

**Beauly to Blackhillock to New Deer to
Peterhead 400 kV Project
Environmental Impact Assessment Report
Volume 5 | Appendices**

**Appendix 9.3 – Outline Capercaillie Species
Protection Plan**



APPENDIX 9.3 – OUTLINE CAPERCAILLIE SPECIES PROTECTION PLAN

1	Introduction.....	2
2	Species Description.....	2
3	Legislation	2
4	Potential Impacts	3
4.1	Disturbance	3
5	Mitigation Measures to Minimise Disturbance Impacts During Construction.....	4
5.1	Environmental Advisor	4
5.2	Pre-construction Surveys.....	4
5.3	Capercaillie Protection Measures.....	5
5.4	Reporting.....	6

Appendix Figures

Figure 9.3.1: Location of the Proposed Development Site relative to Darnaway and Lethen Forest SPA

1 Introduction

- 1.1.1 Capercaillie *Tetrao urogallus* is one of the UK's rarest and most threatened bird species and is only found in Scotland. This document sets out additional measures to those prescribed in the Applicant's generic Bird Species Protection Plan (SPP) (see **Appendix 3.6 – Species Protection Plans (SPPs)**), which provides suitable overarching measures to identify the presence of, and prevent disturbance to all breeding birds (including lekking and nesting capercaillie), to specifically reinforce the protection measures for this critically endangered species. These measures have been developed from recommendations made through consultation with NatureScot and RSPB Scotland (see **Table 9.1 of Chapter 9: Ornithology**).

2 Species Description

- 2.1.1 Capercaillie are a secretive forest bird and are one of the largest gamebirds in the world. The males are unmistakable, very large and with a black and brown body and a greenish tinge on the chest. The large, ivory bill is diagnostic and they have red "eyebrows". The females are very different, significantly smaller and very well-camouflaged with black, white and brown barring. They are very rarely seen, but the characteristic calls of a male at a lek can be heard at considerable distance. The calls are a series of clicks, reminiscent of striking a wood block or dropping a ping pong ball.



Male Capercaillie



Female Capercaillie

3 Legislation

- 3.1.1 Capercaillie, as all wild birds, are protected by law under the Wildlife and Countryside Act 1981 (WCA)¹, as amended. Within the WCA, capercaillie are listed on Schedule 1 which makes it an offence to intentionally or recklessly:
- kill, injure or take a wild bird;
 - take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built;
 - obstruct or prevent any wild bird from using its nest;
 - take or destroy an egg of any wild bird;
 - disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking; and
 - disturb the dependent young of any wild bird listed on Schedule 1.
- 3.1.2 It is also an offence to possess or control a live or dead wild bird, an egg of a wild bird (or any such derivatives), or to knowingly cause or permit any of the above acts to be carried out.

¹ Wildlife and Countryside Act 1981: <https://www.legislation.gov.uk/ukpga/1981/69>.

- 3.1.3 Additionally, capercaillie are qualifying interest species for Darnaway and Lethen Forest Special Protection Area (SPA) which is located approximately 3.6 km from the Proposed Development as shown on **Figure 9.3.1** (attached). However, birds occurring in woodlands which are intersected by the Proposed Development around Ferness are considered by NatureScot and the RSPB to be affiliated with the SPA population. Up until recent years, capercaillie have also been known to inhabit other woodlands along the proposed overhead line (OHL) alignment between Cawdor and Keith, and small numbers of birds may still occur in these woodlands. Therefore, there is potential for the construction of the Proposed Development in and around these woodland habitats to impact capercaillie, including birds associated with Darnaway and Lethen Forest SPA.

4 Potential Impacts

4.1 Disturbance

- 4.1.1 NatureScot's guidance on bird disturbance distances (Goodship and Furness, 2022²) references the work of the Capercaillie Biodiversity Action Plan Group (CBAPG) for recommendations on disturbance. There are three key periods when capercaillie are most vulnerable to disturbance:
- Lekking (1st March – 15th May);
 - Nesting (21st April – 14th June); and
 - Chick brooding (mid-May – late August).
- 4.1.2 Capercaillie can lek at any time of day, with hens usually attending the leks between dawn and 9 am. Any human activities within 1 km of a lek could result in disturbance, so a 1 km buffer around all known leks is recommended during this season. Capercaillie nests can be disturbed by any activities within 100 m and females with broods do not typically flush unless activities are within 10 m, though are likely aware of the disturbance at a greater distance.
- 4.1.3 Based on the survey and desk study information collected and used to inform the Ornithological Impact Assessment (**Chapter 9: Ornithology**) and this Outline Capercaillie SPP, the presence of capercaillie is expected to be limited to woodlands associated with Dulsie Wood, near Furness. Theoretically however, there is potential for capercaillie to occur in any of the suitable woodland habitats along the proposed OHL alignment between Achneil and Clunas Woods, near Cawdor and Wood or Ordiequish, near Fochabers, based on records obtained indicating the species' distribution recent historical distribution (i.e. from the last 12 years). Therefore, disturbance arising from construction and felling activities during the breeding season is possible within all such woodlands between these locations.
- 4.1.4 Although no capercaillie were recorded during presence / absence and lek surveys undertaken by WSP in spring 2023 (see **Chapter 9: Ornithology** and **Technical Appendices 9.1: Ornithological Technical Report** and **9.2: Confidential Ornithological Information**) this does not exclude the potential for leks, nests or broods to occur within 1 km of the Proposed Development and be disturbed during the construction phase.

² Goodship, N.M. and Furness, R.W. (MacArthur Green) (2022) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283. Available at: <https://www.nature.scot/doc/naturescot-research-report-1283-disturbance-distances-review-updated-literature-review-disturbance>

5 Mitigation Measures to Minimise Disturbance Impacts During Construction

Whilst the Applicant's Bird SPP (**Appendix 3.6 – Species Protection Plans (SPPs)**) provides suitable overarching measures to identify the presence of, and prevent disturbance to breeding birds, including lekking and nesting capercaillie, the following measures are prescribed specifically in relation to capercaillie to reinforce the protection measures for this critically endangered species. These measures have been developed from recommendations made through consultation with NatureScot and RSPB Scotland (see **Table 9.1** of **Chapter 9: Ornithology**).

5.1 Environmental Advisor

- 5.1.1 The Principal Contractor's Environmental Advisor will be supported by a suitably qualified ornithologist (SQO) to supervise and oversee construction works being undertaken within any woodlands occupied by capercaillie (both in current and recent years). The Environmental Advisor will be responsible for monitoring compliance with the measures prescribed in the Applicant's Bird SPP and the finalised Capercaillie SPP.

5.2 Pre-construction Surveys

- 5.2.1 To establish a clear understanding of capercaillie distribution and abundance in the vicinity of the Proposed Development where it intersects suitable capercaillie habitat, pre-construction surveys will be carried out in the two years preceding the commencement of construction. As construction is due to commence in Q3 2026, this will include 2025 as well as 2026, prior to commencement of works in woodlands which potentially support capercaillie.
- 5.2.2 For completeness of information, these surveys will include all woodlands covered by the surveys which were undertaken to inform the Ornithological Impact Assessment (see **Chapter 9: Ornithology, Section 9.2 (Field Surveys, Capercaillie Surveys)** and **Appendix 9.1: Ornithological Technical Report**) located within 1.5 km of the Proposed Development. The surveys will include both presence / absence surveys in late winter / early spring and dedicated capercaillie lek surveys conducted between mid-April and early May, following the methods of SNH (2013³). By covering all previously surveyed woodlands where capercaillie have been recorded over the last 12 years, this will provide confidence and reassurance on the species' presence and distribution, and hence the potential for constraints and associated requirement for implementation of protection measures for capercaillie.
- 5.2.3 An updated data requested will also be made to RSPB any recent records they may have collected.

Review of Survey and Data Request Results

- 5.2.4 Following the completion of the pre-construction surveys and updated data request the SQO would review the results and advise of any potential constraints to construction works relating to capercaillie. Construction teams would be advised of existing / new constraints, together with mitigation requirements by the Environmental Advisor. Relevant site documentation and project information sources shall be updated by the Environmental Advisor with new and amended information on capercaillie constraints as it is produced, with changes communicated to the appropriate staff as soon as practicable.

³ SNH (2013). Capercaillie Survey Methods. February 2013. Available at: <https://web.archive.org/web/20240615170531/https://www.nature.scot/doc/guidance-licensing-capercaillie-survey-methods>

5.3 Capercaillie Protection Measures

- 5.3.1 As well as the overarching breeding bird protection measures presented in the Applicant's Bird SPP (**Appendix 3.6 – Species Protection Plans (SPPs)**), NatureScot and RSPB Scotland have recommended through project-specific consultation that a species-specific Capercaillie SPP is produced, to set out additional protection measures (see **Table 9.1 of Chapter 9: Ornithology**).
- 5.3.2 There is a general presumption against works being carried out that could disturb capercaillie, therefore a hierarchical approach to mitigation of disturbance following avoidance and reduction will be followed. The following represent outline measures, which will be built upon and finalised based on the findings of the pre-construction surveys described above:

Avoidance

- Construction works (including site investigation and enabling works (including vegetation clearance)) in woodlands supporting capercaillie will be avoided during the capercaillie breeding season (March-August inclusive), where possible, as advised in consultation with NatureScot and RSPB Scotland. This covers the capercaillie lekking, nesting and chick rearing period when the species is most sensitive to disturbance, as advised in consultation with NatureScot and RSPB Scotland. Based on the survey and desk study information collected and used to inform the Ornithological Impact Assessment (**Chapter 9: Ornithology**) and this Outline Capercaillie SPP, these restrictions are currently only anticipated to affect works associated with Dulsie Wood and associated woodlands, between Towers CB5-4 and CB6-9. However, if evidence of the species' presence is confirmed in other woodlands during the pre-construction surveys, the restrictions will be applied to those associated woodlands as well.
- Where the pre-construction surveys described above have not identified the presence of capercaillie and works are able to proceed under caution during the capercaillie breeding season, and pre-felling and pre-construction checks (including vegetation clearance) will still be undertaken in all years where works are to be undertaken in former / potentially suitable capercaillie woodlands. These checks will extend to at least 1 km either side of the works areas during the core capercaillie lekking period (April to mid-May (SNH, 2013³)) and 100 m either side of the works areas during the nesting and chick brooding period (May to August). Nesting capercaillie are very difficult to find and it is likely that this will require the use of a trained sniffer dog. Works will only be permitted to advance into new areas once the absence of breeding capercaillie is confirmed by the SQO.
- In the event that any lekking or nesting capercaillie are found during these pre-construction / felling surveys and / or checks, prescriptions outlined in the Applicant's Bird SPP (**Appendix 3.6 – Species Protection Plans (SPPs)**) will be followed. As well as implementation of working restrictions throughout the associated woodlands as prescribed above, this will include the exclusion of works in adjacent open ground areas through the successive stages of the breeding season as listed in **Section 4.1**:
 - Exclusion of works within 1 km of leks sites until after the lekking period has passed (i.e. after mid May);
 - Exclusion of works within 100 m of nesting sites, until after the nesting period has passed (i.e. after mid June); and,
 - Exclusion of works within 10 m of breeding woodlands, until after the brooding period has passed (i.e. after late August).
- Works will only be permitted to advance into these works exclusion areas with the approval of the SQO.

Reduction

- For all works being undertaken in and immediately adjacent to current or recently occupied capercaillie woodlands, a Toolbox Talk will be presented to all Site Operatives by the SQO so that they are aware of the potential presence of capercaillie, how to identify them, their protection status and the specific protection measures set out in both the Applicant's Bird SPP and the Capercaillie SPP. The Toolbox Talk will also include

making Site Operatives aware that male capercaillie can display tame and sometimes aggressive behaviour towards people during the breeding season and that any confirmed or suspected birds encountered should be avoided and not approached.

- An emergency procedure would be implemented by site workers if capercaillie are encountered. All works in that locality would cease and the Environmental Advisor / SQO would inspect the site and define any mitigation in line with this SPP.
- An exceptional circumstance procedure would be implemented should mitigation options prove to be unsatisfactory in a particular case. Works would be halted whilst mitigation is determined (under consultation with NatureScot and the RSPB Capercaillie Officer if required).
- Works within suitable capercaillie woodlands will be carried out in such a manner to reduce disturbance to the associated habitats (woodland and ground flora) e.g. by the sensitive location of plant and materials.

Additional Protection Measures

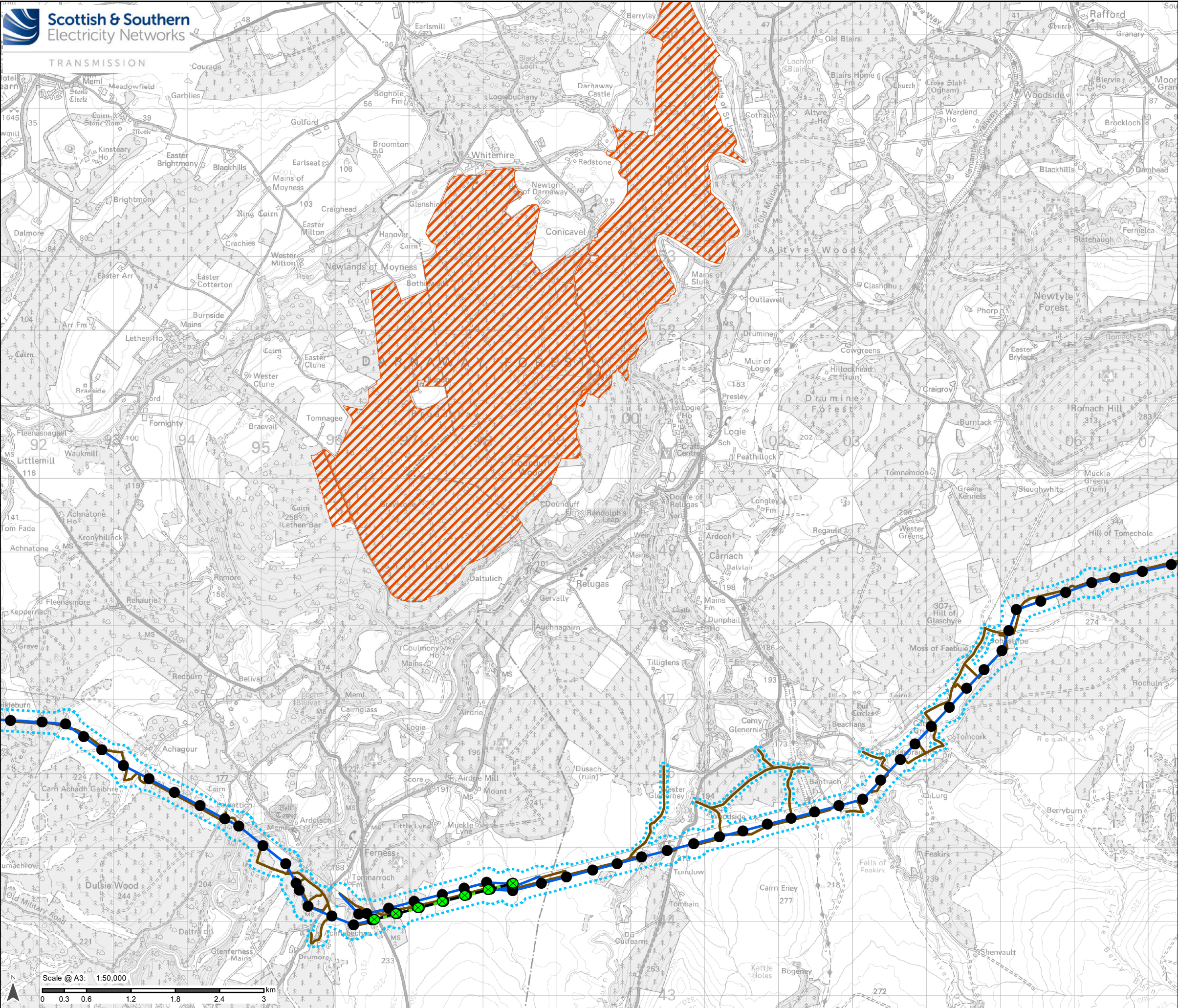
- 5.3.3 Ideally, no fences will be installed within known capercaillie woodlands. However, where fences are unavoidable, these will be fitted with fence markers to make them more visible and to reduce the risk of capercaillie flying into them and being killed or injured. Deer fences (or non-stock fences over 1 m tall) should be marked with either orange plastic mesh or wooden pales, while lower stock fences should have reflective metal plate markers placed along the top wire, as described in Trout and Kortland (2012)⁴ (as advocated by the Cairngorms Capercaillie Project Capercaillie Emergency Plan) (NatureScot and Cairngorms National Park Authority, 2024⁵). Additionally, any existing fences located within the Site and along sections of the proposed OHL alignment which traverse capercaillie woodlands will also have fence markers installed on them or, if permissible, removed altogether.

5.4 Reporting

- 5.4.1 The results of the pre-construction surveys will be shared with NatureScot and RSPB prior to the commencement of construction works. NatureScot and RSPB will also be provided with regular updates by the Environmental Advisor throughout the construction phase to ensure compliance with the agreed methods as detailed above.

⁴ Trout, R. and Kortland, K. (2012). Fence marking to reduce grouse collisions. Forestry Commission Technical Note FCTN019. December 2012. Available at: <https://www.forestryresearch.gov.uk/publications/fence-marking-to-reduce-grouse-collisions/>

⁵ NatureScot and Cairngorms National Park Authority (2024). Capercaillie Emergency Plan 2025-2030. Available at: <https://cairngorms.co.uk/capercaillie-emergency-plan/>.



Legend

- Proposed Tower - All Voltages
- Tower to be Removed
- Proposed OHL Alignment - All Voltages
- OHL to be Removed
- Access Track
- Limit of Deviation - Proposed Development
- ▨ Darnaway and Lethen Forest Special Protection Area (SPA)



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Project: Beaulieu to Blackhilllock to New Deer to Peterhead 400kV OHL Project

Title: Figure 9.3.1 Location of the Proposed Development relative to Darnaway and Lethen Forest SPA

Drawn by: JP Date: 03/09/2025

Drawing: B2P-WSP-TA-70092380-9.3.1