

AGENDA ITEM 6

APPENDIX 2

2016/0434/DET

HABITAT REGULATIONS APPRAISAL

Habitats Regulations Assessment

2016/0434/DET

Land South of Dellmhor, Rothiemurchus

Introduction

This is a record of the assessment under regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for the planning application 2016/0434/DET made by Albyn Housing Society. The development is for the erection of 6 affordable dwellings, provision of access from main road, at land south of Dellmhor, Inverdrurie, Rothiemurchus.

The proposal is situated in the village of Inverdrurie and is sited on the main road from Aviemore to Glenmore. The site comprises of a small plot of land wedged in between the main road and the minor road that leads to Tullochgrue.

The residency level for 6 houses, comprises of 4x 2 bedroom and 2x 1 bedroom properties within the proposal is predicted to increase the population of Inverdrurie between 12 and 20, depending on occupancy levels. The proposal will result in an increase in residency in this area and has potential to increase recreation levels in the Cairngorms SPA, particularly as it 280m from the proposal. There is a footpath link into the Cairngorms SPA on the Tullochgrue road, which is a short walk from the proposal. The Rothiemurchus campsite, situated 1km to the east, links to the proposal via the Old Logging Way cycle and footpath – from the campsite there is also direct access into the Cairngorms SPA.

Background to the assessment

The principal documents which have been taken into account for this assessment are:

- Proposed Site Plan – Albyn Housing Society, I530.PL.01.13 (30th June 2017)
- SNH Response dated 4th May 2017
- Capercaillie Framework data

Table 1. Stages of Assessment

Stages of Assessment	
Stage 1	Decide whether proposal is subject to HRA
Stage 2	Identify Natura Sites that should be considered and gather information about the Natura Sites
Stage 3	Consultation on the method and scope of the appraisal with SNH and others. Request additional information from applicant if required.
Stage 4	Screening the proposal for likely significant effects on Natura sites including mitigation measures included within the proposal
Stage 5	Screen for “in combination effects” with other plans or projects
Stage 6	Appropriate Assessment to determine effect upon conservation objectives. Preliminary conclusion about adverse effect upon the integrity of any site.
Stage 7	Consultation with SNH (and others if considered appropriate)
Stage 8	Apply additional mitigation measures, if required, via conditions or agreements to ensure that there is no adverse effect on site integrity
Stage 9	Conclusion on Integrity test
Stage 10	Regulation 49 derogation procedures. This only applies if adverse effects remain and Competent Authority still wishes to approve the application

Stages 1-5 describing the Natura sites and Screening

The proposed development is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to assessment under the terms of Directive 92/43/EEC.

Stages 2: Identification of Natura Sites and gathering their details

The list below is those sites that have been taken forward to screening for likely significant effects. See Appendix I for details on each site and its qualifying features.

Special Protection Area (SPA)

Cairngorms SPA
Abernethy Forest SPA

Kinveachy Forest SPA
Craigmore Wood SPA
Anagach SPA

Other sites were considered but have not been taken forward. For example, River Spey SAC was not considered due to the distance from the proposal and lack of connectivity. Cairngorms SAC was not considered due to no foreseen impacts on habitat. There are no watercourses within or in close proximity to the proposal, therefore otter (a qualifying feature of the Cairngorms SAC) are not considered to be impacted.

Stage 3: Discussions on the method and scope of the appraisal and requests for additional information

Advice has been sought from SNH as to the scope of the appraisal and the likely impacts of the proposal on neighbouring designated areas.

Stage 4: Screening the proposal for likely significant effects

The effects identified are discussed in Table 3 below.

Table 3. Screening for LSE from Land SE of Heatherbank, Rothiemurchus development

Cairngorms SPA					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome
Capercaillie	Increase in recreational activity within Cairngorm SPA from residents of new development. This is a direct effect on the Cairngorms SPA.	Disturbance to lekking, brood rearing and feeding habitats from recreational activity	Permanent	<p>A small increase in use of the SPA which lies immediately adjacent to the site and has a right of way linking the site to the SPA.</p> <p>The proposal has easy access on foot or by cycle to the Cairngorms SPA, either via the Tullochgrue road (670m), or via the Old Logging Way (1km).</p> <p>Additional 6 houses (equates to an additional maximum of 20 people) is likely to increase recreation activity within the SPA and therefore increase disturbance to capercaillie.</p>	Likely Significant effect
	Increase in recreation in other SPAs that support capercaillie. This is an indirect effect on the Cairngorms SPA.	Increased recreation in neighbouring SPAs, leading to a reduction in productivity in neighbouring SPAs, reducing the viability of the meta population through decreased migration and increased habitat fragmentation. This could have an effect upon the	Permanent	<p>Abernethy Forest (approx. 6.5km away) – potential small increase in occasional use of western side of SPA at weekends including walking with dogs. This part of the SPA already attracts approximately 40,000 visitors per annum to visitor centre. The area is managed by RSPB to minimise effects by visitors, as far as possible, through encouraging use of promoted paths which are out with key habitat and lekking sites. The RSPB currently deploys Trail Wardens to raise awareness of these issues with a particular</p>	No effect

		Cairngorms SPA	<p>emphasis on dog ownership and recreation. Lodge road is closed to vehicular traffic early in mornings during lekking season. The effects are considered to be general and largely on brood rearing habitat. However there are two lekking sites within 100m of main paths. Effect from additional occupants of 6 houses 6.5km away not likely to have an effect over and above existing recreation levels.</p> <p>Anagach Woods (approx. 20km away) - SPA is already well used from Grantown residents (circa 2,200) and has promoted paths. Distance from development means this SPA is not likely to be a significant target destination, therefore increased recreation pressure from the proposal is not likely. Effect from additional occupants of 6 houses 20km away not likely to have an effect.</p> <p>Craigmore Wood (approx. 15km away) - this SPA is not a popular destination with one promoted path which skirts southern edge and no core paths. The proposal is not likely to generate significant increase in users to paths; distance from development means it is unlikely to be a significant target destination. Effect from additional occupants of 6 houses 15km away not likely to have an effect.</p> <p>Kinveachy Forest (approx. 3.5km away) – This SPA is relatively close to the proposal, however walking or cycling through Aviemore is less attractive than using adjacent areas and this is likely to limit the overall increase to well below that expected for this distance. Alternative routes through Craigellachie NNR are well promoted and may ‘intercept’ significant proportion of</p>	
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				<p>potential walkers from the proposal. Increase in occupancy from additional 6 houses not likely to have an effect over and above existing recreation levels.</p> <p>In summary, an increase population at Inverdrurie of 6 houses, is not likely to increase the levels of recreation at the above SPAs over and above the existing level of recreation. This means that disturbance to capercaillie in these SPAs is not likely to increase, therefore the populations of capercaillie in these SPAs will not be effected and subsequently, any indirect impacts on the Cairngorms SPA through reduced movement of birds is not likely.</p>	
	Construction activity	Disturbance from construction on site and use of minor road to Blackpark for construction traffic	Temporary	The proposal is taking place 280m from SPA, but is remote from main lekking and brood rearing areas. The proposal lies within a settlement area that also experiences high numbers of visitors and traffic and is not used by capercaillie.	No effect
Scottish Crossbill	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that species affected by recreational disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	No effect
Osprey	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by Rothiemurchus Estate. General recreation managed by FCS and Rothiemurchus to encourage recreational access to promoted paths away from nest sites.	No effect

Dotterel	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development of 6 additional houses is not likely to have an effect.	No effect
Golden eagle	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development to the SPA is likely to be very small and restricted to walkers and a few cyclists. Eagle nests are already in view of footpaths so some habituation is likely. The number of visits generated by additional 6 houses not likely to have an effect.	No effect
Merlin	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are in remote upland sites in heather moorland. The number of visits from 6 additional houses is not likely to have an effect.	No effect
Peregrine	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are usually on inaccessible cliff faces away from footpaths, though sometimes within sight. Tolerance to people varies between individual birds but habituation is significant in other sites near to Aviemore. The number of visits from 6 additional houses is not likely to have an effect.	No effect

Kinveachy Forest SPA, Abernethy SPA, Craigmore Wood SPA, Anagach Woods SPA					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome
Capercaillie (all sites)	Increase in recreation in other SPAs that support capercaillie. This is a direct on these SPAs.	Increased recreation in neighbouring SPAs, leading to a reduction in productivity in neighbouring SPAs, reducing the viability of the meta population through decreased migration and increased habitat fragmentation. This could have an effect upon the Cairngorms SPA	Permanent	<p>Abernethy Forest (approx. 6.5km away) – potential small increase in occasional use of western side of SPA at weekends including walking with dogs. This part of the SPA already attracts approximately 40,000 visitors per annum to visitor centre. The area is managed by RSPB to minimise effects by visitors, as far as possible, through encouraging use of promoted paths which are out with key habitat and lekking sites. The RSPB currently deploys Trail Wardens to raise awareness of these issues with a particular emphasis on dog ownership and recreation. Lodge road is closed to vehicular traffic early in mornings during lekking season. The effects are considered to be general and largely on brood rearing habitat. However there are two lekking sites within 100m of main paths. Effect from additional occupants of 6 houses 6.5km away not likely to have an effect over and above existing recreation levels.</p> <p>Anagach Woods (approx. 20km away) - SPA is already well used from Grantown residents (circa 2,200) and has promoted paths. Distance from development means this SPA is not likely to be a significant target destination, therefore increased recreation pressure from the proposal is not likely. Effect from additional occupants of 6 houses 20km away not likely to have an effect.</p> <p>Craigmore Wood (approx. 1.5km away) - this SPA</p>	No Effect

				<p>is not a popular destination with one promoted path which skirts southern edge and no core paths. The proposal is not likely to generate significant increase in users to paths; distance from development means it is unlikely to be a significant target destination. Effect from additional occupants of 6 houses 15km away not likely to have an effect.</p> <p>Kinveachy Forest (approx. 3.5km away) – This SPA is relatively close to the proposal, however walking or cycling through Aviemore is less attractive than using adjacent areas and this is likely to limit the overall increase to well below that expected for this distance. Alternative routes through Craigellachie NNR are well promoted and may ‘intercept’ significant proportion of potential walkers from the proposal. Increase in occupancy from additional 6 houses not likely to have an effect over and above existing recreation levels.</p> <p>In summary, an increase population at Inverdrurie of 6 houses, is not likely to increase the levels of recreation at the above SPAs over and above the existing level of recreation. This means that disturbance to capercaillie in these SPAs is not likely to increase, therefore the populations of capercaillie in these SPAs will not be effected and subsequently, any indirect impacts on the Cairngorms SPA through reduced movement of birds is not likely.</p>	
Capercaillie (all sites)	Increase in recreation in Cairngorm SPA, increased	A reduced dispersal of birds from Cairngorm SPA into these SPAs, thus reducing the viability and productivity	Permanent	Above screening for the Cairngorms SPA shows a Likely Significant Effect on the capercaillie in the Cairngorms SPA. This means that the capercaillie populations of the neighbouring SPAs could be	Likely Significant Effect

	disturbance reducing productivity and subsequently a reduction in dispersal rate to these SPAs. This is an indirect effect on these SPAs.	in these SPAs.		affected.	
Scottish crossbill (Kinveachy only)	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that species affected by disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	No effect
Osprey (Abernethy and Cairngorm only)	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by RSPB. General recreation managed by RSPB to encourage recreational access to promoted paths away from nest sites.	No effect

Stage 5: In-combination effects

There are no Likely Insignificant Effects (Minor Residual Effects) identified during the screening process, therefore there are no in-combination effects.

Stages 6–10 Assessment and Conclusions

Stage 6: Appropriate Assessment

The proposals have been screened in Stages 4 and 5. It was found that for some Natura sites there were likely significant effects upon the qualifying interests. Consequently the following appropriate assessment is required to ascertain the implications for the conservation objectives for each site. The affected sites identified are:

- Cairngorms SPA – LSE due to increased recreation and therefore increased disturbance to capercaillie
- Abernethy Forest SPA – LSE due to an LSE on the Cairngorms SPA, leading to indirect effect on capercaillie population within this SPA
- Kinveachy Forest SPA - LSE due to an LSE on the Cairngorms SPA, leading to indirect effect on capercaillie population within this SPA
- Craigmore Wood SPA - LSE due to an LSE on the Cairngorms SPA, leading to indirect effect on capercaillie population within this SPA
- Anagach SPA - LSE due to an LSE on the Cairngorms SPA, leading to indirect effect on capercaillie population within this SPA

Cairngorms SPA

Qualifying species and conservation status

Capercaillie: Favourable Maintained
Peregrine: Favourable Maintained
Dotterel: Unfavourable Declining
Golden eagle: Favourable Maintained
Osprey: Favourable Maintained

From SNH Site Link, 05/05/2017

Conservation objectives

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within the site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting process of habitats supporting the species

- No significant disturbance of the species

Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

Capercaillie: Likely Significant Effect

Peregrine: No Effect

Dotterel: No Effect

Golden Eagle: No Effect

Osprey: No Effect

Will the development adversely affect the site's conservation objectives?

In this assessment, the implications of the planning application for the site's conservation objectives are assessed in order to answer the question: "Can it be ascertained that the proposal will not adversely affect the integrity of the site?"

The over-arching conservation objective of SPAs is to avoid deterioration of the habitats of the qualifying species, or significant disturbance to the qualifying species, thus ensuring that the integrity of the sites is maintained. This over-arching conservation objective can be broken down into the following detailed elements:

To ensure that the following are maintained in the long term for the qualifying species:

1. Population of the species as a viable component of the sites
Distribution of the species/habitat within sites
2. Distribution and extent of habitats supporting the species
Structure, function and supporting processes of habitats supporting the species
3. No significant disturbance of the species

Assessment against the Conservation Objectives

Capercaillie

1. Population of capercaillie as a viable component of the sites

The proposal lies adjacent to the Cairngorms SPA and will include the retention of an access path through the site which will provide access for residents into the SPA. There is potential for increased recreation within the SPA as a result of the proposal, and therefore increased disturbance to capercaillie.

The housing proposal of 6 houses will result in a small increase in the population of this area (a maximum of 20 if all bedrooms are occupied, based on families with children). Residents are likely to use woodland around the proposal for recreation, and the proximity of the Old Logging Way and footpaths linking from the Tullochgrue road will encourage recreation in this area. Therefore it is likely that there will be an increase in recreational use of the designated woodland close to the site.

Increased levels of recreation could lead to increased disturbance of capercaillie, leading to

displacement of birds which could impact on the population of birds in the Cairngorms SAC.

The Cairngorms SPA, which comprises of Glenmore (FCS) and Rothiemurchus estate, receives approximately 500,000 visitors annually. The area is well managed by FCS and Rothiemurchus to minimise possible effects by visitors through encouraging use of promoted paths which are out with key capercaillie habitat and lekking sites. Lek sites within SPA are generally remote or in quieter areas away from footpaths. The nearest lek is 2.5km away on foot, is away from footpaths and is not in a well visited area. Brood rearing habitats more extensive though generally away from busy areas. Well established footpath network around SPA means that informal paths are unlikely to be developed. Both FCS and Rothiemurchus manage the woodland for capercaillie and manage visitor access through signage, path location and other promotion to avoid key areas for birds.

The designated woodland close to the site, within the Cairngorms SPA, forms part of the Rothiemurchus estate. There is an established network of paths and trails that are well used by local people and visitors for recreation. The areas within easy reach of the proposal include Lochan Mor, Loch an Eilein and the Larig Ghru trail. These areas are accessed via well-established paths and are already very popular for recreational activities. There are no leks, no brood rearing areas, and low incidences of sightings in this area.

The scale and type of proposal is such that it is not likely that existing patterns of recreation in the local area will change.

In conclusion, it is considered that the site will not have an adverse impact on the population of capercaillie because:

- The expected increase in the local population through the proposal is small in comparison with the numbers already recreating in this area. The patterns of recreation are not likely to differ from existing patterns of use
- The proposal is located within Inverdrurie in an area already well used for recreation

Conclusion

We have considered the advice provided by SNH and conclude that the proposal to build 6 houses at Land South of Dellmhor, Inverdruri, will not have an adverse effect on this conservation objective.

2. Distribution and extent of habitats supporting capercaillie and structure, function and supporting processes of habitat supporting capercaillie

The proposal site is not designated as part of the SPA and lies 280m as the crow flies from the SPA boundary. Due to the proximity of a road, dwellings, the village of Inverdrurie and high levels of recreational use, this woodland neighbouring the site is not likely to be used by capercaillie. Therefore there is no loss of habitat supporting capercaillie through the proposal.

Conclusion

It is concluded that there is no adverse impact on this conservation objective.

3. No significant disturbance of capercaillie

The proposal lies 280m from the Cairngorms SPA and is adjacent to access links for residents into the SPA. There is potential for increased recreation within the SPA as a result of the proposal, and

therefore increased disturbance to capercaillie.

The housing proposal of 6 houses will result in a small increase in the population of this area (a maximum of 20 if all bedrooms are occupied, based on families with children). Residents are likely to use woodland around the proposal for recreation, and the adjacent Old Logging Way and Tullochgrue road provide access into the SPA. Therefore it is likely that there will be an increase in recreational use of the designated woodland adjacent to the site. Increased levels of recreation could lead to increased disturbance of capercaillie, leading to displacement of birds which could impact on the population of birds in the Cairngorms SPA.

The nearest lek is 2.5km away on foot, is away from footpaths and is not in a well visited area. Other leks are generally remote from footpaths in quite, hard to access areas. Brood rearing habitats are more extensive though generally away from busy areas.

The areas within easy reach of the proposal include Lochan Mor, Loch an Eilein and the Larig Ghru trail. These areas are accessed via well-established paths and are already very popular for recreational activities. There are no leks, no brood rearing areas, and low incidences of sightings in this area.

Given the scale of the proposal, its location and distance away from leks and brood rearing areas, the development of 6 houses is not likely to cause disturbance to capercaillie over and above existing levels.

Conclusion

We have considered the advice provided by SNH and conclude that the proposal at Land South of Dellmhor, Inverdrurie, will not have an adverse effect on this conservation objective.

Additional mitigation

No additional mitigation is deemed necessary.

Likely insignificant effects

No Likely insignificant effects (minor residual effects) have been identified.

Conclusion on site integrity

There will not be an adverse effect upon the integrity of the Cairngorms SPA

Abernethy SPA, Anagach Woods SPA, Craigmore Woods SPA, Kinveachy SPA

Qualifying species and conservation status

Capercaillie: Unfavourable Declining – Anagach, Craigmore
Capercaillie: Favourable Maintained – Abernethy, Kinveachy
Scottish crossbill (Kinveachy and Abernethy only): Favourable Maintained
Osprey (Abernethy only): Favourable Maintained

SNH SCM report (SNH Site Link as of 05/05/2017)

Conservation objectives

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within the site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting process of habitats supporting the species
- No significant disturbance of the species

Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

Capercaillie: Likely Significant Effect
Peregrine: No Effect
Dotterel: No Effect
Golden Eagle: No Effect
Osprey: No Effect

Will the development adversely affect the site's conservation objectives?

In this assessment, the implications of the planning application for the site's conservation objectives are assessed in order to answer the question: "Can it be ascertained that the proposal will not adversely affect the integrity of the site?"

The over-arching conservation objective of SPAs is to avoid deterioration of the habitats of the qualifying species, or significant disturbance to the qualifying species, thus ensuring that the integrity of the sites is maintained. This over-arching conservation objective can be broken down into the following detailed elements:

To ensure that the following are maintained in the long term for the qualifying species:

3. Population of the species as a viable component of the sites
Distribution of the species within sites
4. Distribution and extent of habitats supporting the species
Structure, function and supporting processes of habitats supporting the species
4. No significant disturbance of the species

Assessment against the Conservation Objectives

A Likely Significant Effect was found during screening on the SPAs above, indirectly, via a Likely Significant Effect on the Cairngorms SPA and on capercaillie. A direct Likely Significant Effect on the

above SPAs was not found during screening.

Capercaillie

1. Population of capercaillie as a viable component of the sites and distribution of capercaillie within the Special Protection Areas

Capercaillie exist as a meta-population and birds frequently move from site to site. A Likely Significant Effect was identified on the Cairngorms SPA at screening (stage 5). However when considered within the appropriate assessment above it was concluded that there was no adverse impact on the Cairngorms SPA. Consequently an indirect effect cannot happen on the neighbouring SPAs.

Conclusion

We conclude that there will be no adverse effect upon this conservation objective for the Abernethy Forest SPA, Anagach Woods SPA, Kinveachy SPA and Craigmore SPA.

2. Distribution and extent of habitats supporting capercaillie and structure, function and supporting processes of habitat supporting capercaillie

The proposal site is not designated as part of the SPA and lies 280m as the crow flies from the SPA boundary. Due to the proximity of a road, dwellings, the village of Inverdrurie and high levels of recreational use, this woodland neighbouring the site is not likely to be used by capercaillie. Therefore there is no loss of habitat supporting capercaillie through the proposal.

The Appropriate Assessment for the Cairngorms SPA above found there was no adverse impact on this conservation objective for Cairngorms SPA. Consequently an indirect effect cannot happen on the neighbouring SPAs.

Conclusion

We conclude that there will be no adverse effect directly upon this conservation objective for the Abernethy Forest SPA, Anagach Woods SPA, Kinveachy SPA and Craigmore SPA.

3.No significant disturbance of capercaillie

This would be a direct effect of disturbance of the birds within these SPAs by the residents of the proposal. This was screened out at Stage 4 above.

Conclusion

We conclude that there will be no adverse effect upon this conservation objective.

Additional mitigation

No additional mitigation deemed necessary

Likely insignificant effects

No Likely insignificant effects (minor residual effects) have been identified.

Conclusion on site integrity

There will not be an adverse effect upon the integrity of the Abernethy Forest SPA, Anagach Woods SPA, Kinveachy Forest SPA and Craigmore Woods SPA.

Stage 7: Consultation

Regulation 48(3) requires the authority to consult with the appropriate conservation body and to have regard to their representations. This is in such cases where a Likely Significant Effect is identified and an Appropriate Assessment is undertaken. In Scotland SNH is the appropriate conservation body and this report has been subject to consultation with SNH.

Stage 8: Additional mitigation

No additional mitigation is required.

Stage 9: Conclusion on the integrity test

This assessment based upon the best available scientific evidence and advice offered from SNH has shown that there is not a likely significant effect from the proposed development upon the qualifying features or the conservation objectives for the following Natura sites:

- Abernethy Forest SPA
- Anagach Woods SPA
- Cairngorms SPA
- Craigmore Wood SPA
- Kinveachy Forest SPA

We therefore conclude that the proposed development will not adversely affect the integrity of any of these sites.

Stage 10: Section 49 (derogation)

The conclusion that there is no adverse effect upon the integrity of any of the Natura sites covered in this report means that regulation 49 is not relevant.

References

Habitat Regulations process

Council Directive 92/43/EEC “the Habitats Directive” EEC adopted 1992

Managing Natura 2000 sites – EU communities 2000

Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC - EC 2007

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Welsh Assembly Government TAN 5: Nature Conservation and Planning - 2009

Habitat Regulations Appraisal of Plans – Guidance for Plan Making Bodies in Scotland SNH/DTA
August 2012 (Version 2.0)

Other sources

Capercaillie Framework data (accessed 09/08/2016)

Cairngorms National Park Core Paths Plan 2015

CRAGG Visitor, visitor infrastructure and tourism Audit. Robinson 2013

Cairngorms Outdoor Access Strategy – Active Cairngorms - 2016

Wilson, V. and Stewart, D. 2013. Scottish Recreation Survey: Annual summary report 2012.
Scottish Natural Heritage Commissioned Report No. 604.

Appendix I

Details of Natura 2000 sites within, or adjacent to, the proposed development site

Name of European Site	Cairngorms
Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species</p>
Qualifying Species	Capercaillie, Scottish crossbill, Peregrine, Dotterel, Merlin Golden eagle, Osprey.
Site Condition	<p>Capercaillie: Favourable Maintained Peregrine: Favourable Maintained Dotterel: Unfavourable Declining Golden eagle: Favourable Maintained Osprey: Favourable Maintained</p> <p>From SNH SiteLink, 05/05/2017</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities</p> <p>Wind farms could impact on young golden eagles, given their mobility</p>

Name of European Site	Kinveachy Forest
Site Type	Special Protection Area
Conservation	To avoid deterioration of the habitats of the qualifying species

Objectives	(listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long-term: Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species
Qualifying Species	Capercaillie, Scottish crossbill
Site Condition	Capercaillie: Favourable Maintained From SNH SiteLink, 05/05/2017
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	Abernethy Forest
Site Type	Special Protection Area
Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long-term: Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species
Qualifying Species	Capercaillie, Scottish crossbill, Osprey.
Site Condition	Capercaillie: Favourable Maintained

	Osprey: Favourable Maintained Scottish Crossbill: Favourable Maintained From SNH SiteLink, 05/05/2017
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	Craigmore Wood
Site Type	Special Protection Area
Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long-term: Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species
Qualifying Species	Capercaillie
Site Condition	Capercaillie: Unfavourable Declining From SNH SiteLink, 05/05/2017
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	Anagach Woods
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Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species</p>
Qualifying Species	Capercaillie
Site Condition	<p>Capercaillie: Unfavourable Declining</p> <p>From SNH SiteLink, 05/05/2017</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.</p>

Appendix 3

Glossary of terms and abbreviations

Appropriate Assessment (AA)	The part of the Habitats Regulations Assessment process that considers the effects of an aspect of a plan upon the conservation objectives for a Natura site.
CNPA	Cairngorms National Park Authority
CNAP	Cairngorms Nature Action Plan
Competent Authority	The decision making body required under the Habitats Directive to undertake HRA. This includes Scottish Government, National Park Authorities, SNH, SEPA or Local Authorities.
CPP	Core Paths Plan
Habitats Regulation Assessment (HRA)	The whole appraisal process for determining effects upon Natura Sites. It includes Appropriate Assessments. It is a requirement by the Habitats Directive that competent authorities carry out HRAs where a plan or project affects a Natura site.
CLDP	Draft Cairngorms National Park Local Development Plan
Likely Significant Effect	An adverse effect of the development upon a qualifying interest or conservation objective that is considered to be potentially severe enough as to threaten the integrity of the Natura site itself.
Natura Sites	Collective term for Special Protection Areas and Special Areas of Conservation
Ramsar sites	Ramsar sites are wetlands of international importance designated under the Ramsar Convention 1971. Not technically Natura sites they are however usually also SPAs. They are included within the HRA process by policy.
Special Area of Conservation (SAC)	An area designated for the protection of habitats and species. Authorised under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (commonly called the “Habitats Directive”). One of three designation to be considered in a HRA
Special Protection Area (SPA)	An area designation for the protection of birds. Authorised by the Directive 2009/147/EC of the European Parliament and of the Council (commonly called the “Birds Directive”). One of three designation to be considered in a HRA