River Works on the Spey and its Tributaries

Who to Contact and How to Proceed

Sustainable Management of the River Spey

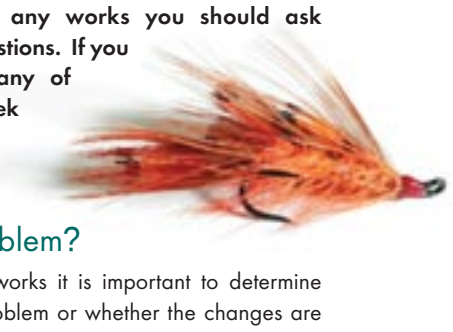
The aim of this code is to help you know how to proceed when considering river works in the Spey or one of its tributaries. It also aims to provide guidance on best practice to minimise the risk of damaging watercourses and the natural habitats, plants and animals that they support. River works range from fairly substantial engineering operations, such as building bridges or dams, to other tasks which alter the river's bed, banks or habitats, and whose purpose may be simply to alleviate flooding or to deepen or widen a watercourse.

If you are contemplating doing any river works, this leaflet will give you guidance on:

- **what you need to think about**
- **where to go for advice**
- **who to consult**

The main stem of the River Spey qualifies as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) under the EC Habitats Directive for its internationally important populations of Atlantic salmon, otter, sea lamprey and freshwater pearl mussel. The SAC forms part of a network that represents the best nature conservation areas in the European Community. This special protection brings with it additional requirements in terms of who you may need to consult before carrying out engineering or other operations in or near the river (see under 'Who to Consult' overleaf).

The potential for new works to have an impact on the river both upstream and downstream means that you must consult with your neighbours as well as the relevant authorities. Some assessments can only be carried out during periods of low flow, so it is important to plan well ahead. Whilst planning any works you should ask yourself the following questions. If you are unable to answer any of them confidently, then seek advice from the appropriate authority.



Is there really a problem?

When contemplating river works it is important to determine whether there really is a problem or whether the changes are part of the river's natural behaviour. Dynamic rivers such as the Spey and its tributaries change constantly and will not follow exactly the same course or have pools and riffles in the same place every year. This does not mean that the rivers have become degraded. These changes provide the variety of habitats needed for different species throughout their life cycle. Long-term trends in flow (related to climate) also affect the pattern of erosion and deposition in a river. The simplest and cheapest solution is often to make room for a river to migrate within its natural floodplain.

What is the problem?

Problems for river managers are usually caused by erosion or deposition. Sometimes it is a combination of both. These will always occur in rivers but can be exacerbated by landuse practices near the river and further afield. In time, the rate of erosion or deposition usually slows or ceases, so 'doing nothing' and accommodating the river may be the best longer-term option. For complex cases you may need the advice of an experienced engineer.

Where is the problem? Am I treating the real cause of the problem or just its symptoms?

Identifying the real cause of the problem before starting helps to find a solution. The cause (e.g. trampling of banks) should always be treated rather than the effect (bank erosion). If the cause is not addressed, the problem will continue, the works may not help, and could actually make the problem worse. The complex behaviour of the river may mean that the solution lies outwith the limits of your control and, therefore, will need to be addressed in a wider (perhaps catchment) context.

Who do I need to consult?

Always consult others before works begin and take advice as necessary. Sufficient details must be provided to enable the authorities to form a view. The information and flow diagram overleaf gives step-by-step guidance on what to do when considering river works, which authorities to contact and when.

What do I need to do after I have identified the problem and its solution?

The nature and scale of the proposed work must be defined first. This will help with the decision-making process and in planning the work programme. All details of the proposed work should be recorded on a map with appropriate drawings. Information on methods, timing, duration and materials to be used should also be gathered. These details will be needed during consultation. It is important to think about impacts on neighbouring stretches, so consult your neighbours both upstream and downstream at an early stage in the project-planning process to establish their views.

What do I need to know about working in or near a river?

Rivers can be dangerous and unpredictable. Where possible, avoid using machinery in the river - working from the bank causes less pollution and disruption and is safer. Consult SEPA for guidance on preventing pollution and choose a contractor who has experience of working in or near rivers and with protected sites and species. Remember that pollution of a watercourse or damage to a protected habitat or species can result in prosecution. You should obtain advice and/or permission from the appropriate authority (see overleaf) before undertaking any activity affecting the river, its habitats and species.

Nature in Control?

Natural sediment movement and river flow help create the great variety of channel and bank types found in the Spey and its tributaries. This provides a wealth of habitats for the diversity of animal and plant life. The Spey system is highly dynamic and sediment movement, particularly during floods, can cause infilling of pools or bank erosion. It is possible, although usually not desirable, to interfere with these natural processes. Changing the supply, movement and storage of sediment or water in one location can cause undesirable and unpredictable erosion and deposition elsewhere.

If you are contemplating river works, it is important to think carefully about how the river behaves. The Spey and its tributaries are dynamic and a perceived problem may change or stabilise without interference. However, if you think an engineering solution is necessary, the costs involved in materials and labour and subsequent maintenance could make it a major undertaking. Is it really worth it? The dynamic nature of the rivers often makes it difficult to predict the impact of any intervention!

Contact addresses

Spey Fishery Board
121 High Street
Forres
Morayshire IV36 1AB
Tel: 01309 672216

1 Nether Borlum Cottages
Knockando
Aberlour AB38 7SD
Tel: 01340 810841

Scottish Natural Heritage
Achantoul
Aviemore
Inverness-shire PH22 1QD
Tel: 01479 810477

32 Reidhaven Street
Elgin
Morayshire IV30 1QH
Tel: 01343 541551

The Highland Council
Planning and Development Service
100 High Street
Kingussie
Inverness-shire PH21 1HY
Tel: 01540 661700

Moray Council
High Street
Elgin
Morayshire IV30 1BX
Tel: 01343 543451

Scottish Environment Protection Agency
Pinefield Industrial Estate
28 Perimeter Road
Elgin IV30 6AF
Tel: 01343 547663

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How will I achieve my aims?

The success of any works will be increased by choosing appropriate methods and materials. Consider the alternatives, but always use the 'softest' practicable method to deliver the result whilst causing least disruption to the river and banks. 'Hard' engineering solutions may cause flow to be deflected, exacerbate erosion elsewhere and are generally more expensive.

When should I undertake the work?

The timing of the works is important for direct and indirect impacts on species. Generally, success is greater if work is undertaken during a period of low flow i.e. during the summer, when bankside vegetation has an opportunity to recover before winter floods. Neighbouring fishery proprietors may prefer you to undertake any work outwith the fishing season and before spawning.

WHO TO CONSULT

You should consult:

- **The Spey Fishery Board (SFB)**
  For advice on the appropriate timing of operations to minimise disturbance to fish migration, fishing activities and spawning. Salmon fishery proprietors should consult the Spey Fishery Board in the first instance. Farmers may wish to contact FWAG or their agent first.
- **The Local Planning Authority**
  For advice on when planning permission is required. See opposite for further details.
- **Scottish Natural Heritage (SNH)**
  For advice on the impacts on protected species and habitats. Even if no planning approval is required, the SSSI designation on the River Spey means there is a legal requirement to consult SNH on a number of operations, including river works. Furthermore, some species that occur in the Spey, such as otter and freshwater pearl mussel, are protected by law. This means that certain activities, such as killing, injuring, taking, disturbing and selling protected species, or destroying their places of shelter, are prohibited. Works outwith the SSSI boundary may still require planning approval and/or discharge consent. However, if a protected species or habitat is likely to be affected, then SNH should be contacted.
- **Scottish Environment Protection Agency (SEPA)**
  For advice over the precautions to be taken to prevent pollution, and for their views on drainage works, river works within the river channel or the importation of materials for repair work.
- **Your neighbours**
  For advice over what impacts any works you undertake could have on them.
- **Grant awarding body**
  If proposed river works have impacts on any land that has received public sector funding, you should inform the grant awarding body.

When is planning permission required for river works?

As a general rule, minor repairs and maintenance of existing river infrastructure, such as croys, bridges and flood embankments, are unlikely to be regarded as "development" under planning legislation. New works, however, including significant reworking of previous constructions, are likely to need a planning application. This includes work primarily in relation to fishings. It is very important to be aware that because of the EC Habitats Directive, in particular circumstances, development that may normally be deemed to have planning permission under the General Permitted Development Order, will require either written approval of the Planning Authority or even a planning application. The primary consideration in this respect is whether the proposal would be likely to have a significant effect on the cSAC. For advice on what constitutes a "significant effect", you will need to contact SNH in the first instance. Depending on the nature of the works, a joint meeting may be warranted with all the relevant agencies in order to decide the appropriate procedure as quickly as possible. Joint meetings can be arranged via any one of the agencies named on the back of this leaflet.

Environmental Assessments or hydrological studies to address flood control issues may also be required. Although planning approval may only be required because of the presence of the SAC, once an application is submitted, the Planning Authority will look at the full range of issues which may emerge before determining the application.

What should I do in an emergency?

Where a problem needs immediate action for health and safety which could not have been foreseen or planned for, the appropriate authorities (see flow chart) should be notified as soon as possible, preferably before starting work.

You can contact the Spey Catchment Steering Group organisations for advice and guidance (see overleaf for details). Remember, forward planning helps to provide the best solutions to problems in the river and helps to reduce conflict with other users.

* For more information on best practice, contact any of the organisations listed overleaf, or your local agent

Photography: L. Campbell, J. MacPherson, P. Moore, K. Ringland, S.Scott, B. Laughton, P. Warrener.