
PRELIMINARY ECOLOGICAL APPRAISAL

**OLD SLAUGHTER HOUSE, DUNKELD ROAD,
ABERFELDY: PROPOSED RESIDENTIAL
DEVELOPMENT SITE**

**PREPARED FOR: THE COMMUNITIES
HOUSING TRUST (CHT)**

30 JUNE 2023



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This report has been prepared by ecological specialists and references made to legal requirements or restrictions do not constitute legal advice. Where any doubt exists to the interpretation of the law in this report, specialist legal services should be sought.

Date	Issue	Author	Checked	Revision/notes
28/06/2023	V1	Robin Dowse BSc	Jonathan Fairbairn PhD M.C.I.E.E.M.	
30/06/2023	V2	Robin Dowse BSc	Jonathan Fairbairn PhD M.C.I.E.E.M.	Phase 1 habitat map added to document

SUMMARY

Site name	Old Slaughter House, Dunkeld Road, Aberfeldy: proposed two house residential development site
Grid Reference	NN 86120 49300
Proposal	Site clearance and development of site to provide residential units.
Surveys undertaken	Preliminary Ecological Appraisal (PEA) Comprising: <ul style="list-style-type: none">• Extended Phase 1 Habitat Survey• Ground based assessment of trees for bat roosting potential
Ecological constraints	
<p>River Tay SAC – potential connectivity to site via the small unnamed burn which flows through the west of the site and which discharges to the River Tay approximately 200m downstream of the site.</p> <p>The site is currently dominated by semi-natural broadleaved woodland which fits within the Lowland Mixed Deciduous Woodland UK BAP Priority Habitats classification and the Tayside LBAP Lowland Mixed Broadleaf (Deciduous) Woodlands priority habitats category.</p> <p>There is high potential for nesting birds throughout the site within the bird breeding/nesting season (March – August inclusive).</p> <p>Otter may occasionally use the burn in the west of the site, although no signs of otter were found during the survey.</p> <p>Bat roost potential has been identified in one tree within the site boundary (multi-stem willow beside unnamed burn at NN 86103 49284).</p>	
Recommendations	
<p><u>River Tay SAC.</u> It is recommended that prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Planning Authority. The CEMP should include detail of all pollution prevention safeguards that will be implemented to protect the water quality of the River Tay SAC during construction work.</p> <p><u>Semi-natural broadleaved woodland.</u> Retention of areas of mature trees on site should be considered where possible, particularly along the watercourse in the west of the site.</p> <p><u>Nesting birds.</u> Site clearance works should only be undertaken outwith the nesting bird season (March to August, inclusive). If site clearance is undertaken within the nesting season a screening survey by a suitably qualified ecologist should be carried out prior to work taking place.</p> <p><u>Otter.</u> Measures are suggested to protect the unnamed burn in the west of the site, including fencing prior to works and avoidance of lighting in this area. Measures are presented to prevent entrapment of otters during construction.</p> <p><u>Bats.</u> Tree climbing survey by suitably qualified ecologist to investigate potential bat roost features in multi-stem willow beside unnamed burn at NN 86103 49284.</p>	

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1 INTRODUCTION

1.1 Terms of Reference and Scope of Study

The following survey report was commissioned by The Communities Housing Trust and covers land at the former Aberfeldy Slaughter House site, Dunkeld Road, Aberfeldy. The approximate centre of the site is at National Grid Reference NN 86120 49300.

The scope of the survey was to provide a preliminary ecological appraisal of the site as defined by the red-line boundary on the supplied figure (see Figure 1, below). The preliminary ecological appraisal comprised an extended Phase 1 Habitat Survey to identify habitats on site in addition to signs of, or potential for, protected animal species. The survey included a ground based assessment of trees within the site for their potential to support bat roosts. The two buildings marked on the site plan have previously been cleared, with demolition granted by Perth & Kinross Council in 2019 (Ref No 19/01709/LAW). Survey took place in May 2023.

This document provides an overview of the present ecological baseline conditions of the site as surveyed in May 2023. Recommendations for further survey are made where necessary to determine presence/absence of species protected by law.

1.2 Summary of Site and Proposal

The site is located off the A827 Dunkeld Road on the east edge of Aberfeldy, within the Perth & Kinross Council area.

The site is located immediately south of a dismantled railway, the embankment of which forms the northern boundary. The west of the site is bordered by a residential area and open rough pasture fields lie to the south and east. Buildings marked on the supplied figure are understood to have been relatively recently removed and the site has a heavy cover of mature trees and ground layer vegetation. A track accessing houses to the west of the site is located in the east and south of the site. A small unnamed burn flows south to north through the west part of the site, entering a culvert in the north west of the site and flowing under the embankment of the dismantled railway and A827 before entering the River Tay approximately 200m from the site.

Proposals are understood to include the provision of residential dwelling houses and gardens within the red line boundary of the site.



Figure 1. Site location plan as supplied, showing development boundary (red line).



Figure 2. Aerial photograph of the site showing indicative site boundary and landscape context.

2 EXTENDED PHASE 1 HABITAT SURVEY

2.1 Background

2.1.1 Legislation and Policy Context

EC Directive on the Conservation of Natural Habitats and Wild Flora and Fauna, 92/43/EEC, 1992

The EC Habitats Directive promotes the maintenance of biodiversity in Europe. The Directive provides for the creation of a network of protected areas across the continent, designated by Member States as Special Areas of Conservation (SACs). Together with Special Protection Areas (SPAs) designated under the EC Birds Directive (See ornithology report), SACs form a network of pan-European protected areas known as Natura 2000 sites. The annexes to the Directive list habitats and species of importance in a European-wide context. Annex I of the Directive comprises a list of 189 habitat types for which Member States must consider designation for SACs. A sub-set of the Annex I habitat types are defined as being 'priority' because they are considered to be particularly vulnerable and are mainly, or exclusively, found within the European Union. Annex II of the Directive comprises a list of species for which Member States must consider designation for SACs. Member States are required to ensure strict protection of species listed in Annex IV.

The Conservation (Natural Habitats &c) Regulation 1994 (as amended in Scotland)

These regulations transpose Council Directive 92/43/EEC into national law. The Regulations provide for the designation of Natura 2000 sites, the protection of European Protected Species (EPS), and the adaptation of planning and other controls for the protection of Natura 200 sites.

Wildlife and Countryside Act (1981) as amended

The Wildlife and Countryside Act is the primary legislation for the protection of wildlife in Great Britain. The act provides for the designation of protected areas through the designation of Sites of Special Scientific Interest (SSSI), which are selected for their nationally important assemblages of habitats, species and geological interest. The act provides additional protection for certain plants and animals.

Nature Conservation (Scotland) Act 2004

This act places duties on public bodies in relation to the conservation of biodiversity and strengthens protection for SSSIs and wildlife enforcement. The Act places a duty on every public body to further the conservation of biodiversity in a consistent manner with the proper exercise of their functions.

Protection of Badgers Act 1992

This Act provides protection for badgers *Meles meles* and their habitats. It makes it an offence to wilfully take, kill, injure or ill-treat a badger, to obstruct, destroy or damage badger sett or to disturb badgers whilst they are in a sett.

Wildlife and Natural Environment (Scotland) Act 2011

The Wildlife and Natural Environment (Scotland) Act amends the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992 and the Nature Conservation (Scotland) Act 2004 amongst others. It variously makes changes to the licensing system, enhances protection for badgers and regulates invasive and non-invasive species making it illegal to release any non-native animal from captivity or to cause any non-native plant species to grow in the wild.

Scottish Planning Policy

The Scottish Government published its Scottish Planning Policy document in June 2014. It is concerned with delivering high-quality places designed to create a more successful country by developing opportunities for the whole country to flourish through increased and sustainable economic growth. Part of the policy aims to help protect and enhance existing natural assets by conserving and enhancing protected sites and species. The policy also requires that benefits should be sought for biodiversity from new developments where possible. This should aim to allow development to take place within the environmental limits and pass healthy ecosystems to later generations.

UK post-2010 Biodiversity Framework

In 2010 international governments reached an agreement to halt global declines in biodiversity. They developed a Strategic Plan for Biodiversity 2011-2020, comprising 5 strategic goals and 20 global targets with a vision that: "By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people". The UK Biodiversity Framework was developed in 2012 and sets out a structure for action across the UK in order to:

- Set out a shared vision and priorities for UK-scale activities, in a framework jointly owned by the four countries, and to which their own strategies will contribute.
- Identify priority work at a UK level which will be needed to help deliver the targets and the EU Biodiversity Strategy.
- Facilitated the aggregation and collation of information on activity and outcomes across all countries of the UK, where the four countries agree this will bring benefits compared to individual work.
- Streamline governance arrangements for UK-scale activity.

The Framework was developed to replace the pre-existing UK Biodiversity Action Plan and create a more integrated approach to biodiversity conservation across the UK.

Scottish Biodiversity List

The Scottish Biodiversity List (SBL) is a list of flora, fauna and habitats considered by the Scottish Ministers to be of principal importance for biodiversity conservation and its publication was a requirement of Section 2(4) of The Nature Conservation (Scotland) Act 2004. The main aim of the list and associated initiatives is to halt the loss of biodiversity and continue to reverse previous losses through targeted action for species and habitats and it provides a vision for 2030 where biodiversity loss in Scotland has been halted.

2.2 Methodology

2.2.1 Search for Designated Nature Conservation Sites

Prior to a site survey a review was undertaken of both statutory and non-statutory designated nature conservation sites located on and adjacent to the proposed development site. The review involved the use of the Sitelink website¹. Sites designated for their biological interest within 5km are listed within this report.

¹ <http://sitelink.nature.scot/home>

2.2.2 Desk Based Survey

Prior to the site survey a desk based search was carried out to locate records of protected amphibian, reptile and mammal species present within this geographic area of Scotland.

Distribution maps² and records from FDM Ecology Ltd's previous surveys in this part of Scotland were also reviewed to identify the potential species present in the area.

2.2.3 Survey Methodology: Extended Phase 1 Habitat Survey

The survey of the site was conducted during dry weather conditions on the 26th May 2023. The survey was based on methods³ for conducting a Phase 1 Habitat Survey. All areas within the site boundary were walked to identify habitats in accordance with a list of ninety specified habitat types. Descriptive notes were taken for habitat parcels recorded and habitat condition was considered during the survey. Habitats were mapped at an appropriate scale using the standard numerical codes. Target notes were used to provide supplementary information and were made for any habitats or features which were too small to map. Target notes were also to be used to identify stands of invasive plant species.

In addition to the basic habitat survey methodology outlined above, the survey aimed to provide further details in relation to notable or protected species. Signs of protected and/or notable species including (but not limited to) those listed within the results of the desk based survey below, were searched for and the potential of habitat to support protected species was considered. Standard methodologies for protected species survey were followed as appropriate⁴. Survey included a ground based assessment of trees for their potential to support bat roosts and this element was considered separately (see 2.2.4 below).

2.2.4 Preliminary Bat Roost Assessment Survey

Owing to the mature trees on site an initial ground based assessment of trees for evidence of and/or potential for roosting bats was carried out. The survey was considered fully compliant with preliminary roost assessment survey methods outlined in current industry guidance⁵.

Trees or groups of trees were classified into a bat roost potential category as outlined in current guidelines for survey⁵:

- **Negligible:** No or negligible features in the building/tree likely to be used by bats.
- **Low:** A structure or tree with one or more roost spaces which could be used by individual bats opportunistically. However, these spaces do not provide conditions to support large numbers of bats such as a maternity colony.
- **Moderate:** A structure or tree with one or more roost spaces which could be used by a number of bats but which is unlikely to support a roost of high conservation status (rare species, larger than typical maternity colony).
- **High:** A structure or tree with one or more potential roost sites which are obviously suitable for large numbers of bats on a more regular basis.

² Crawley et al (2020). Atlas of the Mammals of Great Britain and Northern Ireland. The Mammal Society.; www.ARC-trust.org; Scottishsquirrels.org.uk; www.bats.org.uk

³ JNCC (2010). Handbook for Phase 1 habitat surveys – a technique for environmental audit. JNCC

⁴ <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents>

⁵ Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists (3rd edn). The Bat Conservation Trust, London

Weem Meadow SSSI (approximately 1km WSW of the site).

Notified Features: Biological: Lowland grassland: Lowland neutral grassland

Bolfracks Wood SSSI (approximately 3.5km WSW of the site).

Notified Features: Biological: Woodlands: Wet woodland

2.3.2 Desk Based Survey

Highland Perthshire is within the known range of the following protected terrestrial mammal species (excluding bats):

- Water vole *Arvicola amphibius*
- Beaver *Castor fiber*
- Wildcat *Felis sylvestris*
- Otter *Lutra lutra*
- Pine marten *Martes martes*
- Badger *Meles meles*
- Polecat *Mustela putorius*
- Red squirrel *Sciurus vulgaris*

Highland Perthshire is within the known range for the following bat species:

- Daubenton's bat *Myotis daubentonii*
- Natterer's bat *M. nattereri*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Common pipistrelle *P. pipistrellus*
- Brown long-eared bat *Plecotus auratus*

Bat roosts are known to exist in nearby buildings.

Highland Perthshire is within the known range of the following protected reptiles and amphibians:

- Adder *Vipera berus*
- Common lizard *Zootoca vivipara*

Although the above species are considered to be resident or regularly occurring in this part of Scotland, the presence or possible presence of other species was not ruled out during survey.

2.3.3 Extended Phase 1 Habitat Survey

Phase 1 habitats identified on site are as follows (see also Appendix III: Phase 1 map)

A1.1 Semi-natural broadleaved woodland

The majority of the site is classified as woodland, including areas where buildings have relatively recently been cleared from between trees, and whilst some of the tree/canopy cover is planted in origin the site has developed woodland of a semi-natural character. Planted tree species include lime *Tilia sp.*, scots pine *Pinus sylvestris*, sitka spruce *Picea sitchensis*, and poplar *Populus sp.* Other tree and understorey species include sycamore *Acer pseudoplatanus*, ash *Fraxinus excelsior*, silver birch *Betula pendula*, wych elm *Ulmus glabra*, hazel *Corylus avellana*, goat willow *Salix caprea*, crack/white willow *Salix sp.*, bird cherry *Prunus padus*, hawthorn *Crataegus monogyna*, holly *Ilex aquilifolium*, elder *Sambucus nigra* and broom *Cytisus scoparius*. Scrub layer vegetation includes bramble *Rubus fruticosus* agg., raspberry *Rubus idaeus*, dog rose *Rosa canina* and burnet rose *Rosa pimpinellifolia*. Ground layer

vegetation is reasonably diverse and includes male fern *Dryopteris filix-mas*, broad buckler fern *Dryopteris dilatata*, meadowsweet *Filipendula ulmaria*, cleavers *Galium aparine*, nettle *Urtica dioica*, ground elder *Aegopodium podagraria*, nipplewort *Lapsana communis*, broad leaved willowherb *Epilobium montanum*, dandelion *Taraxicum officinale*, garlic mustard *Alliaria petiolata*, greater stitchwort *Stellaria holostea*, yellow archangel *Lamium galeobdolon*, Welsh poppy *Papaver cambricum*, ivy *Hedera helix*, broad-leaved dock *Rumex obtusifolius*, common comfrey *Symphytum officinale*, spear thistle *Cirsium vulgare*, figwort *Scrophularia nodosa*, wood sage *Stachys sylvatica*, bush vetch *Vicia sepium*, white clover *Trifolium repens*, knapweed *Centaurea nigra*, broad-leaved plantain *Plantago major*, meadow buttercup *Ranunculus acris*, lesser celandine *Ficaria verna*, sweet cicely *Myrrhis odorata*, wood horsetail *Equisetum sylvaticum*, hogweed *Heracleum sphondylium*, opposite-leaved golden saxifrage *Chrysosplenium oppositifolium*, and pink purslane *Claytonia sibirica*.

The area where buildings have been removed is included within the semi-natural broadleaved woodland classification, owing to the recent cover of smaller self-seeded trees in this area and the ground-layer vegetation. Some broom scrub is developing in this area due to the removal of trees. However, tree cover would quickly develop if the area was left alone.

C3.1 Tall ruderal

An area of nettle dominated vegetation is present in the north east part of the site, with a smaller stand of rosebay willowherb *Chamaenerion angustifolium* on an earth or rubble bund beside the access track.

G1 Standing water (wet ditch)

A wet ditch is present on the southern boundary of the site, beside the access track. Conditions indicate that this ditch is likely to be wet year-round, likely as a result of wet conditions in the pasture field upslope of the southern boundary.

G2 Running water

A small unnamed burn flows south to north through the western part of the site, entering the site in the south west corner near to a culvert underneath the access track which is choked with vegetation, and exiting the site at NN 86082 49310 where the watercourse enters the culvert underneath the dismantled railway and A827. The banks of the watercourse are steep sided shaded by a dense cover of the canopy species described above.

J5 Other habitat

Two tracks pass through the site: the main access track which passes under the dismantled railway in the north east of the site, sweeping round the east and south boundaries to the south west part of the site; and, an adjoining track/path which links to the dismantled railway and the housing estate beyond. A drainage ditch with standing water is present next to the southern boundary of the site, running alongside the access track.

Protected species (excluding bats)

No signs of protected mammal species was found within the site boundary or appropriate survey buffer during the survey. The culvert under the dismantled railway and the A827 road

is deemed to be a potential barrier to movement of otter, as although otter would likely pass under the metal grill fixed to the exterior of the stone archway, several meters in the culvert narrows significantly to a narrow pipe which appears partially blocked.

No suitable habitat for reptiles and amphibians with enhanced protection are present on site.

The site provides plentiful bird nesting habitat within trees and shrubs and bird nests are highly likely within the nesting season. Although no specific bird survey has been carried out, survey was undertaken within the bird breeding/nesting season and the following species were either observed or heard on site during the site visit: wood pigeon *Columba palumbus*, willow warbler *Phylloscopus trochilus*, blackcap *Sylvia atricapilla*, garden warbler *Sylvia borin*, blackbird *Turdus merula* and robin *Erithacus rubecula*.

Bats


The site provides suitability for foraging and commuting bats, having unlit, open areas with trees for cover and shelter. The wider landscape comprises running water, broadleaved and coniferous woodland, scrub, and pasture habitats providing good potential foraging and commuting habitat for bats. Connectivity to the higher value habitats within the wider landscape for foraging and commuting bats is deemed to be excellent.

The culvert entrance at NN 8682 49310 was also examined for its potential value to roosting bats. Although no survey access was gained underneath the archway, the structure was deemed to be of negligible value, having no crevice/mortar gaps and having a relatively tight fitting grill with narrow spacing between bars.

All trees within the red line boundary of the site were examined from ground level for their potential to support bat roosts. Of the trees on site only a single tree was identified with features deemed to provide some suitability for bat roosting (see Table 2 below).

The culvert arch under the dismantled railway was examined for bat roosting potential and no potential bat roost features were found.

Table 2. Bat roost assessment of trees – survey notes

Tag / grid reference	Species and approx. stem diameter	Survey notes / bat roosting potential (BRP)
NN 86103 49284	Willow <i>Salix sp.</i> 300mm, 300mm, 200mm, 200mm 	Large multi-stem willow beside unnamed watercourse which flows through the west of the site. Vertical hazard beam on east stem. Splits and crevices elsewhere. Leans on to adjacent elm. Moderate BRP. Recommend climbing survey.

2.4 Discussion and recommendations

The following section provides an assessment of potential impacts arising from the proposed development. The assessment is limited to those habitats and features confirmed to be present, or potentially present within the zone of influence of the development. Where species have not been confirmed, additional survey or mitigation is presented where considered necessary.

2.4.1 Potential Impacts

Designated nature conservation sites

The site is not affected by or included within any nature conservation designations. However, the site lies adjacent to an unnamed watercourse which flows into the River Tay approximately 200m downstream of the nearest part of the site. The site therefore has potential connectivity with the River Tay SAC. Potential impacts arising from the construction phase of the proposed development of the site include potential run off from the site during heavy rainfall conditions and pollution incidents arising from improperly contained or stored materials such as that of fuels and oil.

The degree of separation of the development site from the remaining designated sites within 5km of the site (see section 2.3.1) means that they are outside of the potential zone of influence from this development.

Habitats

The development site sits within an area of woodland which includes a small area of relatively recently cleared trees where buildings have also been removed. Whilst many of the trees on site are planted in origin, the majority of trees that make up the canopy are self-seeded; likely a result of the lack of management or use of the site over a significant time period. Ground layer vegetation is fairly typical of semi-natural woodland.

Mature semi-natural woodland cover fits within the Lowland Mixed Deciduous Woodland UK BAP Priority Habitats classification and the Tayside LBAP Lowland Mixed Broadleaf (Deciduous) Woodlands priority habitats category⁶. Although the woodland is not listed within the Ancient Woodland Inventory for Scotland⁷ the habitat appears to be reasonably diverse and species present are reflective of local ground conditions. Impacts to woodland habitat within the site are assumed to be total loss.

Tall ruderal vegetation comprising stands of nettle and rosebay willowherb are present in the north east of the site. Impacts to these plant communities are assumed to be total loss. These communities are of relative low ecological value and are therefore not considered further in this assessment.

It is assumed that the development will be sited back from the banks of the watercourse which flows through the site and that this will therefore be unaffected by the proposed development.

If clearance of trees beside the watercourse takes place this will open up the watercourse and banksides to more light, thereby altering the woodland vegetation in this locale. Felling of trees on the banksides may also destabilise the banks of the watercourse.

⁶ <https://www.taysidebiodiversity.co.uk/wp-content/uploads/2016/08/Tayside-LBAP-report-Woodland.pdf>

⁷ <https://map.environment.gov.scot/sewebmap/>

Potential impacts to the watercourse during construction include run-off of silt during periods of high rainfall pollution along with potential impacts from improperly stored chemicals/fuel or spill incidents, including leakage from construction machinery. Importantly, impacts may not be limited to the watercourse on site and may extend to the downstream habitats which include the River Tay SAC designated area (see 2.4.2 below).

Protected species (excluding bats)

No evidence of protected mammal species was found during the survey. The dismantled railway and A827 culvert appears to be a potential barrier to movement. However, it is assumed that otter may from time to time pass through the site and use the watercourse which flows through the western part of the site for passage. Otter is one of the qualifying features of the River Tay SAC, located approximately 200m downstream of the site. Therefore, apart from for otter, no impacts to those species identified within the desk study are predicted. Impacts to otter from the proposed development may therefore include construction impacts, such as direct disturbance to animals from noise or lighting, and post construction impacts if, for example, the watercourse no longer affords safe passage to otters moving through the site. Impacts may arise during construction if silt or pollution events occur.

The site was not considered to be suitable for amphibians and reptiles. No impacts to reptiles and amphibians are predicted.

The site provides plentiful bird nesting habitat and therefore site clearance has the potential for disturbance to nesting birds and/or the destruction of nests if undertaken within the nesting season (March – August, subject to inter-annual and seasonal variation).

Bats

No built structures with bat roosting potential are present within the red line boundary of the site.

A single tree with potential bat roost features was identified during survey of the site. Further survey is required to determine whether bats use features within this tree for roosting. Impacts to bats are therefore currently unknown.

The site currently provides sheltered habitat which is likely to be rich in insects. Clearance of the site to provide housing would therefore be assumed to lead to a reduction of foraging habitat for bats. Within the wider landscape the site does not appear to be an important potential linear route by which bats may commute. Additionally, linear flyways such as the tree cover along the dismantled railway route bordering the site to the north are assumed to be unaffected by the proposed development of the site and potential impacts to foraging and commuting bats are therefore deemed low.

2.4.2 Recommendations

Designated nature conservation sites

It is recommended that prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Planning Authority. The CEMP should include detail of all pollution prevention safeguards that will be implemented to protect the water quality of the River Tay SAC during construction work. These details shall accord with relevant best practice guidance including, Guidance for

Pollution Prevention (GPP) 5: *Works and maintenance in or near water*, and GPP 21 *Pollution incident response planning* and GPP 22: *Dealing with spills*⁸.

In order that potential impacts to the River Tay SAC be avoided it is imperative that the CEMP is understood by all site personnel and adhered to at all times during the construction phase of the development.

Habitats

Woodland habitats will be lost to the development. It is recommended that where trees are to be planted within the proposed development site, these should be broadleaved trees, appropriate to the site conditions. Compensatory planting of broadleaved trees off site could also be considered.

If possible it is recommended that the watercourse which runs through the site is protected from the development by fencing (see recommendations for otter, below). It is recommended that trees on and at the top of banksides are retained where possible to prevent destabilisation of the banks and risk potential run off.

Bird nesting habitat

Potential nesting locations are present throughout the site, including within trees and scrub. It is therefore recommended that where possible site clearance works which may impact upon nesting birds are undertaken outwith the nesting bird season (March to August, inclusive). If site clearance is undertaken within the nesting season a screening survey by a suitably qualified ecologist should be carried out prior to work taking place.

If active bird nests are found during site clearance or construction then works in that area should halt until young have fledged. Monitoring of active birds nests should be overseen by an ecologist.

Potential enhancement of the development for nesting birds could include purpose-built nest boxes/platforms for species such as swift *Apus apus*, house martin *Delichon urbicum* and house sparrow *Passer domesticus* erected on housing units. An ecologist should be consulted on appropriate nest box design and locations.

A summary of legislation pertaining to the protection of birds is provided in Appendix 2.

Otter

No evidence was found of otter using the site. However, there is potential for otter to occasionally pass through the site, most likely by way of the unnamed burn in the west of the site.

Prior to development taking place, it is recommended that a solid fence should be erected to screen off the development from the burn. Occasional gaps should be provided at the base of the fence to allow passage by small mammals such as hedgehogs. The gaps should be 15cm x 15cm which would allow passage by wild mammals, but prevent access by dogs.

In order to prevent otters becoming trapped in excavations, any hole dug more than 1m deep should have an escape ramp placed into it whenever the site is unoccupied. This could be a wooden plank, at a shallow angle no steeper than 45°. Any welded or buried pipes should be capped when the site is unoccupied to prevent otters becoming trapped.

⁸ <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

It is recommended that lighting should be directed away from the burn habitat during construction to avoid disturbance to animals using the burn habitat.

A summary of legislation pertaining to the protection of EPS is provided in Appendix 2.

Bats

A single tree with bat roosting potential is located within the site. At this stage it is not known which trees on site will be affected by the proposed development. A climbing inspection by a suitably qualified bat ecologist is recommended to ascertain whether potential bat roost features identified from ground level are used by bats and indeed if further features are present.

Potential enhancement of the development for bats could include purpose-built roost boxes such as those which can be built into external walls (see example photo below). Appropriate bat boxes are fully contained, maintenance free and can be rendered/painted to tie in to the building aesthetic. An ecologist should be consulted on appropriate design and locations.

A summary of legislation pertaining to the protection of EPS is provided in Appendix 2.



Enhancement photo 1.

1WI Schwegler Summer and Winter Bat Box prior to being rendered over.

3 APPENDIX I – PHOTOGRAPHS



Photo 1.

View north through the site from the access track near to the southern boundary.



Photo 2.

View of the site interior in the area where buildings and trees have relatively recently been removed.



Photo 3.

View of the site interior in the area where buildings and trees have relatively recently been removed.



Photo 4.

View of the dismantled railway culvert entrance in the north west of the site and unnamed burn.



Photo 5.

View of dismantled railway culvert interior, showing narrowing and partial blockage.



Photo 6.

View south (upstream) along the unnamed burn in the west of the site.



Photo 7.

View upstream along the unnamed burn from where it enters the site.



Photo 8.

View looking north through the site, showing area where trees and buildings have been removed and the route of the unnamed burn (left of photo).



Photo 9.

View east along access track and southern boundary, with south east corner of the site in background.



Photo 10.

View west along the access track and southern boundary. Drainage ditch to south of track (left of photo).



Photo 11.

View north east from site interior showing tall ruderal vegetation dominated by nettle (foreground), rosebay willowherb (middle ground) and trees on the dismantled railway embankment (rear).



Photo 12.

Site entrance under dismantled railway (right) and track/pathway up embankment to adjacent housing estate.

4 APPENDIX II – RELEVANT PROTECTED SPECIES LEGISLATION OVERVIEW

4.1 European Protected Species (EPS): legal protection

All species of bats, wildcat, otter, beaver, cetaceans, great crested newt and natterjack toad occurring within Scotland are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations) as amended in 2004 and 2007. In February 2007 amendments to Regulations 39, 40, in respect of protection of European Protected Species of animal, were brought about with a view to improving the transposition of the Habitats Regulations in Scotland. European Protected Species of animal were removed from Schedule 5 of the Wildlife and Countryside Act (1981), meaning that the Conservation (Natural Habitats, &c.) Regulations 1994 as amended is the primary legislation protecting these species and their places of shelter.

Regulation 39(1) now contains the following offences:

- (a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species;
- (b) deliberately or recklessly-
 - (i) to harass a wild animal or group of wild animals of a European protected species;
 - (ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (iii) to disturb such an animal while it is rearing or otherwise caring for its young;
 - (iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;
 - (v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or
 - (vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
- (c) deliberately or recklessly to take or destroy the eggs of such an animal; or
- (d) to damage or destroy a breeding site or resting place of such an animal.

Importantly the regulations previously provided a defence for offences which were the incidental result of lawful operations (subject to certain conditions). This defence has now been removed.

There are provisions in the legislation to allow actions to take place under licence that would otherwise contravene the law. Licences may be given authorising activities involving European Protected Species which would otherwise be illegal under the Regulations. The licences are granted by NatureScot. For a licence to be issued the following three tests must be satisfied:

- That the development is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- That there is 'no satisfactory alternative';

- That the derogation (*i.e.* any permission/licence granted) is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.

4.2 Birds: legal protection

Section 1 of the WCA provides protection to all birds, their eggs and nests when they are being built or are in use. It is an offence to intentionally or recklessly destroy, or otherwise interfere with the nest of any bird if it is in use, or whilst it is being built. This includes preventing access to a nest at these times.

Enhanced protection is provided for bird species listed on Schedule 1, including Golden Eagle, Kingfisher, Osprey, Peregrine, Barn Owl and Crossbill. It is an offence to recklessly disturb Schedule 1 species when they have dependent young. Licences are available for the disturbance to birds and their nests for certain purposes.

Additionally, for birds listed on Schedule A1, it is an offence to take, damage, destroy or otherwise interfere with a nest habitually used by the species at any time of year.

Any works which may potentially cause disturbance to these Schedule 1 or Schedule A1 species requires prior consultation with NatureScot.


5 APPENDIX III – PHASE 1 HABITAT MAP




Site Information

 Site boundary

Survey Information

 Broadleaved woodland

 Tall ruderal

 Track

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PROJECT TITLE
OLD SLAUGHTERHOUSE, ABERFELDY

DRAWING TITLE
Figure 1: Phase I Habitat Survey

VER	DATE	COMMENTS	Drawn	Checked
1.0	30/06/23	Phase 1	MP	JF

DRAWING NUMBER:
FDMECOLOGY/OldSlaughterhouse/Phase1

SCALE	1:525	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG
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