

## **Moray Framework, Cooper Park Mute Swan Species Protection Plan**



**January 2026**

# CONTROL SHEET

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 Report Title: Mute Swan Species Protection Plan  
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## EXECUTIVE SUMMARY

EnviroCentre Limited was commissioned by Moray Council to produce a Species Protection Plan (SPP) for Mute Swan (*Cygnus olor*) in regards to upcoming pond drainage and restoration works due to take place from February 2026. The SPP is requested in the knowledge that a pair of resident Mute Swans inhabit the pond at Cooper Park and nest on one of the islands within the pond.

The likely potential negative impacts to Mute Swan as a result of works include:

- Temporary loss or displacement of nesting territory as a result of works commencing during the 2026 nesting season.
- Damage/disturbance to an active nest during the 2026 breeding season due to vegetation clearance/tree management and boardwalk construction works.
- Increased vulnerability to predation as a result of pond drainage and vegetation removal which may enable land predators such as foxes, dogs and cats to gain access to swan resting and nesting spaces.
- Temporary loss of foraging/food resources as a result of pond drainage.
- Permanent damage to the existing nest mound (which may be reused after works are completed) as a result of tree management works on the British Isle Islands, which could reduce future nesting success, allow rival swans in the locale to attempt to move into the pond, or deter the resident pair from returning to nest completely.

The SPP details mitigation and compensation measures to minimise negative impacts to Mute Swan as a result of the works which include, but are not limited to:

- Prior to draining the pond, existing Swan ramps/ access to the islands should be removed/ blocked and visual deterrents (such as reflective tape and/ or windmills) may be installed on the islands to avoid Mute Swan use;
- The pond draining should occur before the beginning of March to avoid constraints relating to nesting Mute Swan;
- A pre-works check should be undertaken a minimum of 48 hours prior to initial drainage works commencing to confirm no nesting behaviour from the Mute Swans;
- To maximise preservation of pond weed, aquatic invertebrates and microorganisms present in the pond, temporary pond areas will be created and maintained with a minimum depth of 60cm;
- Access ramps should be installed around the pond-edge immediately after draining to allow the safe movement of swans out of the pond, preventing individuals becoming trapped if they were to fly in;
- It is recommended that any tree management works on the islands are undertaken outwith the nesting bird season (April-September) to avoid additional constraints pertaining to nesting birds; and
- An additional pre-works check should be undertaken a minimum of 48 hours prior to any tree/vegetation management works on the British Isle Islands and prior to the boardwalk installation works to confirm that the existing Mute Swan nest is inactive.
- If the existing nest mound is confirmed to be inactive, the structure should be clearly marked to prevent any structural damage or removal.

Enhancement actions are detailed in Section 3.3 and have been designed with the aim of improving habitat for Mute Swan in the area following the completion of the proposed pond works:

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- A Proposed Works Plan
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# 1 INTRODUCTION

## 1.1 Remit

EnviroCentre Limited was commissioned by Moray Council to produce a Species Protection Plan (SPP) for Mute Swan (*Cygnus olor*) in regards to upcoming pond drainage and restoration works. The SPP is requested in the knowledge that a pair of resident Mute Swans inhabit the pond at Cooper Park and nest on one of the islands within the pond.

## 1.2 Scope of Report

The aim of this report is to identify actions to avoid impacts to Mute Swans as a result of the pond drainage and restoration works, the objectives are as follows:

- Review information pertaining to the pond drainage and restoration works;
- Ascertain potential impacts to Mute Swans associated with the proposed works;
- Identify appropriate mitigation and compensation actions to avoid and reduce impacts to Mute Swans prior to and during works; and
- Outline any further enhancement measures for Mute Swans post-development in reference to available landscaping plans.

## 1.3 Legislation

Swans are protected by law under the Wildlife and Countryside Act (WCA) 1981 (as amended). Recent and significant changes have been made to the protection of wild birds in Scotland by The Nature Conservation (Scotland) Act 2004.

It is an offence to intentionally or recklessly<sup>1</sup>:

- Kill or injure any wild bird;
- Capture or keep [alive or dead] any wild bird;
- Destroy or take the egg of any wild bird;
- Sell or advertise for sale any wild bird or its eggs; and
- Destroy, damage, interfere with, take or obstruct the use of the nest of any wild bird while it is in use or being built.

## 1.4 Report Usage

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from EnviroCentre Limited.

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<sup>1</sup> Reckless acts include disregard of mitigation aimed at protecting birds, resulting in death, injury and/or disturbance of birds or their nests.

changes in data, best practice, guidance or legislation in the intervening period are integrated into an updated version of the report.

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## 2 BASELINE

### 2.1 Background

During a Preliminary Ecological Appraisal (PEA) undertaken on the 8<sup>th</sup> April 2025 by EnviroCentre<sup>2</sup>, a pair of Mute Swans were noted in the Pond at Cooper Park, one of which was sitting on a nest located on one of the islands included in the island cluster known as the 'British Isle Islands'. The pair are known by the general public to inhabit this pond and nest there each year and are able to access the islands using the existing ramp structures which are present on the islands.

Mute Swans usually mate for life, are intensely territorial and typically inhabit the same site for life. They are known to reuse existing nest mounds and will restore and build upon the mound year on year. The cob (male) exhibits highly aggressive behaviour during the nesting season and will attempt to protect the nest and the territory from any perceived threats. Mute Swans can start nest restoration/building from early March<sup>3</sup>. Egg laying can occur from mid-March until late May<sup>3,4</sup> and the incubation period lasts 35- 42 days<sup>5</sup>. Upon hatching the cygnets remain with their parents for several months, fledging around late September to early October upon their first flight however, some remain with their parents for their first winter<sup>3</sup>.

### 2.2 Proposed Works

The proposed works include the drainage of water from the pond in Cooper Park in early February 2026 and as of March 2026 the proposed works include the construction of a 2 metre (m) wide timber boardwalk, a 4mx9m dipping platform, a 4mx9m jetty/platform, tree management works on each of the islands, planting of aquatic plants and additional works to the paths surrounding the pond. These works are expected to continue throughout the year towards the end of 2026.

### 2.3 Potential Impacts to Mute Swan

The works have the potential to cause the following negative impacts to Mute Swans:

- Temporary loss or displacement of nesting territory as a result of works commencing during the 2026 nesting season.
- Damage/disturbance to an active nest during the 2026 breeding season due to vegetation clearance/tree management and boardwalk construction works.
- Increased vulnerability to predation as a result of pond drainage and vegetation removal which may enable land predators such as foxes, dogs and cats to gain access to swan resting and nesting spaces.
- Temporary loss of foraging/food resources as a result of pond drainage.
- Permanent damage to the existing nest mound (which may be reused after works are completed) as a result of tree management works on the British Isle Islands, could reduce

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<sup>2</sup> EnviroCentre Limited (2025). *Moray Framework, Cooper Park Preliminary Ecological Assessment*. 379866 Moray Framework Phase G Cooper Park.pdf

<sup>3</sup> Birkhead, M. E., and C. M. Perrins (1986). *The Mute Swan*. Croom Helm, London, UK.

<sup>4</sup> Kear, J., Editor (2005). *Ducks, Geese and Swans*. Volume 1: General Chapters, and Species Accounts (*Anhima* to *Salvadorina*). Oxford University Press, Oxford, UK.

<sup>5</sup> <https://scottishwildlifetrust.org.uk/2020/04/mute-swans/> (Accessed 08/01/2026)

future nesting success, encourage rival swans in the locale to attempt to move into the pond or deter the resident pair from returning to nest completely.

## 3 SPECIES PROTECTION PLAN

### 3.1 Assessment

The pair of Mute Swan are considered to be residents of the pond at Cooper Park, as they are known to reside there year round, and do not migrate. They are also used to high levels of human activity therefore, it is likely that they will hang around the pond even after it has been drained.

Successful nesting deterrence of a resident pair of Mute Swan in an area with lots of human activity can be challenging. Visual deterrents (such as reflective tape and windmills) should be deployed as soon as possible but the high degree of site-fidelity exhibited by Mute Swans can often cause them to ignore such deterrents. Exclusion fencing/netting has not been considered as a deterrent in this situation due to the significant risks to animal welfare (entanglement) and the added workload requirement of checking the fencing/netting three times each day to meet the best practice recommendations set out by CIEEM/RSPB<sup>6,7</sup> for exclusionary fencing and netting. This would also likely invoke a negative reaction from the general public. Once the pond has been drained and if existing ramps up to the islands are removed, it is highly unlikely that the swans will be able to gain access to the islands to nest due to the height of the vertical banks and the lack of suitable landing space on the islands.

There are also risks associated with grounding post-drainage as it is likely that the swans will gain access to the drained pond basin by flight. The vertical banks found in the basin will create a considerable 'step-up' which swans (who lack the ability of jumping/leaping as seen in other birds) will be unable to pass on foot. The substrate of the pond is unknown, but is likely muddy/rocky sediment which poses the risk of preventing grounded swans from reaching the speed required to take off, and if any rocks or large stones are present these present an additional trip hazard that could lead to an individual falling and sustaining serious injury such as a broken wing. The implementation of a small number of ramps around the pond perimeter would allow any grounded individuals to exit the pond basin safely.

There is a possibility that the pair may move and nest on the banks of the River Lossie however, this will be dependent on local population dynamics. If a different pair of Mute Swan are present and occupy the stretch of the River Lossie that borders Cooper Park, displacing the resident pair from the pond to the river would likely result in overtly aggressive behaviour (particularly between the two cobs) that can result in injury and even death. If another pair is not present in this stretch of the River Lossie then it is possible that the resident pair from the pond will attempt to nest on the riverbanks and may return to the pond upon re-filling.

It is important that the existing nest structure located within the 'British Isle Islands' is protected during development. It is likely that this pair have been using the same nest mound for a number of years, and by leaving it intact would hopefully encourage the pair to return to the pond upon re-filling for nesting in 2027.

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<sup>6</sup> <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/#:~:text=On%20nd%20April%202019,any%20removal%20by%20planting%20replacements.> (Accessed 08/01/2026)

<sup>7</sup> <https://www.rspb.org.uk/birds-and-wildlife/the-use-of-netting-to-stop-birds-nesting> (Accessed 08/01/2026)

## 3.2 Mitigation and Compensation

The following mitigation and compensation actions have been designed with the aim of minimising effects to Mute Swan in the area prior to and during the proposed pond works:

### Pre-Drainage:

- Prior to draining the pond, existing Swan ramps/ access to the islands should be removed/ blocked and visual deterrents (such as reflective tape and/ or windmills) may be installed on the islands to avoid Mute Swan use. This action should occur before the end of February.
- To maximise preservation of pond weed, aquatic invertebrates and microorganisms present in the pond, temporary pond areas with built up embankments, sloped to allow natural collection of rain water, will be created and maintained at a minimum of 60cm<sup>8</sup>;
- The pond draining should occur before the beginning of March to avoid constraints relating to nesting Mute Swan;
- A pre-works check should be undertaken a minimum of 48 hours prior to initial drainage works commencing to confirm no nesting behaviour from the Mute Swans and aim to confirm the best locations for the pond access ramps; and
- All contractors should be made aware of the presence of Mute Swan on site and in the wider landscape via a toolbox talk prepared by an ecologist and delivered as part of the site induction ahead of works commencing;

### During Works:

- Access ramps should be installed and maintained around the-pond-edge immediately after draining to allow the safe movement of swans out of the pond, preventing individuals becoming trapped if they were to fly in. Suggested locations are identified in Appendix B but will be confirmed during the pre- works check. A ramp can be purchased here <https://faunasupport.nl/en/new-swan-escape-ramps/>, or can be created utilising:
  - Pressure treated timber 3- 4ft wide with horizontal wooden cleats (thin strips of wood) every 4-6 inches to provide grip. Built at 4:1 or 5:1 ratio.
- Openings to Heras fencing should be easily accessible adjacent to access ramps, to allow easy movement of Mute Swans (or other wildlife) out of the working area;
- It is recommended that a staff gauge is installed to monitor water levels throughout the duration of the works, and water levels should be monitored on a weekly basis. If water levels drop below 45cm, they will require to be topped up with harvested rainwater or dechlorinated mains water;
- The design of the boardwalk should ensure that an area of open water at least 30-40 meters in length remains unobstructed to allow swans to comfortably take off and land (the design shown in Appendix A<sup>9</sup> adheres to this recommendation);
- Any plant/vehicular access on site must be made slowly and cognisant of the possibility of striking a Mute Swan. A maximum speed limit of 10mph is suggested;
- Ensure all rubbish and materials are collected and removed from site on a regular basis to prevent trapping or injuring wildlife;
- It is recommended that any tree management works on the islands are undertaken outwith the nesting bird season (April-September) to avoid additional constraints pertaining to nesting birds;
- An additional pre-works check should be undertaken a minimum of 48 hours prior to any tree/vegetation management works on the islands, surrounding the pond and prior to the boardwalk installation works to confirm an absence of nesting Mute Swans; and

<sup>8</sup> <https://www.lincstrust.org.uk/sites/default/files/2018-04/A3WildlifePondPack.pdf>

<sup>9</sup> Provided by the client in December 2025.

- If any works on the islands are required (i.e removing invasive species), nesting mounds should be marked out and retained and protected during works.

### 3.3 Enhancements

The following enhancement actions have been designed with the aim of improving habitat for Mute Swan in the area following the completion of the proposed pond works:

- Where invasive species of shrub are removed from the islands, with native shrubs and trees (in the same season) such as aspen (*Populus tremula*), bog myrtle (*Myrtica gale*) and hawthorn (*Crataegus monogyna*), and plant marginal species such as soft rush (*Juncus effusus*) and bottle sedge (*Carex rostrata*) should be planted within the same season that the INNS are removed to maintain wildfowl nesting habitat and restrict avian predation.
- Install permanent/ improved sloped access to the islands to allow young waterfowl access to refuge spaces.
- Replace areas of reedmace (*Typha latifolia*) with alternative, less vigorous species such as soft rush, bottle sedge and lesser spearwort (*Renunculus flammula*) that do not require regular maintenance.
- Where trees are to be removed on the islands and in the area surrounding the pond aspen (*Populus tremula*) should be planted as a replacement to provide disease free alternatives to ash (*Fraxinus excelsior*), that offers similar biodiversity benefits .

# APPENDICES

# **A PROPOSED WORKS PLAN**



**Pond Area Proposals**

1. Aquatic plants planted in 300mm deep raised planter.
2. Aquatic plants planted in base of pond.
3. 2m wide Hot Rolled Asphalt (HRA) path to replace existing Monobloc path.
4. 3m wide HRA path to replace existing Monobloc path.
5. New 2m wide HRA path, seating and tree planting.
6. 3m wide HRA path to replace existing circuit path Inc. SUDS swale.
7. New 3m wide HRA path link.
8. New HRA paths to replace existing.
9. 2m wide timber boardwalk.
10. 4m wide 9m long dipping platform.
11. 4m wide 9m long jetty/platform.
12. Tree management on British Isle islands.
13. Tree management on large island.
14. 1.8m wide HRA surface on Cellweb system to replace existing path.
15. New headwall at pond outlet.
16. Cosmetic repairs to existing kiosk and add graphic panels.
17. Refurbish and relocate existing finger sign post and relocate bin.

Refer to layouts L03 for south, L04 for north and L09 for south-east pond extracts.

| REV. | DESCRIPTION                            | APP. DATE   |
|------|--|-------------|
| K    | Boardwalk, platform and jetty updated. | MB 03/12/25 |



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**LEGEND**

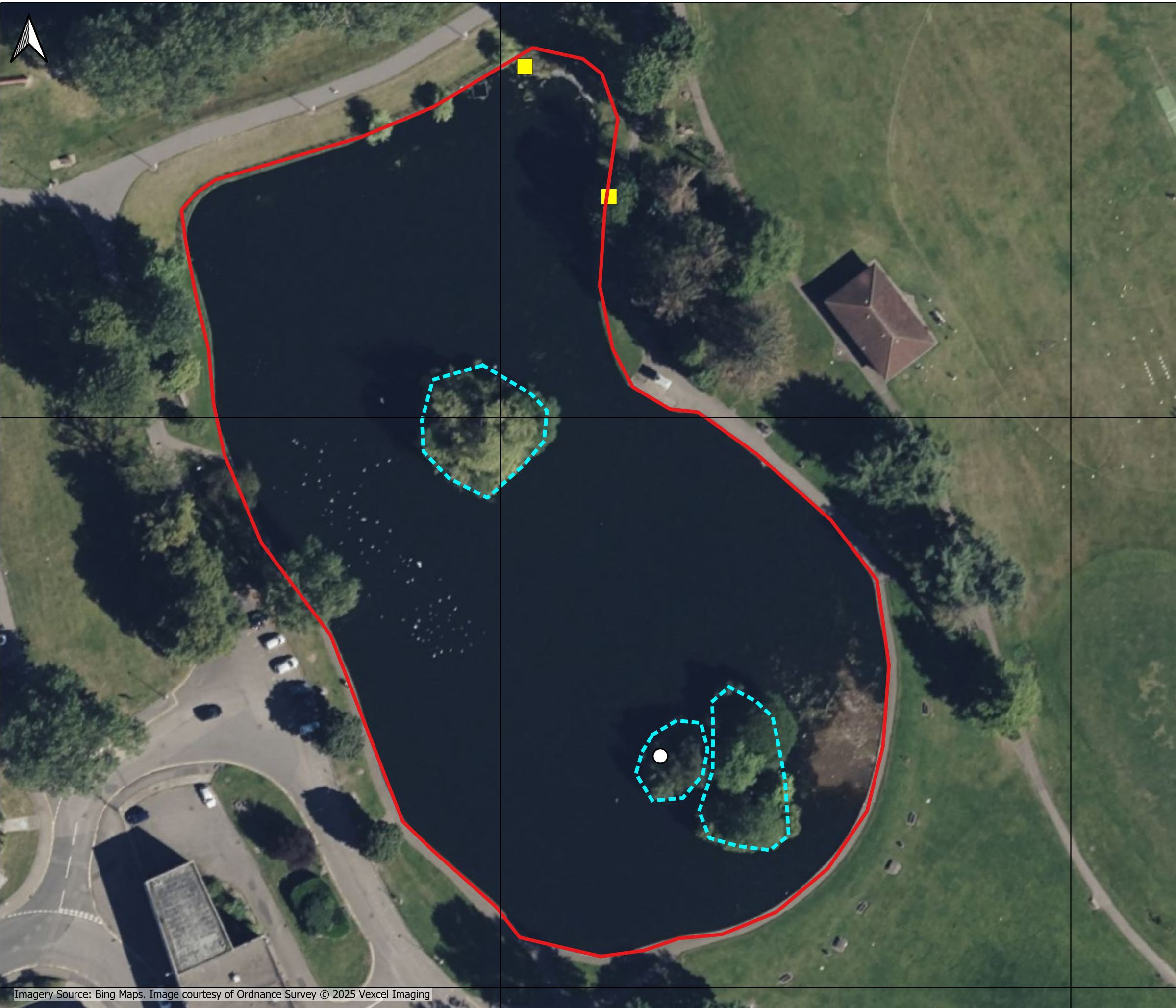
- Existing flood alleviation bund
- Existing tree retained
- Root Protection Area (RPA) in accordance with BS5837:2012
- Existing tree removed due to development
- Existing tree removed due to condition
- Existing hedge retained
- Existing kerb/extent of hardstanding
- Asphalt surface
- Aluminium edging kerb
- PCC edging kerb
- Timber edging kerb
- 300mm deep planter filled with low nutrient subsoil
- PCC cope to Pond edge
- Timber boardwalk
- Timber handrail to boardwalk, jetty and dipping platform
- Cellweb structure below HRA path
- Bench seat on granite cubes
- Picnic bench on granite cubes
- Aquatic planting
- SUDS swale
- Deciduous tree
- Evergreen tree
- Existing street light
- Existing CCTV column
- Existing sign/bollard
- Project information board (supplied and installed by the client)
- Pond Area



|          |                                       |
|----------|---------------------------------------|
| CLIENT   | Moray Council                         |
| PROJECT  | CPI Phase 2                           |
| TITLE    | Pond Area                             |
|          | Pond Layout                           |
| JOB      | P175                                  |
| LI STAGE | F-H Production Information and Tender |
| STATUS   | Tender                                |
| SCALE@A3 | 1:1,000                               |
| DATE     | 23/11/21                              |
| DRG. No. | L02                                   |
| REVISION | K                                     |

No dimensions are to be scaled from this drawing.  
All dimensions are to be checked on site.  
Area measurements for indicative purposes only.  
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# **B MUTE SWAN NEST LOCATION PLAN**



**Legend**

- Pond Boundary
- Mute Swan Nest  
(Approximate Location)
- Visual Deterrent Placement
- Swan Access Ramp Suggested Locations

Do not scale this map

**Client**  
Moray Council

**Project**  
Moray Framework - Cooper Park

**Title**  
Mute Swan Nest Location Plan

**Status**  
FINAL

|                                      |                      |                          |
|--------------------------------------|----------------------|--------------------------|
| <b>Drawing No.</b><br>379866-QGIS019 | <b>Revision</b>      | <b>Date</b><br>27 Jan 26 |
| <b>Drawn</b><br>CM                   | <b>Checked</b><br>GN | <b>Approved</b><br>GN    |

**Scale**  
1:650 @ A3 0 10 20 m

| Rev | Date | Amendment | Initials |
|-----|------|-----------|----------|
| -   | -    |           | -        |

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