



# Agenda item 6

## Appendix 2

2025/0300/DET

Habitats regulations appraisal

## HABITATS REGULATIONS APPRAISAL

|  |   |
|--|---|
| <b>Planning reference and proposal information</b> | <b>2025/0300/DET</b><br><b>Installation of a hydro-electric scheme and associated works</b><br><br>Land 650 Metres South-West of Dalmunzie Castle Hotel, Spittal of Glenshee, Blairgowrie, PH10 7QG |
| <b>Appraised by</b>                                | Scott Shanks, Ecological Advice Officer   |
| <b>Date</b>  | 27/03/2026 ( <b>Updated 14/04/2026</b> )  |
| <b>Checked by</b>                                  | Nicki McIntyre<br><br>NatureScot Case Officer – Central Highland  |
| <b>Date</b>  | 14/04/2026  |

## INFORMATION

### European site details

#### Name of European site(s) potentially affected

- 1) **River Tay SAC**
- 2) **Clune Forest SPA**
- 3) **Cairngorms Massif SPA**

#### Qualifying interest(s)

##### 1) **River Tay SAC**

Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels (Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the Isoëto-Nanojuncetea)

Brook Lamprey

Sea Lamprey

River Lamprey

Atlantic salmon

Otter

##### 2) **Forest of Clunie SPA**

Hen Harrier

Osprey

Short-eared Owl

Merlin

##### 3) **Cairngorms Massif SPA**

Golden Eagle

#### Conservation objectives for qualifying interests

##### 1) **River Tay SAC**

**Conservation Objective 2.** To ensure that the integrity of the River Tay is maintained by meeting objectives 2a, 2b and 2c for the qualifying feature.

2a. Maintain the extent and distribution of **clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels** within the site

2b. Maintain the structure, function and supporting processes of **clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels**

2c. Maintain the distribution and viability of typical species of **clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels**

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

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

2a. Maintain the population of the **lamprey species** 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 Tay SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

### **Clunie Forest SPA**

To avoid deterioration of the habitats of the qualifying species (**Hen Harrier, Osprey, Short-eared Owl, Merlin**) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- 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

### **Cairngorms Massif SPA**

To avoid deterioration of the habitats of the qualifying species **Golden Eagle** or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- 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

## **APPRAISAL**

### **STAGE 1:**

**What is the plan or project?**

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

The proposal is for the installation of a micro hydro-electric scheme and associated works at land 650m south-west of Dalmunzie Castle Hotel, Spittal Of Glenshee, Blairgowrie, PH10 7QG.

The work will involve installing a twin in-take system on 2 watercourses (Alt Coire a Ghearaig watercourse and an unnamed tributary) that feed into a single penstock which runs down the hill to a turbine house, before being passed through a tailrace back into the burn beneath the confluence of the two watercourses. All water is returned to the burn. A method construction statement and pollution prevention plan have been prepared.

The Alt Coire a Ghearaig is a non-designated tributary of the River Tay SAC, which feeds into the Shee Water. The upper parts of the site are surrounded by the Cairngorms Massif SPA, and the Forest of Clunie SPA is approximately 800m away to the south-west of the development. Access is via existing farm and forestry tracks. Existing fords cross the watercourse at 2 places.

The hydro scheme intakes will be concrete weir structures built within the watercourses. The penstock will be buried for most of its length to reduce visual impact and protect from frost and turfs will be reinstated, so there will be minimal impacts on existing grassland habitats next to the Alt Coire a Ghearaig watercourse. The system does not require human operators to be present, so there will not be an increase in human activity during the operational phase.

The proposed program of works will involve:

- Excavation of the turbine house and laying foundations
- Excavation of the penstock route
- Construction and installation of the weir and intake boxes
- Installation of a stop log intake
- Building of a small timber turbine shed and installation of the turbine system
- Testing and commissioning of the system.

The proposed timing is for the late summer when water levels and works should take between 6-8 weeks depending on weather.

A fish habitat survey undertaken for the development identified several impassable barriers on the watercourses above the level of the turbine house/confluence of the watercourses.

### **STAGE 2:**

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

**I) River Tay SAC**

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

## **2) Forest of Clunie SPA**

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

## **3) Cairngorms Massif SPA**

**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)?**

#### **1) River Tay SAC**

**Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels: No LSE.** There is no connection between the development site and this habitat feature. The nearest loch of this type is Loch Beanie, which is over 7.5km to the south-east. **Therefore, this habitat is scoped out of further consideration.**

**Lamprey species: Yes, LSE** from short term effects arising during construction activity including impacts on existing habitat and water quality through release of sediment mobilised during construction works, or pollution from construction activity such as oil leaks and fuel spills.

**Atlantic salmon: Yes, LSE** from short term effects arising during construction activity including impacts on existing habitat and water quality through release of sediment mobilised, or pollution from construction activity such as oil leaks and fuel spills.

**Otter: Yes, LSE** from short term effects arising during construction activity including disturbance and impacts on habitat and prey species through release of mobilised sediment, and/or pollution from construction activity such as oil leaks and fuel spills.

#### **2) Forest of Clunie SPA**

**Hen Harrier: Yes**, the open acid grassland habitat surrounding the Alt Coire a Ghearaig watercourse had a high density of vole burrows and is well within the foraging range of Hen Harrier from the Forest of Clunie SPA. Therefore, there may be short term disturbance to foraging Hen Harrier from construction activity during the breeding season.

**Osprey: No LSE.** Habitat within the Alt Coire a Ghearaig burn not suitable for foraging Osprey.

**Short-eared Owl: Yes**, the open acid grassland habitat surrounding the Alt Coire a Ghearaig watercourse had high density of vole burrows (predated field vole that had likely been dropped, was found during CNPA site visit in February 2026) and is well within the foraging range of Short-eared Owl from the Forest of Clunie SPA. Therefore, there may be short term disturbance to

foraging Short-eared Owl if construction activity underway during the breeding season.

**Merlin: Yes**, the open acid grassland surrounding the Alt Coire a Ghearaig watercourse has a high suitability for nesting Skylark and Meadow Pipit which are key prey species for Merlin, and the site is well within the foraging range of Merlin from the Forest of Clunie SPA. Therefore, there may be short-term disturbance to foraging Merlin from construction activity during the breeding season.

### 3) Cairngorms Massif SPA

**Golden Eagle: Yes**, the mix of upland grassland and forestry surrounding the Alt Coire a Ghearaig watercourse may be used by foraging Golden Eagle. Elements of the development are less than 50m from the [REDACTED]

[REDACTED] The development is well within the foraging range of Golden Eagle, Therefore, there may be short-term disturbance to foraging Golden Eagle from construction activity during the breeding season.

## **STAGE 4:**

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

### 2) River Tay SAC

**Conservation Objective 2. To ensure that the integrity of the River Tay is maintained by meeting objectives 2a, 2b and 2c for the qualifying feature.**

#### **2b. Maintain the distribution of the lamprey species throughout the site**

The proposed hydro scheme lies out with the boundary of the River Tay SAC. However, the intakes are in watercourses (Alt Coire a Ghearaig and an unnamed tributary) with connectivity to the Shee Water, which is a designated tributary of the River Tay SAC, and the cable will cross the Glen Lochsie Burn, which is also part of the SAC.

No works are proposed within the Shee Water (part of the River Tay SAC), so there will be no direct loss of suitable habitat for these species within the SAC. Therefore, the current and potential distribution of these species would not be directly impacted upon.

However, due to the connectivity of this development to the Shee Water there is potential for indirect impacts from construction activities, e.g., mobilised sediment or fuels entering the watercourse. These potential pollution events could indirectly cause the distribution to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats used by juvenile lamprey species.

A Fish Habitat Survey (Atmos Consulting Ltd, 2025) submitted to support the application notes that habitat suitable for juvenile lamprey is present in the lower stretches of the Alt Coire a Ghearaig (up to the channel confluence, near where the turbine house is located) but several impassable features are present further up the watercourse channel including fords, falls and steep

channels with high hydromorphological activity.

A Pollution Prevention Plan and Method Statement detailing the construction process have been prepared for the construction phase of the development, which includes following good practice, such as maintaining a minimum 10 m buffer from the watercourse for storing fuel and chemicals, and for the refuelling equipment. Sediment barriers will be used to prevent mobilised sediment from entering the water course which could potentially smother, juvenile lamprey species or block fish passage.

**If the submitted pollution prevention plan is conditioned and implemented this conservation objective would be met.**

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

The current and potential restoration of the distribution of habitats supporting lamprey species within the SAC would not be directly affected as no development will occur within the watercourse. However, pollution from construction activities within the channel of the Alt Coire a Ghearaig above the Shee Water could potentially 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 lamprey in the Shee Water.

**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.**

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

As the other conservation objectives can be met for lamprey species with mitigation, the proposed development would not hinder or prevent the restoration of the populations of brook lamprey, river lamprey or sea lamprey as a viable components of the site. **Therefore, this conservation objective would be met.**

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

The proposed hydro scheme lies out with the boundary of the River Tay SAC. However, the intakes are in watercourses (Alt Coire a Ghearaig and an unnamed tributary) with connectivity to the Shee Water, which is a designated tributary of the River Tay SAC, and the cable will cross the Glen Lochsie Burn, which is also part of the SAC.

No works are proposed within the Shee Water (part of the River Tay SAC), so there will be no direct loss of suitable habitat for Atlantic salmon within the SAC. Therefore, the current and potential distribution of this species would not be directly impacted upon.

However, due to the connectivity of this development to the Shee Water there is potential for indirect impacts from construction activities, e.g., mobilised sediment or fuels entering the watercourse. These potential pollution events could indirectly cause the distribution to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the

watercourse, through smothering of habitats which are used by juvenile Atlantic salmon (or spawning areas in the Shee Water if sediment was to travel that far).

A Fish Habitat Survey (Atmos Consulting Ltd, 2025) submitted to support the application notes that habitat suitable for salmonid fry and parr are present in the lower stretches of the Alt Coire a Ghearaig (up to the channel confluence, near where the turbine house is located) but several impassable features are present further up the watercourse channel including fords, falls and steep channels with high hydromorphological activity.

A Pollution Prevention Plan and Method Statement detailing the construction process have been prepared for the construction phase of the development, which includes following good practice, such as maintaining a minimum 10 m buffer from the watercourse for storing fuel and chemicals, and for the refuelling equipment. Sediment barriers will be used to prevent mobilised sediment from entering the water course which could potentially smother, juvenile Atlantic salmon or block fish passage.

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

**If the timing of works to avoid the key Atlantic salmon 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 within the site and availability of food**

The current and potential restoration of the distribution of habitats supporting Atlantic salmon within the SAC would not be directly affected as no development will occur within the watercourse. However, pollution from construction activities within the channel of the Alt Coire a Ghearaig above the Shee Water, could potentially 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 juvenile salmon in the Alt Coire a Ghearaig, and for spawning adults in the Shee Water. **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.**

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

As the other conservation objectives can be met for Atlantic salmon with mitigation, the proposed development would not hinder or prevent the restoration of the population of Atlantic salmon as a viable component 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 otter throughout the site**

The proposed hydro scheme lies out with the boundary of the River Tay SAC. However, the

intakes are in watercourses (Alt Coire a Ghearaig and an unnamed tributary) with connectivity to the Shee Water, which is a designated tributary of the River Tay SAC, and the cable will cross the Glen Lochsie Burn, which is also part of the SAC. A protected species survey (Ref: Alt Coire a Ghearaig Hydro Protected Species Survey Report, Atmos Consulting, 2025) was undertaken in 2025, but no sign of otters was recorded, and terrestrial habitats were assessed as unlikely to be suitable for holts or couches. While the upper stretch of the Alt Coire a Ghearaig is unlikely to support fish due to impassable barriers, the lower stretches of this watercourse (up to the turbine house/ confluence point) may be suitable for foraging otter from the SAC.

During the construction phase, otter may be temporarily inhibited from foraging close 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 a significant impact on foraging otter.

While no otters were recorded during the protected species survey in 2025, a pre-construction check for otter should be undertaken prior to work commencing to ensure that breeding otter are not present.

While there will not be a direct loss of habitat within the SAC, pollution from construction activities could have a negative impact on water quality and otter prey species (such as lamprey and Atlantic salmon). **Therefore, if the pollution prevention measures discussed previously for lamprey and Atlantic salmon were conditioned and implemented, and a pre-construction check for shelters is undertaken prior to construction activity commencing, this will allow this conservation objective to be met.**

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

The current and potential restoration of the distribution of habitats supporting otter within the SAC would not be directly affected as no development will occur within the watercourse. However, pollution or mobilised sediment from construction activities within the channel of the Alt Coire a Ghearaig above the Shee Water, could potentially affect supporting habitats for prey species including lamprey and Atlantic salmon. **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.**

### **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.

**Conservation Objective 1. To ensure that the qualifying features of the River Tay 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 mitigation measures proposed including: timing of the works to avoid the key Atlantic salmon spawning season (Mid-October to February), the inclusion of sediment and pollution management measures, and a pre-construction check for protected species will reduce the potential effects to a minimal level, so that all the Conservation Objectives can be met for the River Tay SAC.**

### **Forest of Clunie SPA**

**To avoid deterioration of the habitats of the qualifying species (Hen Harrier, Short-eared Owl, Merlin) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and**

**To ensure for the qualifying species that the following are maintained in the long term:**

#### **Population of the species as a viable component of the site**

##### **-Hen Harrier:**

The population of Hen Harriers in the Forest of Clunie SPA is one of the largest within the UK (Ref: <https://www.nature.scot/sites/default/files/special-protection-area/8503/spa-citation.pdf>). The development site is out with the Forest of Clunie SPA, so there will not be a direct impact on habitats supporting Hen Harrier within the SPA, however, parts of the development are within 800m of the SPA and is well within the 2km core foraging distance of Hen Harrier from the SPA (up to 10km max). During a CNPA site visit in February 2026, it was noted that there was a high density of vole burrows in the rough acid grassland habitat surrounding the Alt Coire a Ghearaig. Voles are a key prey species of Hen Harrier, and so the habitat surrounding the development site may provide suitable foraging for this species. Therefore, the construction phase of this development may result in a temporary disturbance to Hen Harrier foraging in proximity to the Alt Coire a Ghearaig, however it was noted that similar semi-improved rough acid grassland is extensive in the area, and so it is considered unlikely that Hen Harrier from the SPA would be solely dependent upon this habitat in proximity to this development. There will not be a significant loss of habitat for prey species, or an increase in human activity related to the operational phase of this development, and so there will not be a significant impact on the population of this species as a viable component of the SPA.

##### **-Short-eared Owl:**

The population of Short-eared Owl in the Forest of Clunie SPA is noted to be one of the few sites within GB to support significant numbers (2% of GB population in 1998) (Ref: <https://www.nature.scot/sites/default/files/special-protection-area/8503/spa-citation.pdf>). The development site is out with the Forest of Clunie SPA, so there will not be a direct impact on habitats supporting Short-eared Owl within the SPA, however, parts of the development are within 800m of the SPA and is well within the 2km core foraging distance of Short-eared Owl from the SPA (up to 5km max). During a CNPA site visit in February 2026, it was noted that there was a high density of vole burrows in the rough acid grassland habitat surrounding the Alt Coire a

Ghearaig. Voles are a key prey species of Short-eared Owl, and so the habitat surrounding the development site may provide suitable foraging for this species. Therefore, the construction phase of this development may result in a temporary disturbance to Short-eared Owl foraging in proximity to the Alt Coire a Ghearaig, however it was noted that similar semi-improved rough acid grassland is extensive in the area, and so it is considered unlikely that Short-eared Owl from the SPA would be solely dependent upon this habitat in proximity to this development. There will not be a significant loss of habitat for prey species, or an increase in human activity related to the operational phase of this development, and so there will not be a significant impact on the population of this species as a viable component of the SPA.

#### **-Merlin:**

The population of Merlin in the Forest of Clunie SPA is noted to be one of the few sites within GB to support significant numbers (2% of GB population in 1998) (Ref: <https://www.nature.scot/sites/default/files/special-protection-area/8503/spa-citation.pdf>). The development site is out with the Forest of Clunie SPA, so there will not be a direct impact on habitats supporting Merlin within the SPA, however, parts of the development are within 800m of the SPA and is well within the 5km core foraging distance of Merlin from the SPA. During a CNPA site visit in February 2026, it was noted that the rough acid grassland habitat surrounding the Alt Coire a Ghearaig is likely to be suitable for breeding Skylark and Meadow Pipit, which are both prey species of Merlin, and so the habitat surrounding the development site may provide suitable foraging for this species. Therefore, the construction phase of this development may result in a temporary disturbance to Merlin foraging in proximity to the Alt Coire a Ghearaig, however it was noted that similar semi-improved rough acid grassland is extensive in the area, and so it is considered unlikely that Merlin from the SPA would be solely dependent upon this grassland habitat in proximity to this development. There will not be a significant loss of habitat for prey species, or an increase in human activity related to the operational phase of this development, and so there will not be a significant impact on the population of this species as a viable component of the SPA.

#### **Distribution of the species within site**

##### **-Hen Harrier:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct effects on the distribution of the species within the site. While there may be a temporary disruption to Hen Harrier foraging in close proximity to the development site during the construction phase, there will not be a significant long-term impact on foraging habitat or on the abundance of prey species, or an increase in human activity associated with the development during the operational phase, and therefore, there will not be a significant impact on the distribution of the species within the SPA. **Therefore, this Conservation Objective will be met.**

##### **-Short-eared Owl:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct effects on the distribution of the species within the site. While there may be a temporary disruption to Short-eared Owl foraging in close proximity to the development site during the construction phase, there will not be a significant long-term impact on foraging habitat or on the

abundance of prey species, or an increase in human activity associated with the development during the operational phase, and therefore, there will not be a significant impact on the distribution of the species within the SPA. **Therefore, this Conservation Objective will be met.**

**-Merlin:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct effects on the distribution of the species within the site. While there may be a temporary disruption to Merlin foraging in close proximity to the development site during the construction phase, there will not be a significant long-term impact on foraging habitat or on the abundance of prey species, or an increase in human activity associated with the development during the operational phase, and therefore, there will not be a significant impact on the distribution of the species within the SPA. **Therefore, this Conservation Objective will be met.**

**Distribution and extent of habitats supporting the species (Hen Harrier, Short-eared Owl, Merlin)**

No construction activity will occur within the Forest of Clunie SPA, and therefore there will not be an impact on the distribution of extent of habitats supporting the qualifying species (Hen Harrier, Short-eared Owl, Merlin) within the SPA. **Therefore, this Conservation Objective will be met.**

**Structure, function and supporting processes of habitats supporting the species (Hen Harrier, Short-eared Owl, Merlin)**

No construction activity will occur within the Forest of Clunie SPA, and therefore there will not be an impact on the structure, function and supporting processes of habitats supporting the qualifying species (Hen Harrier, Short-eared Owl, Merlin) within the SPA. **Therefore, this Conservation Objective will be met.**

**No significant disturbance of the species**

**-Hen Harrier:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct disturbance to Hen Harrier within the SPA. There may be a temporary indirect disturbance to Hen Harrier foraging in close proximity to the development site during the construction phase, however, there will not be a significant increase in human activity associated with the development during the operational phase, or loss of potential foraging habitat surrounding the development, and therefore, there will not be significant long-term disturbance to this species as a result of the development. **Therefore, this Conservation Objective will be met.**

**-Short-eared Owl:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct disturbance to Short-eared Owl within the SPA. There may be a temporary indirect disturbance to Short-eared Owl foraging in close proximity to the development site during the construction phase, however, there will not be a significant increase in human activity associated with the

development during the operational phase, or loss of potential foraging habitat surrounding the development, and therefore, there will not be significant long-term disturbance to this species as a result of the development. **Therefore, this Conservation Objective will be met.**

**-Merlin:**

No construction activity will occur within the Forest of Clunie SPA, and so there will not be direct disturbance to Merlin within the SPA. There may be a temporary indirect disturbance to Merlin in close proximity to the development site during the construction phase, however, there will not be a significant increase in human activity associated with the development during the operational phase, or loss of potential foraging habitat surrounding the development, and therefore, there will not be significant long-term disturbance to this species as a result of the development. **Therefore, this Conservation Objective will be met.**

**In conclusion, specific mitigation measures are unlikely to be required for this SPA, but the proposed timing of the works to avoid the main Golden Eagle breeding season (February to August, inclusive) required for the Cairngorms Massif SPA will reduce the potential effects on qualifying interests of this SPA to a minimal level, so that all the conservation objectives can be met for the Forest of Clunie SPA.**

**Cairngorms Massif SPA**

**To avoid deterioration of the habitats of the qualifying species (Golden Eagle) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and**

**To ensure for the qualifying species that the following are maintained in the long term:**

**Population of the species as a viable component of the site**

The development site is out with the Cairngorms Massif SPA, so there will not be a direct impact on habitats supporting the golden eagle population within the SPA, however parts of the development are within 20m of the SPA.

Therefore, the development site may be within an area used by foraging Golden Eagle from the SPA. The core foraging distance for Golden Eagle is 6km (up to 9km) (Ref: [Assessing connectivity with special protection areas.pdf](#)), and so Golden Eagle are unlikely to be solely dependent upon the development site. However, breeding Golden Eagle are sensitive to disturbance within 1km of nest sites during the breeding season (February to end of August), and therefore if construction activity was undertaken during this time there may be a short-term disturbance to any breeding golden eagle foraging in this area.

an existing track and ford through the watercourse, and an additional forestry track crosses the watercourse further down the slope, so there is an existing low-level of human activity in this area. Once installed the hydro scheme will not require an active human presence, and so there will not be a significant increase in human activity in proximity to the development in the long term.

**A recommended mitigation of restricting timing of construction activity to avoid the**

**golden eagle breeding season (February to August, inclusive), will ensure that there is not a significant impact on the population of Golden Eagle as a viable component of the site. Therefore this Conservation Objective will be met.**

#### **Distribution of the species within site**

The development site is out with the Cairngorms Massif SPA, so there will not be a direct impact on habitats supporting the golden eagle population within the SPA, however parts of the development are within 20m of the SPA. As discussed above, the development site is well within potential Golden Eagle foraging range of the SPA, and so there may be temporary disturbance to foraging golden eagle in proximity to the development during the construction phase. The proposed hydro scheme development will not result in a loss of suitable foraging habitat and will not result in a significant increase in human activity in the area, therefore there will be no long-term significant impacts on the distribution of golden eagle within the Cairngorms Massif SPA as a result of this development.

#### **Distribution and extent of habitats supporting the species**

No construction activity will occur within the Forest of Clunie SPA, and therefore there will not be an impact on the distribution or extent of habitats supporting the Golden Eagle within the SPA. **Therefore, this Conservation Objective will be met.**

#### **Structure, function and supporting processes of habitats supporting the species**

No construction activity will occur within the Cairngorms Massif SPA, and therefore there will not be an impact on the structure, function and supporting processes of habitats supporting the Golden Eagle within the SPA. **Therefore, this Conservation Objective will be met.**

#### **No significant disturbance of the species**

As discussed above, the development site is out with the Cairngorms Massif SPA, so there will not be a direct impact on habitats supporting the golden eagle population within the SPA, however the development site is well within potential Golden Eagle foraging range of the SPA, and so there may be temporary disturbance to foraging Golden Eagle in proximity to the development during the construction phase. However as Golden Eagle core range is 6km (up to a max of 9km), it is considered unlikely that any Golden Eagle would be solely dependent on the development site, and so temporary disturbance to foraging in proximity to the development is unlikely to have a significant impact on this QI. The proposed hydro scheme development will not result in a loss of suitable foraging habitat and will not result in a significant increase in human activity in the area, therefore there will be no long-term significant disturbance to golden eagle associated with the Cairngorms Massif SPA.

While no nest sites are known close to the development site, Golden Eagle are particularly sensitive to disturbance with 1km of nest sites during the breeding season (February to end of August), and therefore if construction activity was undertaken during this time there may be increased risk of disturbance to breeding Golden Eagle foraging in this area, which may impact

provisioning of chicks.

**A recommended mitigation measure restricting the timing of construction activity to avoid the golden eagle breeding season (February to August, inclusive), will ensure that there is not significant disturbance to Golden Eagle. Therefore, this Conservation Objective will be met.**

**In conclusion, the proposed mitigation measures including: timing of the works to avoid the main Golden Eagle breeding season (February to August, inclusive) will reduce the potential effects to a minimal level, so that all the conservation objectives can be met for the Cairngorms Massif SPA.**

## **STAGE 5:**

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

### **1) River Tay SAC**

**Yes,** Provided the mitigation measures below are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity.

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

- Prior to ground preparation or construction works, a pre-construction protected species survey of the proposed development site and surrounding area should be carried out by a suitably experienced surveyor following NatureScot guidance ([Planning and development: standing advice and guidance documents | NatureScot](#)). If evidence of any protected species is found a Species Protection Plan (otter) identifying appropriate mitigation measures based on the survey results such be submitted to CNPA for agreement in writing prior to works commencing. The reason for this measure is to minimise the risk of construction phase impacts on protected species.
- Timing of the works to avoid the Atlantic salmon spawning season (mid-October to end of February). The reason for this condition is to minimise potential construction phase impacts on qualifying interests of the River Tay SAC.
- A Construction Method Statement/ Construction Management Plan which includes site-specific pollution-prevention measures, a sediment management plan and details of biosecurity control procedures should be produced and agreed with the CNPA prior to any works commencing on site and then fully implemented during construction. The reason for this condition is to protect the water environment and River Tay SAC from pollution events, sediment mobilisation or disease caused during construction.

### **3) Forest of Clunie SPA**

**Yes,** Provided the mitigation measures below are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity.

- Timing of works to avoid the breeding bird season (February to end of August). The reason for this condition is to minimise impacts on breeding birds.

#### **4) Cairngorms Massif SPA**

**Yes,** Provided the mitigation measures below are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity.

- Timing of works to avoid the breeding bird season (February to end of August). The reason for this condition is to minimise impacts on breeding Golden Eagle.