Agenda item 5

Appendix 2

2025/0143/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	**2025/0143/DET** Construction of flood defence bund. Land 110m NE of Scottish Water treatment works at Dalwhinnie.
Appraised by	Scott Shanks, Ecological Advice Officer
Date	25/09/2025. **Updated 30 January 2026**
Checked by	NatureScot Anne Elliott, Operations Officer – Central Highland
Date	30 January 2026

INFORMATION

European site details

Name of European site(s) potentially affected

1) River Spey SAC

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 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)

Construction of flood defence bunds next to the River Truim at Dalwhinnie.

Drainage ditch next to the River Truim may be a route for construction-phase mobilised sediment or pollution to enter the watercourse.

No programme of works, or detailed method statements provided.

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 effects arising during construction activity, including disturbance and potential destruction of holt or other resting sites next to the River Truim, and indirect impacts through potential changes to water quality and impacts on prey species. Loss of otter foraging habitat during construction phase – and potential for operational phase loss of foraging habitat as a proposed drainage ditch crosses into terrestrial habitat within the boundary of the River Spey SAC.

Freshwater pearl mussel: No LSE. Advice from Anne Elliott, NatureScot Operations Officer (Personal Communication, January 2026) is that is that while no FWPM survey was undertaken, it considered very unlikely that they would be present this far up the catchment. There are a few known FWPM populations in the main stem of the river beyond upstream of Newtonmore, these are significantly distance from Dalwhinnie, and so would not impacted by the proposed development. Therefore, no LSE.

Sea lamprey: No LSE. Advice from Anne Elliott, NatureScot Operations Officer (Personal Communication, January 2026) is that it is considered very unlikely for Sea Lamprey to be present this far up the catchment. Sea lamprey have very rarely been recorded as far up as Kingussie, but

most are found much further downstream. Therefore, no LSE.

Atlantic salmon: Yes, LSE from short term effects arising during construction activity including disturbance of existing habitat within the River Truim 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. Advice from Anne Elliott, NatureScot Operations Officer (Personal Communication, January 2026) is that there may be potential impacts on salmon habitat within the river from the proposed bunds from limiting the flood plain, and constraining the watercourse, which may result in uncertain changes in the force of the water within the watercourse

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 (Atlantic salmon):

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

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

However, the proposed flood relief channel does extend into the terrestrial habitat of the River Spey SAC and it would discharge into the river. The effects of this are difficult to predict but on balance are thought unlikely to impact on the distribution of Atlantic salmon due to the proximity of the development to the River Trium 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.

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.

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

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

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 within the site and availability of food

While there will not be a direct loss of habitat within the watercourse, the installation of bunds along the banks will constrain the floodplain, which may result in uncertain changes to the force of water within the watercourse in high water conditions. This may result in localised changes in the deposition of sediments, particularly sand and small gravel within the watecourse, and possible changes to the pattern of flow within this section of the River Truim. Advice from Anne Elliott, NatureScot Operations Officer (Personal Communication, January 2026), is that these potential effects will not impact the integrity of the site. The reason for this is the restricted length of river affected, and the limited impacts on water storage capacity on the floodplain due to the proposed flood banks being set back from the river. The river is already mobile, especially downstream, so the effect might be a slight increase in sediment transport, but not a change in geomorphology processes. Atlantic salmon are an adaptable species and are likely to pick the best sites for redds or fry or juvenile habitat, even if the locations for this habitat change because of this work.

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 next to the River Truim 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.

The 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 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 with mitigation, the proposed development would not hinder or prevent the restoration of the population of Atlantic salmon as a viable component of the 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

Construction activities are proposed next to the River Truim, which is designated tributary of the River Spey SAC. The River Truim and surrounding watercourses are known to support otter (Lutra lutra : Otter | NBN Atlas). An Extended Phase 1 and Protected Species survey was undertaken in October 2025. No otters, otter signs, holts or couches were detected within a 200m buffer around the proposed development; however, a single otter spraint was recorded on the riverbank approximately [redacted] The lack of suitable otter resting areas and otter signs within 200m of the development boundary would suggest that this is not a priority area for

otter, however, foraging otter may occasionally use this site.

During the construction phase, otter may be a temporary inhibited from foraging close to the 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. Due to the proximity of the proposed works to suitable otter habitat, mitigation measures for this species should be considered in a species protection plan as part of a Construction Environmental Management Plan. A number of mitigation measures for otter have been suggested in the Extended Phase 1 and Protected Species Survey report (Tay Ecology, October 2025)

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

No resting sites for otter were observed within the development boundaries during a protected species survey in October 2025, and no works are proposed within the River Truim, however the distribution of terrestrial habitats supporting otter within the River Spey SAC may be directly affected by this develop. Construction activity to create a swale/ shallow flood relief channel is proposed on an estimated 55m^2 or 0.055ha of grassland within the boundary of the River Spey SAC.

An Extended Phase 1 habitat and Protected Species Report and Assessment (Tay Ecology, November 2025) indicates that this area is currently species-poor semi-improved grassland dominated by perennial rye grass, creeping thistle, broad-leaved dock and common sorrel. During a CNPA site visit in August 2025 this area was noted to have a mix of grasses with frequent common ragwort, creeping thistle and devil's-bit scabious, soft rush, yarrow, creeping buttercup, ribwort plantain, common sorrel and stinging nettles. This area may currently support otter prey species such as amphibians and small mammals, however the proposed shallow swale ditch in this area would also provide suitable habitat for amphibians and small mammals, and therefore there is unlikely to be a significant impact on terrestrial otter foraging habitats.

As discussed above, there may also be temporary restrictions on the use of suitable foraging habitat by otter within the development site due to construction-phase disturbance. However the lack of otter signs detected during the protected species survey (Tay Ecology, 2025), would suggest this is not a key foraging site for otter, and other suitable habitat is available.

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: 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 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.
- 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 Spey 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 Spey SAC from pollution events, sediment mobilisation or disease caused during construction.