Scottish & Southern Electricity Networks

TRANSMISSION

Spittal to Loch Buidhe to Beauly 400 kV

OHL Connection

Environmental Impact Assessment

Volume 5 | Technical Appendix

Appendix 8.7 | Report to Inform Habitat Regulations Appraisal (River Oykel)

July 2025

Scottish & Southern Electricity Networks

TRANSMISSION

Spittal – Loch Buidhe – Beauly 400 kV OHL Connection

Habitats Regulations Appraisal (HRA)

Report to inform Appropriate Assessment

River Oykel Special Area of Conservation

July 2025

Scottish & Southern Electricity Networks
TRANSMISSION

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1 INTRODUCTION

1.1.1 This report has been produced to inform the Habitats Regulations Appraisal (HRA) process for Scottish and Southern Electricity Networks Transmission ("SSEN Transmission") application for consent to construct and operate the Spittal to Loch Buidhe to Beauly 400 kV Overhead Line (OHL) Connection (the "Proposed Development"). The project description and overview of the HRA process are presented in the HRA Screening Assessment Report (Screening Assessment) (**Volume 5, Appendix 8.7**). The Screening Assessment presents the HRA Stage 1 Screening Stage assessment of the Proposed Development with respect to its potential to have a Likely Significant Effect (LSE) on European and Ramsar sites of nature conservation importance, either alone or in-combination with other plans or projects.

1.1.2 Separate reports have been produced for each European or Ramsar site identified in the HRA Screening Report as requiring further assessment.

1.1.3 This report provides information to allow the Competent Authority (i.e. the Scottish Ministers for the Proposed Development) to undertake an HRA Stage 2 Appropriate Assessment (AA) for the River Oykel Special Area of Conservation (SAC). The site is 921.46ha in area and its primary reason for designation[1] is for the Annex II species Atlantic salmon (*Salmo salar*) and freshwater pearl mussel (*Margaritifera margaritifera*).

[1] NatureScot Site Link – River Oykel SAC Qualifying Interest List https://www.nature.scot/sites/default/files/special-area-conservation/8363/sac-qualifying-interest-list.pdf

2 METHODOLOGY

2.1 Introduction

2.1.1 The approach to the HRA has followed that set out in the Conservation of Habitats and Species Regulations 2017, as amended ('The Habitats Regulations') and NatureScot guidance on the consideration of plans or projects affecting SACs and SPAs [2], [3] [4]. It has also taken account of a range of other guidance material including the DTA Publications HRA Handbook [5] and that produced by the European Commission (EC) 2018a [6], 2018b [7], 2007 [8], 2002 [9].

2.2 Overview of the HRA Process

2.2.1 The HRA process comprises four main stages:

- **Stage 1 Screening** to identify the likely effects of a project on a European site and consider whether the effects are likely to be significant.
- **Stage 2 Appropriate Assessment** to determine whether the integrity of the European site will be adversely affected by the Project.
- **Stage 3 Assessment of Alternative Solutions** to establish if there are any that will result in a lesser effect on the European site.
- **Stage 4 Imperative Reasons of Overriding Public Interest (IROPI)** and **Compensatory Measures** to establish whether it is necessary for the project to proceed despite the effects on the European site, and to confirm that necessary compensatory measures are in place to maintain the coherence of the National Site Network.

2.2.2 The term "Habitats Regulations Appraisal" encompasses both the initial screening stage and, where required, the follow-on Stages 2 – 4. Stage 1 Screening was described in the HRA Screening Report and will not be considered in this report. Stage 2 is discussed in more detail in the following section.

2.3 Stage 2 – Appropriate Assessment

2.3.1 An AA is undertaken by the Competent Authority to determine potential effects of a project upon the integrity of European sites. As the person applying for consent, the Applicant should provide and analyse sufficient information to allow the Scottish Ministers to determine whether the aspects of the project pertinent to their consents will or will not adversely affect the integrity of European sites.

2.3.2 AA should exclusively focus on the qualifying features of the European site, and it must consider any impacts on the conservation objectives of those qualifying interests. It should also be based on and supported by evidence that can stand up to scientific scrutiny. EC guidance states that without proper reasoning the assessment does not fulfil its purpose and cannot be considered 'appropriate' and therefore the development

[2] NatureScot (Updated 2025) Habitats Regulations Appraisal (HRA) Guidance. Accessed July 2025 at https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra

[3] NatureScot (2022). European Site Casework Guidance – How to consider plans and projects affecting Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

[4] NatureScot (2019). Guidance Note - The handling of mitigation in Habitats Regulations Appraisal - the People Over Wind CJEU judgement.

[5] Tyldesley, D. and Chapman, C. (2013) The Habitats Regulations Assessment Handbook, December 2024 edition UK, DTA Publications Limited.

[6] European Commission (2018). Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

[7] European Commission (2018). Guidance on energy transmission Infrastructure and EU nature legislation.

[8] European Commission (2007). Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC.

[9] European Commission (2002). Assessment of plans and projects significantly affecting Natura 2000 sites.

cannot be consented. In terms of what is reasonable, guidance states "*to identify the potential risks, so far as they may be reasonably foreseeable in the light of such information as can be reasonably obtained*" [10].

2.3.3 In undertaking an AA, there are two phases:

- a scientific evaluation of all the likely significant effects of the project on the relevant qualifying interests of a European site; and
- a conclusion based on outcomes of the scientific evaluation as to whether the integrity of a European site will be compromised.

2.3.4 The initial onus when carrying out an AA is to prove that no adverse impacts due to a project will occur, either alone or in-combination with other projects, which would compromise a European site's integrity (Section 63(5) & (6) of the Habitats Regulations). Site integrity can be defined as: "*The coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*" [11].

2.3.5 The assessment will also consider any avoidance or mitigation measures which will be implemented to avoid or reduce the level of impact from the project. The Competent Authority may also consider the use of conditions or restrictions to help avoid adverse effects on site integrity.

2.3.6 If the AA concludes that the integrity of the European site would be adversely affected, consent can only be granted if there are no alternative solutions, IROPI is applicable and compensatory measures have been secured (Section 64 of the Habitats Regulations).

[10] NatureScot (2001). Natura casework guidance: Consideration of proposals affecting SPAs and SACs.

[11] NatureScot (2014). Natura casework guidance: How to consider plans and projects affecting Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

3 INFORMATION TO INFORM THE APPROPRIATE ASSESSMENT

3.1 Introduction

3.1.1 The Screening Assessment determined that an AA was required for the River Oykel SAC because the potential for LSEs could not be ruled out for the following qualifying interest features:

- Atlantic salmon (*Salmo salar*); and
- Freshwater pearl mussel (*Margaritifera margaritifera*).

3.1.2 The LSEs on these features are considered to result from the indirect effects on supporting habitat within the SAC during construction of the Proposed Development.

3.1.3 This section assesses the impacts of the Proposed Development on the qualifying interest features in relation to the conservation objectives for the site. The aim is to identify whether no adverse effect can be concluded (as described in **Section 2**), or whether there will be adverse effects on the integrity of the River Oykel SAC.

3.1.4 The assessment has drawn on the ornithology survey findings which are presented within **Volume 2, Chapter 9: Ornithology** of the Environmental Impact Assessment Report ("EIA Report") and associated Technical Appendices in **Volume 5**.

3.2 Conservation Objectives and Latest Assessed Condition

3.2.1 The Conservation Objectives (COs)[12] for the qualifying interest features of the River Oykel SAC are set out in **Table 3-1**.

Table 3-1 Conservation Objectives for River Oykel SAC

Qualifying Interest Feature	Conservation Objectives
The overarching COs for all features of the River Oykel SAC	• To ensure that the qualifying features of the River Oykel SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status; and • To ensure that the integrity of the River Oykel SAC is restored by meeting objectives 2a, 2b, 2c for both features (and 2d for freshwater pearl mussel).
Freshwater pearl mussel	• 2a. Restore the population of freshwater pearl mussel as a viable component of the site; • 2b. Restore the distribution of freshwater pearl mussel throughout the site; • 2c. Restore the habitats supporting the freshwater pearl mussel within the site and availability of food; and • 2d. Maintain the distribution and viability of freshwater pearl mussel host species and their supporting habitats.
Atlantic Salmon	• 2a. Maintain the population of Atlantic salmon, including range of genetic types, as a viable component of the site; • 2b. Maintain the distribution of Atlantic salmon throughout the site; and • 2c. Maintain the habitats supporting Atlantic salmon within the site and availability of food.

[12] NatureScot Site Link – River Oykel SAC Conservation Advice Package https://www.nature.scot/sites/default/files/special-area-conservation/8363/conservation-advice-package.pdf

3.2.2 The latest assessed site condition of the qualifying interest features of the SAC are listed in Table 3-2, as detailed on the NatureScot SiteLink[13] site.

Table 3-2 Summary of Site Condition

Qualifying Interest Feature	Latest Assessed Condition*	Date of Assessment	Negative Pressures
Freshwater pearl mussel	Unfavourable No change	8th April 2015	• Forestry operations • Game/ fisheries management • Wildlife crime
Atlantic Salmon	Favourable Recovered	7th July 2011	• Agricultural operations • Forestry operations • Water management • Water quality

3.3 Potential Impacts and Relevant Mitigation Measures

3.3.1 Figure 1 illustrates the location of the Proposed Development in relation to the River Oykel SAC. The proposed OHL over sails the SAC, with the closest construction works at Tower no.24 located approximately 100 m from the SAC on the west side of the Inveroykel Culrain road. A temporary access track runs approximately 40 m east of the SAC boundary at its closest point. No temporary or permanent infrastructure associated with the Proposed Development is situated within this SAC and no felling is proposed within the site. No in-stream works will be undertaken. The Screening Assessment, taking a precautionary approach, concluded that in the absence of mitigation, it is possible that construction activities could result in LSEs on the SAC from indirect impacts as a result of run off/pollution during construction activity. Mitigation measures relevant to the AA are therefore those relating to water management and pollution control.

3.3.2 Embedded project mitigation measures are set out in the Environmental Impact Assessment Report (EIAR) and the General Environmental Management Plans (GEMPs) (**Volume 5, Appendix 3.3: GEMPs**), Species Protection Plans (SPPs) (**Volume 5, Appendix 3.4: SPPs**) and will be further reinforced in the final Construction Environmental Management Plan (CEMP) (an outline CEMP has been included in **Volume 5, Appendix 3.6**). Relevant measures include:

- protocols for oil and fuel storage & operations on site will be adhered to;
- protocols for surface water and run-off management will be adhered to;
- erosion of exposed soils and working areas will be minimised;
- water will be prevented from leaving site prior to treatment;
- adequate buffer zones will be identified between working areas and surface waters;
- bulk and bagged cement and concrete additives will be stored at least 30 metres away from watercourses, gullies and drains in properly secured, covered and bunded areas;
- dust from storage areas will be controlled. Stockpiles of cementitious materials such as CBS will be securely covered with a tarpaulin, or non-permeable sheeting;

[13] NatureScot 2025. River Oykel SAC. Accessed Jan 2025 at: https://sitelink.nature.scot/site/8363

- diversion drains will be used to catch sediment laden run-off and direct it to treatment facilities such as settlement ponds (where necessary these can be lined), silt fences (not to be installed in watercourse), settlement tanks etc (see CIRIA C6848); and
- all mitigation measures will be maintained regularly to ensure their effectiveness.

3.3.3 The embedded mitigation measures set out in the EIAR follow industry best practice and are routinely deployed on SSEN Transmission projects. They will be stipulated in construction contracts and the implementation and audit of these measures will be overseen by a suitably qualified and experienced Environmental / Ecological Clerk of Works (ECoW). No additional mitigation measures are deemed necessary.

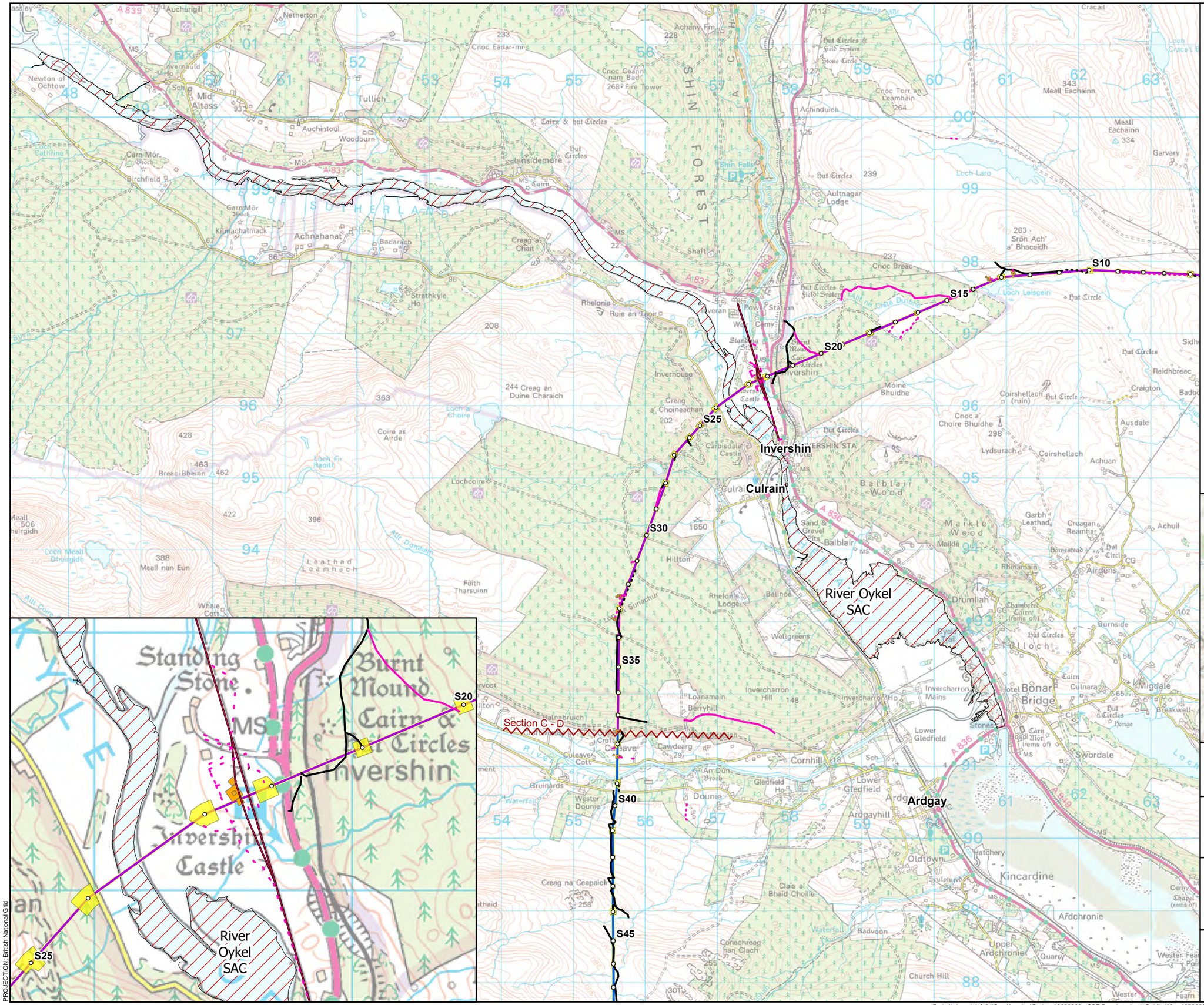
3.4 Assessment of Effects

3.4.1 No temporary or permanent infrastructure associated with the Proposed Development is situated within the SAC. The nearest tower location is approximately 100 m from the SAC boundary and the closest construction work is a temporary access track approximately 40 m from the SAC. The work is located at a distance greater than SEPA's Recommended Riparian Corridor [14] maximum of 30 m, making potential effects upon aquatic habitats and species unlikely. In addition, any potential effects will be managed through the embedded mitigation measures set out in the project Environmental Management Plans. With these measures in place, the risk of indirect habitat loss or degradation from run off/pollution during construction activity is reduced to negligible; therefore no adverse effects on Atlantic salmon and freshwater pearl mussel in relation to the conservation objectives for the site are predicted, either alone or in-combination with other projects.

3.5 Summary of Effect on Site Integrity

3.5.1 No adverse effects on Atlantic salmon and freshwater pearl mussel in relation to the conservation objectives for the site are predicted and therefore no adverse effect on the integrity of the River Oykel SAC is anticipated.

[14] SEPA, 2024. Recommended Riparian Corridor Layer for use in Land Use Planning. Available online at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sepa.org.uk%2Fmedia%2Fpuqhuwhn%2Frecommended-riparian-corridor-note.docx&wdOrigin=BROWSELINK



- Tower Location
- Alignment Section C
- Alignment Section D
- Special Arrangement
- Temporary Tower Compound Area
- Equipotential Zones (EPZs) (Pulling Locations)
- Temporary Access Track - Trackway Panels
- Temporary Access Track - Cut/Fill
- Temporary Access Track - Floating
- Existing Access Track - Upgrade Required
- Permanent Access Track - Cut/Fill
- Permanent Access Track - Floating
- Alignment Section Break
- Special Area of Conservation (SAC)

0 0.5 1 1.5 2 2.5 Kilometres

N

SCALE: See Scale Bar	VERSION: A03
SIZE: A3	DRAWN: CI
PROJECT: 0652629	CHECKED: PW
DATE: 8/11/2025	APPROVED: KG

Figure 1
Spittal - Loch Buidhe - Beauly 400 kV OHL Connection
River Oykel SAC

ERM

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PROJECTION: British National Grid

Path: \\uksprdgisfs01\Data\London\Projects\0652629 - SSE Beauly to Loch Buidhe\Maps\0720281 - SLBB - Designated Sites.aprx / 0720281 - SLBB - HRA - 12 - River Oykel SAC - A03