

**08/241/CP**

PLANNING APPLICATION AT  
THE AVIEMORE CENTRE, GRAMPIAN ROAD,  
AVIEMORE

**APPENDIX 5**

**CNPA  
NATURAL HERITAGE  
CONSULTATION  
RESPONSE**

## Natural Heritage planning consultation response

Site: Aviemore Highland Resort	
Development: Master Plan	
Drawings: MP-001 MP-002	
Application No: 08/241	
Planning Case officer: Don McKee	NH Case officers: David Hetherington
Date received: 15/07/08	Response date: 29/07/08

### Ecology response

This response should be considered in conjunction with my earlier one from December 2007 as many of the points I made then still apply. This includes the need to maintain the Milton Burn as a green corridor for wildlife movement, enhanced with the planting of appropriate, local-origin native species.

- **Conservation**

#### Woodland

The most recently submitted drawings show that up to 40 lodges have been proposed for the wooded southern end of the site. As this is a new proposal, I will focus on woodland issues on this part of the application site. This area is marked on the Semi-natural Ancient Woodland Inventory and is covered by a Tree Protection Order. However in ecological terms, the woodland is not homogeneous and can be subdivided into two different habitats.

The area to the east side of the existing lodges is dominated by mature Scots pine with occasional exotic conifers and some smaller broadleaves. Apart from some patches of nettle and willowherb, there is little understorey and, as a result of shading, excessive rabbit grazing and human disturbance, the ground flora is both low in sward height and unremarkable in species composition. The ecological value of this wooded area therefore lies specifically with the trees themselves.

It is clear that red squirrels use this site, as I observed one climbing a pine on site on 31<sup>st</sup> July. Indeed, the developer's mammal surveyor, Steve Austin, has recorded four red squirrel dreys in Scots pines considered by him to be in the area of risk from the proposed works. Three of these are located at the southern end of the AHR site which is proposed for lodges. Red squirrel dreys are protected by the Nature Conservation Scotland Act from both intentional and reckless disturbance and destruction. In order to prevent an offence from being committed, any proposed development should avoid disturbing dreys, particularly as no licensing mechanism currently exists. The mitigation measures suggested in Steve Austin's report seem a reasonable way of minimising the likelihood of disturbance. However, red squirrels can construct new dreys in a matter of days so it is quite possible for the picture to change regarding drey abundance, distribution and condition prior to any development activity taking place. Furthermore, it can be very hard to spot dreys, particularly when they are located high up and amongst dense growth. It is therefore

possible that some dreys remain undetected. Should the application be successful and tree felling be permitted, then it should be conditioned that trees across the site be checked again for dreys immediately prior to their felling. SNH will advise on the mitigation of bat disturbance.

The area to the west of the existing lodges is a relatively undisturbed area of mixed semi-natural woodland. The habitat quality here is high and is similar in character to the woodland immediately on the other side of the A9, which is designated as both a Site of Special Scientific Interest and National Nature Reserve. Tree composition on this part of the site includes Scots pine, birch and rowan from a range of age classes, as well as standing dead timber, which is a very valuable resource for a range of biodiversity such as invertebrates and fungi. The ground flora is dominated by heather, blaeberry and cowberry. Because of its high natural heritage value, this area in particular should not be developed.

### **Nesting birds**

Developments on site are likely to require the refurbishment or demolition of existing buildings, as well as the loss of some trees and shrubs. Buildings, trees and shrubs can provide nesting opportunities for some bird species, while bats use buildings and mature trees for roosting. As bats are European Protected Species, this aspect will be dealt with by SNH.

The nests and eggs of birds are protected during the breeding season by the general provisions applying to breeding birds in Part I of the Wildlife and Countryside Act 1981 (as amended). It is therefore an offence to intentionally or recklessly take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Any demolishing of built structures or felling of mature trees and shrubs would have to be carried out in a manner that complies with these legal requirements. It would not, however, be illegal to remove nests prior to them being used by birds for breeding, although a suitable site may be re-occupied quickly. Legal compliance may be achieved by phasing works to avoid any trees or parts of buildings occupied by breeding birds, or if this is not possible, a licence would need to be applied for from the Scottish Government to permit disturbance.

I recommend that any planning consent refers specifically to the need to comply with the legal provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to breeding birds that may be using the buildings, trees and shrubs on the site.

- **Enhancement**

### **Otters**

As mentioned in my previous response, existing culverts, such as the one which has recently been constructed for the Milton Burn under the road, should be enhanced in order to render them passable to aquatic species such as fish and otters. Otters do not like to swim through culverts, preferring instead to leave the watercourse and cross over any road, thus putting them at risk of vehicle collision. In order that existing culverts are not barriers to otter movement and do not place otters at increased risk of mortality, then 'otter ledges' should be installed the length of

culverts. These natural-looking, but engineered structures, positioned above the water level, allow otters to walk the length of the culvert, which they are willing to do. That a footbridge has been proposed further downstream over the Milton Burn, rather than a culvert, is to be welcomed. I understand that SNH will respond with regard to the design specification of this bridge.

### **Wildlife pond**

The pond at the southern end of the site should be safeguarded and brought under positive conservation management as a wildlife pond in order that its ecological value is enhanced. It was once part of Loch Puladdern, but was cut off by the creation of the new A9 road around 30 years ago. The hydrology of the loch area has been significantly affected by the creation of the road and its embankments and the pond is now very often seasonal, and can dry up totally in summer months, thus considerably reducing its ecological value. The area around the pond is currently a bit of an eyesore and this part of the site would benefit hugely from some ecological and landscape enhancement. In order to restore valuable wetland habitats, the development should include for the design and creation of a more robust and enlarged wildlife pond on the site of the currently ephemeral pond. This is likely to necessitate the excavation of the site and the installation of a water-proof liner. A wildlife pond should be designed with specialist advice but should not be stocked with non-native plant and animal species. Not stocking with any fish at all would likely result in a more biodiverse pond, which would be more desirable. Consideration should also be given to reducing the barrier effect of the road on the two separated water bodies. Given the use of the site, the restoration of the pond must of course consider child safety.

### **Provision of nesting and roosting opportunities**

There are several bird and bat species which occur in the National Park which utilise the built environment for nesting or roosting respectively. The first aim of the National Park is to conserve and enhance the natural heritage of the Park area. The provision of good quality nesting and roosting opportunities for vulnerable Cairngorms species would go some way to restoring a wildlife habitat value to built areas of the site. Both bat roosts and swift nest sites should be incorporated into the design of buildings on site by way of planning conditions. Neither bat roosts nor swift nests are expensive for developers to install. Furthermore, they need not be visible so should not detract from the aesthetics of the building's design. The presence of roosting bats and nesting swifts in buildings is not obvious and does not imperil the building.

#### Bats

All bat species are protected by Schedule 5 of the Wildlife & Countryside Act and are also European Protected Species. This high level of protection reflects their vulnerability to changes by humans to the built environment that they are dependent upon for roosting sites.

Specialist advice should be sought from Anne Youngman of the Bat Conservation Trust (01786 826792; [ayoungman@bats.org.uk](mailto:ayoungman@bats.org.uk)) on how bat roosts can be incorporated into building design in a way which is visually unobtrusive, does not imperil the building, but which nevertheless aids the conservation of vulnerable

biodiversity. Such measures should be spread throughout the development so as to maximise opportunities for roosting bats.

### Swifts

Of the bird species that routinely nest in buildings, the Swift *Apus apus* has experienced a serious decline in recent years. The British Trust for Ornithology has estimated a 62% decline in the Scottish swift population from 1994 to 2003, and one of the contributing factors is thought to be the loss of nesting sites as older buildings are renovated, as well as the lack of nesting opportunities in new buildings.

There is a range of methods of incorporating nesting cavities for swifts into new building design, which can utilise purpose-designed cavities in brick work ('swift bricks', in boxed soffits or neatly fitted triangular boxes under the eaves at the apex of a gable end. The boxed soffits and 'swift bricks' can be easily incorporated within building structure, require no maintenance after installation and, have the advantage over appended nest boxes, of not impacting on building aesthetics.

Ideally a swift nest site should be located 3 m above the ground on north and east-facing walls and should be unobstructed below to allow swifts to fly straight to the nest hole from below at angle of around 45 degrees (they cannot walk or hop into nest holes). Detailed information on the required dimensions of swift nest sites, the range of design options, and photographic examples where such nests have been incorporated into buildings, can be found on the Concern for Swifts project website at [www.concernforswifts.com/Opportunities.asp](http://www.concernforswifts.com/Opportunities.asp). Specialist guidance should be sought from Clare Darlaston of Concern for Swifts ([swiftscot@yahoo.co.uk](mailto:swiftscot@yahoo.co.uk) and 0141 554 8262), and liaise with the CNPA's Heritage & Land Management group so that the best solution can be reached for developer and swifts alike.

### House martins

Another bird species which is very dependent on buildings for nesting is the house martin. They require eaves which protrude sufficiently to allow them to construct a cup-shaped nest made of dried mud in the angle between the wall and the overhanging eave. The angle of the eaves usually ensures that their nests are not visible from a distance. At least some of the buildings in the proposal should include an overhanging eave wide enough to allow house martins to construct nests protected from the elements. House martins should be further encouraged to use the structure for nesting through the installation of artificial nest cups, which are available from several specialist suppliers of wildlife conservation equipment such as Alana Ecology ([http://www.alanaecology.com/acatalog/Under\\_the\\_Eaves.html](http://www.alanaecology.com/acatalog/Under_the_Eaves.html)) and the RSPB (<http://shopping.rspb.org.uk/mall/productpage.cfm/rspb/RI123/76555>). Artificial nest cups should be fixed in groups for best results, since the house martins are colony nesters. Nest cups don't guarantee that martins will nest, at least in the first year, but the presence of a nest may encourage other birds to build their own alongside. There is some indication that house martins prefer to nest on east or north-facing walls, but walls in any direction are used.

### **Aspen**

Given the highly specialist and very rare biodiversity they can support, the planting of local origin aspen trees would contribute to the ecological enhancement of the site. These are available from the Highland Aspen Group nursery (contact Ern Emmet 01540 661 962) and Auchgourish Garden Centre (contact Iain Brodie 01479 831464). These should be protected from browsing by both rabbits and roe deer until they are of a size to be no longer vulnerable to such damage.

- **Invasive plant species**

The control and prevention of invasive, non-native species has been identified as a priority in the existing Cairngorms National Park Plan. Such species can have very considerable negative impacts on habitats and native biodiversity, and so steps should be taken to control their spread. Several plant species are viewed as being potentially threatening in a Scottish context, and, as well in some cases being deliberately planted by humans, can also be easily and inadvertently spread through the movement of soil and spoil. Schedule 9 of the Nature Conservation (Scotland) Act lists plants that cannot be planted or caused to grow in the wild. To do so is a criminal offence. This list includes nine invasive aquatic plants and six terrestrial plants:

Japanese Knotweed *Fallopia japonica*  
Giant Hogweed *Heracleum mantegazzianum*  
Curly Waterweed *Lagarosiphon major*  
False-acacia *Robinia pseudoacacia*  
Fanwort *Cabomba caroliniana*  
Few-flowered Leek *Allium paradoxum*  
Floating Pennywort *Hydrocotyle ranunculoides*  
Giant Salvinia *Salvinia molesta*  
Hottentot Fig *Carpobrotus edulis*  
New Zealand Pigmyweed (Australian Swamp Stonecrop) *Crassula helmsii*  
Parrot's-feather *Myriophyllum aquaticum*  
Shallon *Gaultheria shallon*  
Water Fern *Azolla filliculoides*  
Water Hyacinth *Eichhornia crassipes*  
Water Lettuce *Pistia stratiotes*

The following three plant species are not currently listed on Schedule 9 but are nevertheless non-native and invasive and considered to have negative ecological impacts in Scotland:

Spanish Bluebell *Hyacinthoides hispanica*  
Indian (Himalayan) Balsam *Impatiens glandulifera*  
*Rhododendron ponticum*

Care should be taken to avoid the spread of invasive, non-native plant species to the site either through planting, or because of construction activities, e.g. the importing to the site of soil contaminated with seeds of any of the above species. Should it be clear that any of the above species have arrived at the site because of the development, then effectively removing them as soon as possible and disposing of them responsibly should be made the responsibility of the applicant. Equally, if any of

these species occurs on the site already, then the development should not allow the species to spread off-site. Guidance from professional specialists is strongly recommended in order to ensure that such plants are not inadvertently spread through attempts to control them.