliminary Ecological Appraisal and National Vegetation Classification Report' that has been supplied with the application. Based on surveys of the proposed route options at that time, the survey identified 3 otter spraints, but no areas suitable for otter holts. However, the route that has been proposed with the current application contains sections that apparently were not previously surveyed. Therefore, holts or couches used by otter may be present within or adjacent to the development site.

Otters can have very large home ranges of around 32km for males and 20km for females ([Otter | NatureScot](#)), and therefore temporary construction work at this location is unlikely to result in significant impact on foraging otter from the SAC, but if a holt or couch is present mitigation measures including buffer exclusion zones and possible licencing will be required.

A pre-construction survey of all suitable habitat within 200m of the proposed development (focusing on sections of the route that were not previously surveyed) should be undertaken, prior to any works commencing on site. If evidence of otters are found, a otter species protection plan should be produced and submitted to the CNPA prior to works commencing.

If a species protection plan is conditioned and implemented, this conservation objective would be met.

2c. Maintain the habitats supporting otter within the site and availability of food

The distribution of habitats supporting otter within the River Spey SAC would not be directly affected by this development, as no construction work will happen within the boundaries of the River Spey SAC. However, there may be restrictions on the use of suitable foraging habitat within the development site. The pollution issues identified for the other freshwater species mentioned, could affect otter prey species, however the implementation of previously discussed mitigation measures would reduce the risk of this occurring to a minimal level and so the conservation

objective would be met.

2a. Maintain the population of otter as a viable component of the site

As the other conservation objectives can be met for otter with the mitigation included in the proposal, the proposed development would not hinder or prevent the maintenance of the population of otter as a viable component of site, therefore this conservation objective would be met.

Conservation Objective 1. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

As all the other conservation objectives would be met, the proposed development would not prevent or hinder the condition or conservation status of the qualifying interests of the SAC, and so this conservation objective would be met.

In conclusion, the implementation of mitigation measures including timing of the works to avoid the key Atlantic salmon spawning season, the inclusion of sediment and pollution management measures, pre-construction checks for protected species and if required- the implementation of species protection plans, will reduce the potential effects to a minimal level, so that all the conservation objectives can be met for the River Spey SAC.

STAGE 5:

Can it be ascertained that there will not be an adverse effect on site integrity?

River Spey SAC

If the mitigation measures mentioned above are secured by condition and implemented, then the conservation objectives will be met and **there will not be an adverse effect on site integrity for the River Spey SAC.**

The mitigation measures that require to be secured by condition are:

- A pollution prevention plan to be approved by CNPA, and fully implemented.
- Timing of works to avoid the key Atlantic spawning period (mid-October to end of February).
- An otter species protection plan to be produced and implemented (if signs of otter signs are detected in pre-construction survey).

The reason for these conditions is to avoid pollution entering the Allt Lraidh and River Calder tributaries of the River Spey SAC and negatively impacting upon the qualifying features.