

During river works

- Comply with statutory rules and advice along with any other specialist advice. Fully implement method statements and any environmental or contingency plans.

After river works

- Some projects may require compliance monitoring post works.

Controlled Activities Regulations

The Water Environment (Controlled Activities) (Scotland) Regulations (CAR) require all activities in and around watercourses to be undertaken in compliance with one of four levels of authorisation. Even activities authorised by the two lowest levels, General Binding Rules and Registrations, can still significantly damage freshwater pearl mussels and their associated habitats. It's therefore **vital** to note that obligations to protect freshwater pearl mussels are not necessarily met through compliance with CAR. For larger scale works, the needs of freshwater pearl mussels are likely to be included in any licence conditions.

Bank protection and working in the river can seriously damage freshwater pearl mussels



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Photography: Ayrshire Rivers Trust, Peter Cosgrove and Sue Scott/SNH

ISBN: 978-1-85397-620-9

Further copies are available from: Publications,
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Scottish Natural Heritage

Freshwater Pearl Mussels

Guidance for working in and around
Scottish rivers



Why protect pearl mussels?

The freshwater pearl mussel is a fascinating species that is also very rare and threatened. Pearl mussels live in the bed of many of our rivers, making them extremely vulnerable to in-river working.

Scotland is one of their few remaining strongholds. Because they are so threatened, pearl mussels are fully protected under the law. It is a crime to intentionally or recklessly kill, injure, take or disturb freshwater pearl mussels or to damage their habitat.

Protection of the freshwater pearl mussel is a wildlife crime priority. You should ensure that any plans you have to work in rivers take account of freshwater pearl mussels.

Who is responsible?

This guidance is aimed at the wide range of people responsible for planning, advising on and carrying out river works in Scotland. This means anyone working in development and construction, or carrying out maintenance works in and around Scottish rivers. This includes developers, landowners, consultants, designers, construction workers and estate managers and workers. It summarises what should be done before, during and after undertaking river works to identify the presence of freshwater pearl mussels, and if present, to ensure they and their habitats are not harmed.

When?

If planning works in and around rivers then as well as requiring authorisation from the Scottish Environment Protection Agency (SEPA) you should ensure that your works will not affect freshwater pearl mussels. SEPA and Scottish Natural Heritage (SNH) will be able to advise on what needs to be done and provide details on any pearl mussel records. Failure to do so may mean you are breaking the law.

How development and construction can impact on freshwater pearl mussels

When planning and carrying out river works, the potential impact on freshwater pearl mussels can be determined by three factors:

1. The occurrence (distribution and abundance) of freshwater pearl mussels;
2. The ecological requirements of freshwater pearl mussels in the given locality; and
3. The nature and location of the planned works.

Many proposed river development and maintenance activities can impact on freshwater pearl mussels. Activities ranging from simple water crossings and fords to large-scale engineering works such as weirs and hydropower facilities can all cause significant damage to freshwater pearl mussels and their habitat.

Micro hydro schemes can adversely affect freshwater pearl mussels and their habitats



Modification of rivers and bridge building can damage freshwater pearl mussels



What to do?

Before undertaking river works

- Define nature and scale of planned works (inc. map and appropriate drawings);
- Consult with SEPA and SNH;
- If freshwater pearl mussels could be present, seek specialist ecological advice and commission appropriate standardised river survey;
- Allow sufficient time for consultations, surveys (which need to be undertaken between April and October) and reports to be completed to inform proposed plans;
- Use any specialist reports to develop method statements detailing appropriate methods and areas of working; and
- Consider using an Ecological Clerk of Works to ensure freshwater pearl mussels are properly protected.
- Include suitable mitigation if appropriate. Examples could be to avoid operating machinery in the river, not undertaking works in wetted areas of riverbed or managing erosion by means other than bank protection.