Agenda item 8

Appendix 2

2025/0238/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	**2025/0238/DET** Demolish estate larder and erect a single storey steel portal framed replacement larder with general purpose area Kylnadrochit Lodge At Bridge Of Brown Tomintoul Ballindalloch Moray AB37 9HJ
Appraised by	Scott Shanks, Ecological Advice Officer
Date	19 November 2025
Checked by	Rachel Buckley NatureScot Operations Officer – Central Highlands
Date	25 November 2025

INFORMATION

European site details

Name of European site(s) potentially affected

1) River Spey SAC (approximately 130m from development)

Please note:

Elements of the proposed development are within 190m of the **Creag nan Gamhainn SAC** which is designated for **Petrifying springs with tufa formation (Cratoneurion) (hard water springs depositing lime).** However, it is considered that there is no connectivity between the qualifying features of the SAC and the proposed development site, and **so this site has been scoped out.**

Elements of the proposed development are within 2.6km of the **Cairngorms Massif SPA**, which is designated for **golden eagle**. However, the habitats present within the development site are unsuitable for golden eagle, and **so this site has been scoped out.**

Qualifying interest(s)

1) River Spey SAC

Otter

Freshwater pearl mussel (FWPM)

Sea lamprey

Atlantic salmon

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 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.

APPRAISAL

STAGE 1:

What is the plan or project?

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

The proposal is to demolish an existing estate larder and erect a single storey steel portal framed replacement larder with general purpose area. The location of the proposed development is Kylnadrochit Lodge next to the River Avon, just north-west of Tomintoul in Moray.

The proposal will include construction activity and the clear-felling of approximately 0.19ha of non-native plantation forestry that surrounds the existing larder on the site. The felled plantation will be partly replanted with a mix of native tree species, while an additional ~1.1ha of native woodland will be planted off-site to mitigate the loss of the plantation forestry and provide biodiversity enhancement. The off-site location is to the south-east of the village of Tomintoul.

STAGE 2:

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

1) 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)?

1) River Spey SAC

Otter: Yes, LSE from short term indirect effects arising during construction activity through potential changes to water quality and impacts on prey species.

Freshwater pearl mussel: YES, LSE from short term indirect 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 Avon

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

Atlantic salmon: Yes, LSE from short term indirect effects arising during construction activity including disturbance of existing habitat within the River Avon 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 Avon (part of the River Spey 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 proximity of the development to the River Avon there is potential for indirect impacts from construction activities, e.g., 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 salmon for spawning/juveniles and habitats suitable for supporting FWPM (long term).

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, GPP22[1]) If a pollution prevention plan is conditioned and implemented - this conservation objective would be met.

If 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

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 watercourse. However, pollution from construction activities on this site above the River Avon 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 salmon spawning and juvenile salmon, and habitats suitable for FWPM (long term).

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

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 Avon. 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. 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 watercourse. However, there is potential for pollution from construction activities next to River Avon 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 watercourse. However, there is potential for pollution, such as sediment to enter the watercourse and smoother the 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 are proposed within approximately 130m of the River Avon, which is a designated tributary of the River Spey SAC, and is known to support otter (Lutra lutra : Otter | NBN Atlas), including records within 500m of the proposed development. However, the habitat within the development site (dense non-native plantation forestry) is not suitable habitat for otter.

Due to the unsuitability of the plantation forestry habitat within the proposed development site and the distance from the River Avon, it is unlikely that otter from the River Spey SAC would forage within the development site. Otter can have very large home ranges of around 32km for males and 20km for females (Otter | NatureScot), and therefore temporary felling and construction work proposed at this location is unlikely to result in significant impact on foraging otter in the River Avon

Otters are particularly sensitive to disturbance close to holts and shelters when breeding, when construction activity within 200m of an active otter holt or shelter can cause stress and disturbance.

A protected species survey has not yet been provided with this application, but conditioning a pre-construction survey for otter signs within 200m of the development, and implementation of an otter species protection plan detailing mitigation measures to ensure that breeding otters are not disturbed during construction phase of the development would ensure that the distribution of otter throughout the site is maintained.

If a protected species survey and 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

No works are proposed within or next to the River Avon, so the extent of habitats supporting otter within the site will be maintained. As discussed above, there may be temporary restrictions on the use of suitable foraging habitat within the development site due to disturbance during the construction-phase.

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 mitigation measures proposed including: the inclusion of sediment and pollution management measures in a Construction Environmental Management Plan (CEMP), pre-construction checks for protected species and the implementation of an otter species protection plan, 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?

1) River Spey 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 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.
- 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 Spey SAC from pollution events, sediment mobilisation or disease caused during construction.