

Issue 16	SEA/HRA	
Development plan reference:	Strategic Environmental Appraisal and Habitats Regulation Assessment	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
199 Historic Scotland 226 Rothiemurchus Estate 040 Scottish Natural Heritage 063 SEPA		
Provision of the development plan to which the issue relates:	Strategic Environmental Appraisal and Habitats Regulation Assessment	
Planning authority's summary of the representation(s):		
<p><u>SEA</u> Historic Scotland (199) It is not clear how the ecosystems approach has influenced the assessment. While this approach can provide benefit in high-level assessment it is not clear from the ER how this approach was used to assess the spatial allocations.</p> <p>It is not clear how the different ecosystems services, particularly the cultural services, were likely to be affected by the plan. There is also concern over the extent to which the SEA has considered the potential to effect the historic environment.</p> <p>Inventory battlefields are not included within the Environmental Baseline chapter.</p> <p>Building the ecosystems approach into the SEA - Although the description of the six significant habitats within the National Park do not discuss cultural services, welcome that the detailed description of the habitat types within Annex 3 does discuss the contribution of cultural services.</p> <p>Conventional summary description of Environmental Baseline - Inventory battlefields remain absent from Table 6 which was highlighted previously at MIR stage</p> <p>Assessment recording forms- There has been no assessment of potential impact of proposal H1 at Killiecrankie on the Inventory battlefield which is within the designated battlefield site. Archaeological mitigation may be required in advance of development. This is a significant omission from the ER and from the Proposed Plan itself and should be addressed.</p> <p>Scottish Natural Heritage (040) SEA Table 6: Environmental Baseline: Landscape – the % extent of National Scenic Areas within the Park could be added</p>		

Table 7: Summary of Main Environmental Issues:

Enclosed Farmlands – wild species should be added as an existing benefit

Mountains –add wildness experience as a benefit

Moor –add wild species and habitats as existing benefits

Para 2.23 – needs updating to reflect the movement in time from Main Issues Report to Proposed Plan

Table 8: SEA Objectives/Questions

Question 2 - welcome reference to 'sustainable' production of timber and woodfuel, but wonder whether this is an appropriate environmental objective for SEA as it remains more economic and social. Suggest this SEA objective relate more to sustainable management of woodland for multiple benefits, including habitats, species, landscape and recreation. So the question could be re-phrased as:

"Will the Plan maintain or improve the ability of woodland in the park to be managed for multiple benefits, including timber/woodfuel production and environmental objectives?" The 'Environmental objective' column could then include factors relating to habitats, species, recreation and climate change (carbon storage).

Question 7 –the scope for this question re human health/recreation should be expanded to include provision of open space and linkages to the core path network

Table 10: Assessment criteria

Question 2 –the assessment criteria in regard to timber and woodfuel supply and production are more economic and social than environmental in nature. Another criterion could be added "What effect will the plan have on woodland that provides multiple benefits, including in terms of area, diversity and cohesiveness?"

Table 11: Sample assessment recording form

The assessment at a "Scotland' level seems to add little value

Table 12: Summary matrix of potential effects

For Policy 9 Resources there appears to be an error in that the positive effects in Appendix 2 are noted for Objectives 3 and 5, whereas they are shown for Objectives 3 and 4 here. Also in para 3.7 the positive effects of this policy are noted for Objectives 3 and 6 instead of 3 and 5.

Para 3.10 Mitigation – consider addition of another reason for no negative effects being identified in the SEA is that all the policies must be considered as a whole in considering if a proposal is in accordance with the plan.

Table 13: SEA monitoring indicators -

Suggest indicators for Objective 4 re biodiversity could include –

- conservation status of features of designated sites (% in favourable condition)

- number of species licences necessary for development to proceed

Suggest additional indicator for Objective 5 re carbon storage - area of development on carbon rich soils

Suggest additional indicator for Objective 8 re landscape – extent of wildness (High and Medium value)

Appendix 1: Other PPSs and Environmental Objectives

International Directives – for the Habitats Directive, this is relevant for the protection of European Protected Species as well as Natura sites

National Legislation – could add Habitats Regulations (Conservation (Natural Habitats, &c.) Regulations 1994 as amended), although overlaps with Birds and Habitats Directives under International; another Act to include is the Protection of Badgers Act 1992 as amended

National Policy – could add –

- Green Infrastructure: Design and Placemaking
- Designing Streets
- Policy on Control of Woodland Removal
- Scotland's Landscape Charter

Appendix 2: Assessment recording forms

Core Paths Plan – the conclusion that impacts on biodiversity will be 'neutral' on the grounds that any path creation works will require consents before construction and therefore any negative effects will be mitigated at that time, appears to miss the role of SEA to identify any likely significant negative effects of proposals and to incorporate mitigation into the plan.

While the HRA will address this in relation to possible negative effects of path creation on European sites, it will not consider any other negative biodiversity effects. There is no reference to core paths to be substantially improved or promoted, and their likely significant environmental effects.

Perhaps the SEA could have considered individual paths which are to be created, or which are to be substantially improved, and assess these individually.

Mitigation at the consents stage clearly requires express consent to be given, but we are unclear if this will always be the case (e.g. Class 27 of the General Permitted Development Order grants permitted development for improvement works to paths within their boundary).

Therefore some mitigation might be considered desirable to include in the Core Paths Plan itself to inform such works. References to other policies in the LDP could be considered as mitigation for path creation works which will require consent.

Aviemore – unclear how the industrial/business sites ED1, ED2, ED3 and ED4 have been assessed as having a positive effect on biodiversity, and how biodiversity will be enhanced as part of any proposals here (in contrast to the larger greenfield housing sites elsewhere in the plan where greenspaces for biodiversity as part of the proposal can be included).

(This comment also relates to the business and industrial allocations in other settlements)

Grantown-on-Spey – the need specified in the Development Brief for an ecological survey re Site H1 for wading birds, plant species and aspen to inform the detailed design could be mentioned here in respect of Q4 (biodiversity)

Appendix 3: Using the Ecosystems Approach

Table 15 – it would appear that, in line with the last sentence of paragraph 9, 'Urban' should be scored Low rather than High for supporting ecosystem services.

SEPA (063)

In general the methodology lends itself better to a strategic plan than a LDP. However, the ER provides a good assessment on the Proposed Plan Relationship with other Plans, Policies and Strategies (PPS) – agree with approach taken.

Baseline information - agree with approach taken

Water - agree with approach taken

Sustainable Waste Management - it would be helpful to outline what the issues and trends are in relation to waste management in the Park. Refer to sepa guidance.

SEA Objectives - agree with approach taken

Assessment Methodology - General Comments – Support general approach. However, waste management issues are not captured in any of the SEA questions in Table 10 (although waste management is identified as an assessment criteria later under Question 6).

Suggest an indicator relating to flood risk would be useful and should be included against Q3.

Policy - Renewable Energy- note policy has been assessed as having negligible effects on SEA objective 3, but would welcome further explanation of this. The policy sets a very stringent standard in relation to the water environment and we wonder whether once implemented such a policy would have the potential to have a positive effect on SEA objective 3.

An Camas Mòr- the proposal has been assessed as having a positive effect on SEA question 3, but at MIR stage this proposal was assessed as having an uncertain effect overall with the potential for negative effects on water quality. We would welcome further clarification as to the reasoning behind the current assessment. Similarly at MIR stage the proposal was assessed as having a positive effect on SEA question 6, however the current assessment indicates no or negligible effects on SEA question 6, we would welcome further clarification as to the reasoning for the revised assessment.

A number of proposals have been assessed as having a positive effect on SEA question 3, and we would welcome explanation of this assessment given that the plan also highlights potential for a number of sites to be affected by flood risk and the requirement for a FRA to be undertaken in support of planning applications for a number of proposals, this includes sites in Aviemore & Vicinity, Ballater, Braemar, Dinnet, Grantown on Spey, Inverdrue & Coylumbridge and Kingussie.

Mitigation - the ER should more clearly set out where changes to the Plan were undertaken as mitigation.

Monitoring - the assessment would benefit from an indicator which clearly relates to waste management, such as "reduction in total waste arisings".

HRA

Rothiemurchus Estate (226)

Support the HRA but request paras 281 and 282 are updated to reflect the latest information on Capercallie

Support para 14.42 as this reflects the findings of the Traffic Impact Assessment

prepared to support the An Camas Mòr planning application
Support para 14.23 on SUD as full EIA prepared in support of An Camas Mòr application confirmed there would be no adverse impact on River Spey SAC
Support para 14.22 on An Camas Mòr's connection to public sewer
Support para 14.2 which sets out the role and vision for An Camas Mòr.

Scottish Natural Heritage (040)

The principal issues for the HRA are the 5 SPAs for Capercallie in Strathspey and the three SPAs for Capercallie in Deeside. As non-designated woodland has connectivity with these SPAs recommend that all the settlements in Strathspey as far as Kinraig and also Ballater and Braemar in Deeside are screened for Appropriate Assessment. In terms of mitigation recommend a requirement for recreation management plans to be provided and contribution sought towards a strategic Capercallie Action Plan. SNH are happy to be listed as a partner in the Boat of Garten Site, and for An Camas Mor and would be happy to be added as a partner to the Natural Heritage Policy and the HRA Appraisal.

Specific comments on HRA as follows:

HRA Para 1.2 It would be more accurate to say in Scotland all Ramsar sites are SPA and/or SSSIs and so protected under statutory legislation.

HRA Para 3.2.1 The Maim SAC should be added to the list, making a total of 43 sites.

HRA Para 3.4.7 change 'identifiable' to 'significant'

HRA Para 3.4.15 note reference to potentially significant effects on freshwater pearl mussel but subsequent references in Table 4 and 6 are only to pollution and salination. Suggest either reference to mussel should be removed from this paper, or added to Table 4 and 6.

HRA Table 2 Sport and recreation should be screened out as they are too general rather than because they relate to design.

HRA Para 3.4.9 Request fourth sentence is amended to read 'unless mitigation can be applied that cancels or avoids the effect'.

HRA Para 3.4.1 Would like clarification included as to why paths 'unfit for purpose' were included, was it because improvements would encourage greater use, also question why a 100m threshold was used.

HRA Para 3.4.15 Question what mitigation enables the proposed core path across River Spey from An Camas Mor to Aviemore enables it to be screened out, and so not included in Table 4. Suggest need to add text to Map 15 of CPP. Suggests reference to Ballochbuie Path should also be included to enable it to be removed from the Plan by mitigation in para 4.1.1

HRA Para 3.4.17 and Table 3 Concerned about use of distance thresholds in screening process for Capercallie because they use non-designated woodlands and move between one SPA and another. Recommend a precautionary approach in relation to significant affects, alone or in combination, is used for Strathspey

and Deeside/Donside

HRA Table 4 update table to reflect likely significant effects on Capercallie in Strathspey and Deeside/Donside as follows:

- Amend heading to say SPA/Ramsar and SAC
- Add Anagach Wood and Craigmore Wood SPAs to An Camas Mor
- Add Anagach Wood and Craigmore Wood SPAs to Aviemore
- Add Ballochbuie, Cairngorms and Glen Tanar SPAs to Ballater
- Add Anagach Wood SPA to Boat of Garten
- Add Cairngorms and Glen Tanar SPAs to Braemar
- Add Abernethy Forest, Anagach Wood, Cairngorms and Craigmore Wood SPAs to Carrbridge
- Add Abernethy Forest, Cairngorms and Kinvechy Forest SPAs to Cromdale and Advie
- Add Abernethy Forest, Anagach Wood, Cairngorms and Kinveachy Forest SPAs to Dulnain Bridge
- Add Abernethy Forest, Cairngorms and Kinvechy Forest SPAs to Grantown-on-Spey
- Add Abernethy Forest, Anagach Wood Cairngorms and Kinveachy Forest SPAs to Kinraig
- Add Anagach Wood, Cairngorms and Kinvechy Forest SPAs
- Proposed Core Paths between Aviemore and an Camas Mor, Thieves Road and Ballochbuie should be added to the table

Comments made in relation to Table 4 also apply to Table 6.

The in combination affects of the MREs should be included in Table 4 and 6 rather than after it.

Para 3.4.20 Suggest reference to 'neutral' is deleted and 'within the MREs within the Local LDP' is added to the end of fourth sentence

Para 3.4.21 Amend second sentence to read '...and if this does not avoid or cancel the likely significant effect...'

Para 4.12 SNH have concluded that the improvements required to proposed Thieves Road Core Path are likely to have a significant effect on Cairngorms SAC, but that this would not adversely affect the integrity of the site for the qualifying interest so mitigation is not required, although further promotion of the path may require this issue to be revisited.

Para 4.1.3, 4.1.4, 4.1.5, and 4.1.6 Request synchronisation of mitigation in HRA record and Proposed Plan. The current policy caveat wording in relation to water abstraction, otters, pollution and salutation, and SUDs seems different form that in the Written Statement and SG. In addition a sentence should be added to para 4.1.4 that confirms if a planning authority is unable to conclude there would be no impact on the integrity of European site(s) the proposal would not be in accordance with the Plan.

Table 6 Identify possible typographical error in Table 6 Blair Atholl as four LSEs

regarding River Tay SAC have been subsequently screened out but straight forward mitigation measures have not been ruled out.

Para 6.1 Recommend first sentence is amended to read 'for which LSEs remain will not adversely affect the integrity or otherwise of Natura sites'. The appropriate assessment should consider LSEs alone and in combination and therefore the tables should list Abernethy Forest, Anagach Wood, Cairngorms, Craigmore Wood and Kinveachy Forest SPAs for An Camas Mor, Aviemore, Boat of Garten, Carrbridge, Cromdale and Advie, Dulnain Bridge, Grantown-on-Spey, Kincaig and Nethy Bridge, and Cairngorms SPAs should be added to Glenmore and Inverdrue and Coylumbridge. For the same reason Ballater and Braemar should refer to Ballochbuie, Cairngorms and Glen Tanar SPAs.

Abernethy Forest SPA- text in third box should be amended to 'However there is the potential for likely significant effect on capercallie...'. Wording on mitigation needs to match that of Proposed Plan and SG and nature policy should be included. The aim should be to avoid MRE through recreation management plans and developer contributions to a Capercallie Action Plan.

Cairngorms SPA- reference to Thieves Road CP should be added and tourism allocations at Glenmore and Inverdrue/Coylumbridge included due to potential LSA on Capercallie. Qualifying interests should not be conflated in AA but each considered in turn, neither should benefit to one QI be used to offset disbenefit to another QI. It needs to be clarified that the Habitat Regulations do not refer to 'compensatory afforestation' as a compensatory measure following a negative AA but instead refer to compensation for habitat at An Camas Mor.

Cairngorms SAC- Text should be amended because any reduction in qualifying habitat would undermine conservation objectives. Reference should be made to revised conservation objectives which allow woodland expansion with certain parameters. Text should be added that confirms if a planning authority is unable to conclude there would be no impact on the integrity of European site(s) the proposal would not be in accordance with the Plan.

Cairngorms Massif SPA- Confusion between Appendix 3 conclusion of LSEs in various MREs and here where it mentions no LSEs in combination, if second version is correct table would not be needed in AA but suggest including caveat at end of HRA summarising all MRES following mitigation and including results of AA.

Craigmore Wood SPA- Appendix 3 concludes no in-combination LSEs but AA Table assesses in combination MRES. Agree with screening in effects for LSE alone or in combination.

Kinveachy Forest SPA- Question whether High Burnside Path will result in increased use in this SPA. If conclusion remains the same note that mitigation identified for this path does not seem to feature within Core Path Plan.

River Dee SAC-Question typing error which lists 258 houses for Ballater rather than the 58. More explicit reference should be made to water efficiency measures for development in Ballater, Braemar and Dinnit in relation to this SAC.

Insh Marshes SPA- suggests mention of in-combination effects with regards recreational disturbance both individual and in combination are minor residual.
River Spey SAC- suggest first sentence on conservation objectives is amended to say “ There is potential for likely significant effects on Atlantic salmon and...” . The proposed link between An Camas Mor and Aviemore should also be listed and mitigation specified, and this is included in Core Path Plan as a caveat.

HRA para 6.4.1 amend first sentence and first paragraph to “... Which if implemented , will result in CNPA being able to ascertain that there will be no adverse effect on the integrity...” and first sentence of second paragraph to read “identifies, where relevant, the Natura sites that are likely to be significantly affected by the allocations, either alone or in combination, and specifies the mitigation...”

Paras 6.4.2- requirements for recreation management plans for Capercallie should be clarified by dividing into recreation management plans for on-site mitigation through paths and open spaces and separately a contribution towards a strategic capercallie action plan for off-site mitigation works. This wider plan this ties into Cairngorms Nature Action Plan Action 10.1 b).

Para 6.4.2 Request policy caveat in italics is included in settlement chapters of Natural Heritage SG.

Para 6.4.3 Observe caveat wording hear seems not to be included in the Plan although observe ‘tension’ in the Plan usually eased by applying policy caveats to allocations rather than amending generic policy on protected sites. Criterion 2 – Capercallie should be understood within SPA and non-designated woodland. Criterion 4- on site and off-site mitigations measures likely to be required will need both conditions and planning obligations, so important to link to Developer Contributions SG and Cairngorms Nature Action Plan, and it is possible for MREs to remain after mitigation, these should be considered in combination with other plans and project to ensure no in-combination LSEs. Criteria 5- thought need to be given to how community engagement and support can be demonstrated when there is n community e.g. An Camas Mor. Criterion 6- should refer to mitigation being legally and practically enforceable. Criterion 9 need to consider impacts in a holistic way which may requiring phasing and/or substantial mitigation in later phases. Criterion 10 although proportionality is important mitigation must always be enough to enable planning authority to conclude there will be no adverse affects on integrity of European Site.

Para 6.4.5 Compliance with current standards for phosphate discharge should be at time of commencement, not approval.

Para 7.2 Amend Text to say “Following stages 1 to 10 of the appraisal we conclude that there will be no adverse effect on the integrity of any Natura site through the provision in the proposed LDP...”

Appendix 1- suggest reference is made to ATVs and tracks, Beaully-Denny Transmission Line upgrades and Proposals for A9 dualling for Drumochter Hills SAC/SPA, potential future water abstraction in Aberdeen and Aberdeenshire in relation to River Dee SAC. The site management plans underpinning SSSIs

should be helpful in considering other impacts on Natura sites. Need to link SPAs as non-designated woodland has connectivity with these SPAs in all the settlements in Strathspey as far as Kincaig and also in Deeside/Donside. Ballochbuie footpath could be added to Ballochbuie SPA. Cairngorms Lochs Ramsar site should be included in this appendix. Add new text under conservation objectives "Recently it has been agreed to favour woodland expansion in the Cairngorms over a 20 year period while retaining SAC's ranking as the foremost site in Britain for dwarf shrub heath. To prevent adverse affects on dwarf shrub heath, in particular lower altitude heath with bearberry, grasslands, active positive management may need to be included in forthcoming woodland expansion plans." Could add Thieves Road to Cairngorms SPA. Insh Marches SAC- add Kincaig to relevant settlements. Morrone Birkwood SAC add Geyer's whorl snail as a qualifying species. Add disturbance to otters as potential effect on River Dee SAC. River South Esk SAC add Angus Glens as relevant settlement. River Spey-Insh Marshes SPA add Kincaig to relevant settlements. Add disturbance to otters as potential effect on River Spey SAC and add Tomintoul, Laggan, Glenmore and Glenlivet as relevant settlements and add the Aviemore An Camas Mor link bridge. Add disturbance to otters as potential effect to River Tay SAC and add Killercrankie, Bruar and Pitagowan and Glenshee as relevant settlement.

Appendix 2- Repeat column heading on each page. Amend tables to reflect importance of non-designated woodland for connectivity with these SPAs in Strathspey and Deeside/Donside. Abernethy Forest, Anagach Wood, Cairngorms, Craigmore Wood and Kinveachy Forest SPA should be referred to for An Camas Mor, Aviemore, Boat of Garten, Carrbridge, Cromdale and Advie, Dulhain Bridge, Grantown-on-Spey, Kincaig and Nethy Bridge. Inverdrue and Coylumbridge and Glenmore should refer to Cairngorms SPA. Ballochbuie, Cairngorms and Glen Tanar SPA should be referred to for Ballater and Braemar. Column 7 heading should be amended to read 'Screened out as having no LSE alone following mitigation? Entries here should then be picked up in the in-combination assessment. The sustainable Design Policy line needs completing. Sport and Recreation policy should be screened out as too general. An Camas Mor- habitat Qis likely to be affected by significant planting. The table indicates otter LSEs and then later on no LSEs suggests first column need amending to no LSEs. Cairngorms Massif SPA and River Tay SAC should be listed for Angus Glens. Capercallie SPAs at Boat of Garten have been screened out because a HRA has already occurred, however as the site is still being allocated in the Plan request they are screened in, and considered for cumulative as well as individual effect. Tourism allocations in Glenmore should be screened and various Natura sites could be affected with LSEs on otters, capercallie and water quality. Cairngorms Massif SPA and Forest of Clunie should be listed for Glenshee. Tourism allocations in Inverdrue and Coylumbridge more should be screened and various Natura sites could be affected with LSEs on otters, capercallie and water quality. Insh Marsh SAC reference in Kincaig should also note Alder woodland on floodplain and Very wet mires. Cairngorms SAC should be included for Nethy Bridge and screened due to overlap of settlement boundary with the designation. Insh Marsh SAC reference in Newtonmore should also note Alder woodland on floodplain and Very wet mires. Abstraction of river water for consumption should be added as an LSE for River Spey SAC. Core Path LBS147-Proposed Bridge over River Spey at Aviemore has been screened out as straightforward mitigation but a caveat box is required on map 15 to address this (see example of Thieves Road path on Map 23) and may be required for Map 15 High Burnside Path.

Appendix 3- repeats earlier comments on in-combination and alone screening and need to reflect the role of non-designated woodland for connectivity with these SPAs in Strathspey and Deeside/Donside.

Appendix 4 glossary suggests changing definitions as follows:

LSE- Likely Significant effects- an effect on a Natura Site that cannot be ruled out on the basis of objective information

MRE- Minor Residual Effect- an effect on a Natura site that is not significant. MREs must be considered in combination, since they may combine to create significant effect

Appropriate Assessment- the part of the Habitat Regulations Appraisal which assesses likely significant effects on Natura sites to ensure that they would not have an adverse effect on site integrity (by applying mitigation) either alone or in combination with other plans and projects.

Modifications sought by those submitting representations:

SEA

Historic Scotland (199) - Improve clarity on how the ecosystems approach has influenced the assessment and the spatial allocations

Improve clarity on how the different ecosystems services, particularly the cultural services, were likely to be affected by the plan.

Improve clarity on how the SEA has considered the potential to effect the historic environment.

Include Inventory battlefields in the Environmental Baseline chapter.

Consider discussing cultural heritage services within the six significant habitats within the National Park

Include Inventory battlefields within Table 6

Assess potential impact of proposal H1 at Killiecrankie on the Inventory battlefield

SEPA (063) - Sustainable Waste Management - outline what the issues and trends are in relation to waste management in the Park. Refer to sepa guidance.

Assessment Methodology - Include general waste management in SEA questions in Table 10 (although waste management is identified as an assessment criteria later under Question 6).

Suggest an indicator relating to flood risk would be useful and should be included against Q3.

Policy - Renewable Energy

Require further explanation of why this policy has been assessed as having negligible effects on SEA objective 3 - suggest it may have positive effect on SEA objective 3.

An Camas Mòr

Require further explanation for change in effect to question 3, at MIR as uncertain with the potential for negative effects on water quality to current assessment as positive effect on SEA question 3

Also require further explanation of change in effect from MIR stage as having positive effect on SEA question 6, which has changed to no or negligible effects on SEA question 6

Require further explanation of reasoning behind a number of proposals have been assessed as having a positive effect on SEA question 3 given that the plan also highlights potential for a number of sites to be affected by flood risk and the requirement for a FRA to be undertaken in support of planning applications for a number of proposals, this includes sites in Aviemore & Vicinity, Ballater, Braemar, Dinnet, Grantown on Spey, Inverdrue & Coylumbridge and Kingussie.

Mitigation - the ER should more clearly set out where changes to the Plan were undertaken as mitigation.

Monitoring - include an indicator which clearly relates to waste management, such as "%reduction in total waste arisings".

HRA

Rothiemurchus Estate (226) - Update paras 281 and 282 to reflect the latest information on Capercallie

Scottish Natural Heritage (040) -

Para 1.2 Revise to say in Scotland all Ramsar sites are SPA and/or SSSIs and so protected under statutory legislation.

Para 3.2.1 Add Maim SAC to the list

Para 3.4.7 change 'identifiable' to 'significant'

Para 3.4.15 Reference to freshwater pearl mussel should either be removed from here, or added to Table 4 and 6.

Table 2 Sport and recreation should be screened out as they are too general.

Para 3.4.9 Request fourth sentence is amended to read 'unless mitigation can be applied that cancels or avoids the effect'.

Para 3.4.1 Clarify why paths 'unfit for purpose' included, and why 100m threshold was used.

Para 3.4.15 Clarify mitigation which enables proposed core path across River Spey from An Camas Mor to Aviemore enables this be screened out and not included in Table 4. Add text to Map 15 of CPP. Refer to Ballochbuie Path to enable it to be removed from the Plan by mitigation in para 4.1.1

Para 3.4.17 and Table 3 Use a precautionary approach in relation to significant affects (to Capercallie), alone or in combination, for Strathspey and Deeside/Donside

Table 4:

- Amend heading to say SPA/Ramsar and SAC
- Add Anagach Wood and Craigmor Wood SPAs to An Camas Mor
- Add Anagach Wood and Craigmor Wood SPAs to Aviemore
- Add Ballochbuie, Cairngorms and Glen Tanar SPAs to Ballater
- Add Anagach Wood SPA to Boat of Garten
- Add Cairngorms and Glen Tanar SPAs to Braemar
- Add Abernethy Forest, Anagach Wood, Cairngorms and Craigmor Wood SPAs to Carrbridge
- Add Abernethy Forest, Cairngorms and Kinveachy Forest SPAs to Cromdale and Advie
- Add Abernethy Forest, Anagach Wood, Cairngorms and Kinveachy Forest SPAs to Dulnain Bridge
- Add Abernethy Forest, Cairngorms and Kinveachy Forest SPAs to Grantown-on-Spey
- Add Abernethy Forest, Anagach Wood Cairngorms and Kinveachy Forest SPAs to Kinraig
- Add Anagach Wood, Cairngorms and Kinveachy Forest SPAs
- Add Proposed Core Paths between Aviemore and an Camas Mor, Thieves Road and Ballochbuie

Include in combination affects of the MREs in Tables 4 and 6 rather than afterwards.

Para 3.4.20 Delete reference to 'neutral' and add 'within the MREs within the Local LDP' to end of fourth sentence

Para 3.4.21 Amend second sentence to read '...and if this does not avoid or cancel the likely significant effect...'

Para 4.1.3, 4.1.4, 4.1.5, and 4.1.6 Synchronise mitigation in HRA record and Proposed Plan in relation to water abstraction, otters, pollution and salutation, and SUDs. Add a sentence to para 4.1.4 confirming if a planning authority is unable to conclude there would be no impact on the integrity of European site(s) the proposal would not be in accordance with the Plan.

Table 6 Correct typographical error in Table 6 Blair Atholl.

Para 6.1 Amend first sentence to read 'for which LSEs remain will not adversely affect the integrity or otherwise of Natura sites'. Tables should list Abernethy Forest, Anagach Wood, Cairngorms, Craigmor Wood and Kinveachy Forest SPAs for An Camas Mor, Aviemore, Boat of Garten, Carrbridge, Cromdale and Advie, Dulnain Bridge, Grantown-on-Spey, Kinraig and Nethy Bridge. Cairngorms SPAs should added to Glenmore and Inverdrue and Coylumbridge, and Ballochbuie, Cairngorms and Glen Tanar SPAs added to Ballater and Braemar.

Abernethy Forest SPA- Amend text to say 'However there is the potential for likely significant effect on capercallie...'. Ensure wording on mitigation matches Proposed Plan and SG and nature policy.

Cairngorms SPA- Add reference to Thieves Road CP and include tourism allocations at Glenmore and Inverdrurie/Coylumbridge. Make it clear that the Habitat Regulations do not refer to 'compensatory afforestation' as a compensatory measure, but refer instead to compensation for habitat at An Camas Mor.

Cairngorms SAC- Amend text and refer to revised conservation objectives which allow woodland expansion with certain parameters. Add text which confirms if a planning authority is unable to conclude there would be no impact on the integrity of European site(s) the proposal would not be in accordance with the Plan.

Cairngorms Massif SPA- Resolve confusion between Appendix 3 conclusions of LSEs and this section. If second version is correct then the table is not needed in AA but instead a caveat should be included at end of HRA summarising all MREs following mitigation and including results of AA.

Craigmore Wood SPA- Resolve Appendix 3 conclusion that no in-combination LSEs but AA Table assesses in combination MRES.

Kinveachy Forest SPA- Reconsider whether High Burnside Path will result in increased use in this SPA. If conclusion remains the same note identify mitigation within Core Path Plan.

River Dee SAC-Correct error which lists 258 houses which should be 58 and refer more explicitly to water efficiency measures for development in Ballater, Braemar and Dinnet.

River Spey- Insh Marshes SPA- Explain that in-combination effects with regards recreational disturbance both individual and in combination are minor residual.

River Spey SAC- Amend first sentence to say " There is potential for likely significant effects on Atlantic salmon and..." . Specify proposed link between An Camas Mor and Aviemore and specify mitigation, include this in Core Path Plan.

para 6.4.1 Amend first sentence and first paragraph to "... which if implemented , will result in CNPA being able to ascertain that there will be no adverse effect on the integrity..." and first sentence of second paragraph to read "identifies, where relevant, the Natura sites that are likely to be significantly affected by the allocations, either alone or in combination, and specifies the mitigation..."

Paras 6.4.2- Clarify requirements for recreation management plans for Capercallie should be dividing into recreation management plans for on-site mitigation and a separate contribution towards a strategic capercallie action plan for off-site mitigation works.

Para 6.4.2 Include policy caveat in italics in settlement chapters of Natural Heritage SG.

Para 6.4.3 Review caveat and criteria wording to take on board comments made.

Para 6.4.5 Specify that compliance with current standards for phosphate

discharge should be at time of commencement, not approval.

Para 7.2 Amend Text to say "Following stages 1 to 10 of the appraisal we conclude that there will be no adverse effect on the integrity of any Natura site through the provision in the proposed LDP..."

Appendix 1- Add reference to ATVs and tracks, Beauldy-Denny Transmission Line upgrades and Proposals for A9 dualling to Drumochter Hills SAC/SPA, highlight potential future water abstraction in Aberdeen and Aberdeenshire in relation to River Dee SAC. Clarify that non-designated woodland has connectivity with these SPAs in all the settlements in Strathspey as far as Kincaig and also in Deeside/Donside. Add Ballochbuie footpath Ballochbuie SPA. Include Cairngorms Lochs Ramsar site in this appendix. Add new text "Recently it has been agreed to favour woodland expansion in the Cairngorms over a 20 year period while retaining SAC's ranking as the foremost site in Britain for dwarf shrub heath. To prevent adverse effects on dwarf shrub heath, in particular lower altitude heath with bearberry, grasslands, active positive management may need to be included in forthcoming woodland expansion plans" to conservation objectives. Add Thieves Road to Cairngorms SPA. Add Insh Marches SAC to Kincaig. Add Morrone Birkwood SAC with Geyer's whorl snail as a qualifying species. Add disturbance to otters as potential effect on River Dee SAC. Add Angus Glens to River South Esk SAC, and Kincaig to River Spey-Insh Marshes SPA. Add disturbance to otters as potential effect on River Spey SAC and Tomintoul, Laggan, Glenmore and Glenlivet as relevant settlements. Also add the Aviemore An Camas Mor link bridge. Add disturbance to otters as potential effect to River Tay SAC and Killercrankie, Bruar and Pitagowan and Glenshee as relevant settlements.

Appendix 2- Repeat column heading on each page. Amend tables to reflect importance of non-designated woodland for connectivity with these SPAs in Strathspey and Deeside/Donside. Refer to Abernethy Forest, Anagach Wood, Cairngorms, Craigmore Wood and Kinveachy Forest SPA in reference to An Cams Mor, Aviemore, Boat of Garten, Carrbridge, Cromdale and Advie, Dulnain Bridge, Grantown-on-Spey, Kincaig and Nethy Bridge. Refer to Cairngorms SPA for Inverdrue and Coylumbridge and Glenmore. Refer to Ballochbuie, Cairngorms and Glen Tanar SPA for Ballater and Braemar. Amend Column 7 heading to read 'Screened out as having no LSE alone following mitigation? Pick up these entries in the in-combination assessment. Complete sentence on sustainable Design Policy. Screen out sport and Recreation policy. Note QIs likely to be affected by significant planting. Ensure consistency with regards otter LSEs. List Cairngorms Massif SPA and River Tay SAC for Angus Glens. Screen in Capercallie SPAs for Boat of Garten and cumulative as well as individual effect is considered. Screen in tourism allocations at Glenmore and list Cairngorms Massif SPA and Forest of Clunie for Glenshee. Screen tourism allocations in Inverdrue and Coylumbridge. Refer to Insh Marsh SAC for Kincaig and note Alder woodland on floodplain and Very wet mires. Include Cairngorms SAC for Nethy Bridge and screen. Refer to Insh Marsh SAC for Newtonmore and note Alder woodland on floodplain and Very wet mires. Add abstraction of river water for consumption to LSE for River Spey SAC. Add caveat box for Map 15 Core Path LBS147-Proposed Bridge over River Spey at Aviemore. Consider if this required for Map 15 High Burnside Path.

Appendix 3- Reflect the role of non-designated woodland for connectivity with these SPAs in Strathspey and Deeside/Donside.

Appendix 4 glossary change definitions as follows:

LSE- Likely Significant effects- an effect on a Natura Site that cannot be ruled out on the basis of objective information

MRE- Minor Residual Effect- an effect on a Natura site that is not significant. MREs must be considered in combination, since they may combine to create significant effect

Appropriate Assessment- the part of the Habitat Regulations Appraisal which assesses likely significant effects on Natura sites to ensure that they would not have an adverse effect on site integrity (by applying mitigation) either alone or in combination with other plans and projects.

Summary of responses (including reasons) by planning authority:

SEA

Historic Scotland (199); Scottish Natural Heritage (040); SEPA (063) – the CNPA welcome the detailed comments received. The CNPA will build into a refreshed SEA all the points raised at the time of modifying the plan formally, once the examination process is complete. The CNPA does not consider it necessary to amend the published SEA at this stage, as this would not take into account the changes which will be required to the Plan as a result of the modification. The CNPA therefore accepts the points raised, but does not support any change to the SEA at this stage.

HRA

Rothiemurchus Estate (226); Scottish Natural Heritage (040) - the CNPA welcome the detailed comments received. The CNPA accepts that a number of errors exist in the current HRA. To ensure a full assessment of the plan is in place, the CNPA has undertaken a review of these errors as follows:

General comment

SNH highlighted one major issue in their response. This is the connectivity of Special Protection Areas for which capercaillie are a qualifying feature. There are five within Badenoch and Strathspey and the three on Deeside. They feel that the interconnectedness is not fully represented within the appraisal because the meta-population dynamics mean that an effect on one SPA must be considered to have a 'knock-on' effect within all of the others in the same area. This is also the case for some non-designated sites with capercaillie. This is an issue that has come to light in assessments of developments that have been undertaken by the CNPA subsequent to that of the LDP HRA. Consequently we agree with SNHs point on this issue and do not dispute the effect. However for the purposes of this report we do not consider it to be a factual error and so it will not be considered further at this point. It will be considered at the next stage when the whole HRA will be revised. This does not disadvantage the reporter's consideration in any way because the experience of the more recent assessments has shown that once the direct impacts upon SPAs from any developments have been

addressed, which must happen, these secondary indirect and cumulative effects are eliminated. We feel that this will also be the case for the LDP. In addition the requirement for the strategic framework for capercaillie within the HRA will also address these secondary indirect and cumulative effects.

Corrections to be made to the HRA:

Introduction

1.2 – Ramsar sites are not technically the same as a Natura site. Within Scotland all Ramsar sites are in fact also SPAs or SSSIs and consequently protected under the relevant legislations accordingly.

Screening

3.2.1 – the Maim SAC should be added to the list and consequently there are 43 sites to be considered.

3.4.20 – the expression ‘neutral effect’ will be removed because there is no such thing within the methodology rather it should either be minor residual effect or no effect.

Mitigation

4.1.13 – there is an inconsistency between the wording on mitigation for water abstraction between the findings of the HRA and the SPG para 5.59. The written settlement statement must be in accordance with the wording within the HRA to ensure that the “no effect” is achieved.

4.1.14 – as above re otters

4.1.15 – as above re pollution and siltation from construction

4.1.16 – as above re SuDs

Table 6 - Typographical error for Blair Atholl where 4 LSEs have been ruled out with straight forward mitigation but not subsequently ruled out in the table.

Appropriate Assessment

Abernethy Forest SPA – The mitigation in the HRA is not carried forward to the main plan and so there is an inconsistency. This is also true for other sites but not repeated below.

Cairngorms SPA – the Thieves road Core path is missing from this section

Cairngorms SAC – rewording is needed because the loss of even 0.1% of qualifying habitat is still technically contrary to conservation objective to maintain the extent of QI

Cairngorms Massif – typographical inconsistency in outcome of in-combination assessment of MREs between the AA and appendix 3.

Craigmore wood – same as above section

River Dee SAC – typographical error which states 258 houses rather than 58

6.4.2 - Policy caveat wording does not appear in settlement statements or SPG

6.4.3 – similar to above correction. This is in relation to avoiding tension within the LDP

Appendix 1 – details of Natura sites

Drumochter Hills SPA – influencing factors should include ATV tracks, Beaully Denny power line and proposed dualling of A9

River Dee SAC – influencing factors should include the increase in abstraction for Aberdeen city and shire

Cairngorms Lochs Ramsar site should be included

Cairngorms SPA – add the Thieves road

Insh Marshes – add Kinraig to relevant settlements

Morrone Birkwood SAC – add Geyer’s whorl snail as a qualifying species

River Dee SAC – add disturbance to otters

River South Esk SAC – add Angus Glens as relevant settlement
River Spey-Insh Marshes SPA – add Kincaig to relevant settlements
River Spey SAC – add disturbance to otters; add Tomintoul, Laggan, Glenmore and Glenlivet to relevant settlements;
River Tay SAC – add disturbance to otters; add Killiecrankie, Bruar/Pitagowan and Glenshee to relevant settlements

Appendix 2

Sustainable Design Policy – line needs completing (“Not lead to change”)

Sport and Recreation Policy –the reason to screen this out is ‘too general’

An Camas Mor – (1) Cairngorms SAC is only listed here for the otter qualifying interest; however habitat QIs are likely to be significantly affected by compensatory planting. Also re otter the table indicates LSE but then in a later column notes no LSE –the former column should be amended to no LSE.

Angus Glens – Cairngorms Massif SPA and River Tay SAC should also be listed
Boat of Garten – the various capercaillie SPAs are screened out as having already been subject to HRA, but since the housing site is still being included in the LDP as an allocation, these should be assessed as for other settlements
Glenshee – Cairngorms Massif SPA and Forest of Clunie SPA should also be listed here

Kincaig – for Insh Marshes SAC two other qualifying interests should be listed
- Alder woodland on floodplains
- Very wet mires

Nethy Bridge – Cairngorms SAC should be included, and screened

Newtonmore - for Insh Marshes SAC two other qualifying interests should be listed,

- Alder woodland on floodplains
- Very wet mires

River Spey SAC, abstraction of river water for consumption should be added as a LSE

Appendix 4 – Glossary

The following sections need to be reworded:

LSE – Likely Significant Effect – an effect on a Natura site that cannot be ruled out on the basis of objective information.

MRE – Minor Residual Effect – an effect on a Natura site that is not significant. MREs must be considered in combination, since they may combine to create a likely significant effect

Appropriate Assessment – The part of the Habitats Regulations Appraisal which assesses likely significant effects on Natura sites to ensure that they would not have an adverse effect on site integrity (by applying mitigation) either alone or in combination with other plans or projects.

In respect of these and the other points raised, the CNPA will build into a refreshed HRA all the points raised at the time of modifying the plan formally,

once the examination process is complete. The CNPA does not consider it necessary to amend the published HRA at this stage, as this would not take into account the changes which will be required to the Plan as a result of the modification.

The CNPA therefore accepts the points raised, but does not support any change to the HRA at this stage.

Reporter's conclusions:

Reporter's recommendations: