



**Cairngorms**  
National Park Authority

Ùghdarras Pàirc Nàiseanta a'  
**Mhonaidh Ruaidh**

Item 6 Appendix 2 8 December 2023

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Agenda item 6

Appendix 2

2023/0199/DET

Habitats regulations appraisal

## HABITATS REGULATIONS APPRAISAL

<b>Planning reference and proposal information</b>	2023/0199/DET Erection of 7No. self catering cabins, toilet and shower block, erection of managers' house
<b>Appraised by</b>	Karen Aldridge – Planning Ecological Advice Officer.
<b>Date</b>	22 June 2023
<b>Checked by</b>	NatureScot
<b>Date</b>	Date of consultation response from NatureScot

<b>INFORMATION</b>
<b>European site details</b>
<b>Name of European site(s) potentially affected</b>
<p>1) <b>River Spey SAC</b></p> <p>2) <b>Craigmore Wood SPA<sup>1</sup></b></p>
<b>Qualifying interest(s)</b>
<p>1) <b>River Spey SAC</b></p> <p>Otter</p> <p>Freshwater pearl mussel</p> <p>Sea lamprey</p> <p>Atlantic salmon</p> <p>2) <b>Craigmore Wood SPA</b></p> <p>Capercaillie (breeding)</p>
<b>Conservation objectives for qualifying interests</b>
<p>1) <b>River Spey SAC</b></p> <p>Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):</p> <p>2b. Restore the distribution of <b>freshwater pearl mussel</b> throughout the site</p> <p>2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food</p> <p>2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats</p>

<sup>1</sup> It is recognised that effects on capercaillie at any one of the Badenoch and Strathspey capercaillie SPAs or associated woodlands shown on the map in **Annex II** has the potential to affect the wider capercaillie metapopulation of Badenoch and Strathspey. Attention has been focused in this HRA on the woods likely to be used regularly for recreation by users of the proposed development site, which in this case are Kinveachy Forest SPA and the associated Boat of Garten, Loch Garten, Glenmore and Rothiemurchus woods (woods I, J, K, L, M, N and O on the map). Other capercaillie SPAs and woods were considered during the initial phase of the assessment (see **Annex I question 3**) but detectable effects were ruled out, so they have not been included in this HRA. If however the HRA had concluded an adverse effect on site integrity, or required mitigation, then all of the capercaillie SPAs in Badenoch and Strathspey would have been reassessed in relation to potential effects on the metapopulation.

2a. Restore the population of freshwater pearl mussel as a viable component of the site

2b. Maintain the distribution of **sea lamprey** throughout the site

2c. Maintain the habitats supporting sea lamprey within the site and availability of food

2a. Maintain the population of sea lamprey as a viable component of the site

2b. Restore the distribution of **Atlantic salmon** throughout the site

2c. Restore the habitats supporting Atlantic salmon within the site and availability of food

2a. Restore the population of Atlantic salmon, including range of genetic types, as a viable component of the site

2b. Maintain the distribution of **otter** throughout the site

2c. Maintain the habitats supporting otter within the site and availability of food

2a. Maintain the population of otter as a viable component of the site

Conservation Objective I. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status

## 2) **Craigmore Wood SPA**

To avoid deterioration of the habitats of the qualifying species 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:

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

<b>APPRAISAL</b>
<b>STAGE 1:</b>
<b>What is the plan or project?</b>
<b>Relevant summary details of proposal (including location, timing, methods, etc)</b>
<p>Construction of a house and garage alongside the construction of 7 self-catering holiday pods and associated infrastructure– toilet block, parking located within agricultural land at the settlement of Boat of Balliefurth, Grantown on Spey.</p> <p>The proposed development is 100 m south of River Spey SAC and 600 m north west of Craigmore Wood SPA.</p>
<b>STAGE 2:</b>
<b>Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?</b>
No
<b>STAGE 3:</b>
<b>Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?</b>
<p><b>River Spey SAC</b></p> <p><b>Otter: YES there will be LSE</b> short term disturbance during construction activity and then long term disturbance from activity during occupation of the house/holiday lets (eg from humans and pets particularly dogs moving around the area).</p> <p><b>Freshwater Pearl Mussel, Sea Lamprey &amp; Atlantic Salmon - YES LSE</b> from short term effects arising during construction, through sediment released during construction activity entering the River Spey and causing pollution changing the water quality.</p> <p><b>1) Craigmore Wood SPA</b></p> <p><b>Breeding capercaillie – Yes LSE:</b> There is potential for the occupants of the proposed development (capacity for 36 people) to recreate in the woods, which are connected to the site through public roads and Craigmore wood are known to support breeding capercaillie.</p>
<b>STAGE 4:</b>
<b>Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives</b>
<p><b>I. River Spey SAC</b></p> <p><b>Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for</b></p>

**freshwater pearl mussel):**

## **Atlantic Salmon & Freshwater Pearl Mussel**

### **2b. Restore the distribution of Atlantic salmon/Freshwater Pearl Mussel throughout the site**

The current and potential distribution of Atlantic salmon or FWPM within the site would not be directly affected as no development will occur in the watercourse. However, pollution from construction activities (e.g. sediment, fuels or oils) could indirectly cause the distribution to change due to changes in water quality (temporary) and, if significant amounts of sediment reach the watercourse, through smothering of habitats which are used by salmon for spawning/juveniles and habitats suitable for supporting FWPM (long term).

A pollution prevention plan is recommended through condition. The pollution prevention plan should include standard good practice, such as maintaining a minimum 50 m buffer for storing chemicals/concrete wash out or any other potential polluting activity (SEPA WAT-SG-75).

Other relevant Guidance for Pollution Documents should also be referred to and implemented on site (i.e. GPP5, GPP8, GPP21, GPP22) If a pollution prevention plan is conditioned and implemented - this conservation objective would be met.

### **2c. Restore the habitats supporting Atlantic salmon & Freshwater Pearl Mussel within the site and availability of food**

The current and potential restoration of the distribution of habitats supporting Atlantic salmon and FWPM within the site would not be directly affected as no development will occur in the watercourse.

However, pollution from construction activities would affect supporting habitats if significant amounts of sediment reach the watercourse and cause smothering, reducing the distribution and extent of habitat suitable for spawning and juvenile salmon and habitats suitable for supporting FWPM (long term).

However, mitigation measures for 2b above would reduce the risk of pollution reaching the watercourse to a minimal level and so this conservation objective would be met.

### **2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats**

The distribution and viability of FWPM host species (Atlantic salmon & sea trout) would not be directly affected as no development will occur within the watercourse.

However as discussed in 2b & 2c, there is potential for pollution from construction activities to indirectly affect the habitats supporting these species which may in turn lead to a change in distribution or in change in health of the supporting species. With the implementation of the mitigation mentioned in 2b the risk of pollution events will be reduced therefore the development would not hinder the distribution or vitality of the host species.

### **2a. Restore the population of Atlantic salmon (including range of genetic types) and Freshwater Pearl Mussel, as a viable component of the site**

As the other conservation objectives can be met for Atlantic salmon and FWPM with mitigation, the proposed development would not hinder or prevent the restoration of the

population of Atlantic salmon as a viable component of site. Therefore, this conservation objective would be met.

## **Sea Lamprey**

### **2b. Maintain the distribution of sea lamprey throughout the site**

The current distribution of sea lamprey would not be directly impacted upon by the development proposals as no works will take place within the watercourse. However, there is potential for pollution from construction activities which could indirectly impact upon spawning substrates (long term) and water quality (temporary) which may alter the distribution of sea lamprey.

As detailed within 2b for Atlantic salmon & freshwater pearl mussel. A pollution prevention plan detailing good practice construction activity will reduce the risk of accidental pollution and therefore this conservation objective would be met.

### **2c. Maintain the habitats supporting sea lamprey within the site and availability of food**

The current suitable habitats for supporting sea lamprey will not be directly impacted upon as no works will take place within the watercourse. However, there is potential for pollution, such as sediment to enter the watercourse and smother the suitable spawning grounds (long term) making it difficult for the sea lamprey to find suitable habitat. Changes to water quality through suspended solids or chemicals (temporary) may lead to a reduction in food availability through negatively impacting the distribution of fish species.

The implementation of pollution prevention measures will reduce the risk of pollution entering the watercourse therefore this conservation objective would be met.

### **2a. Maintain the population of sea lamprey as a viable component of the site**

As the other conservation objectives for sea lamprey can be met through the implementation of mitigation, the proposed development would not negatively impact on the current population of sea lamprey within the SAC, therefore this conservation objective would be met.

## **Otter**

### **2b. Maintain the distribution of otter throughout the site**

The distribution of otter within the site may be directly affected in the long term through disturbance caused by increased human activity, particularly off-lead dog walking. However the River Spey is subject to access with the Speyside Way running alongside the river just north of the proposed site (it is not directly adjacent to the River Spey through the proposed site). Given the levels of recreational access of the River Spey it is likely that any otters within this territory are habituated to some levels of human disturbance and the addition of the formalised campsite is unlikely to significantly change otter behaviour. Therefore, this conservation objective would be met.

### **2c. Maintain the habitats supporting otter within the site and availability of food**

The distribution of habitats supporting otter would not be directly affected. The pollution issues identified for the other freshwater species mentioned, could affect otter prey species,

however the mitigation measures would reduce the risk of this occurring to a minimal level and so the conservation objective would be met.

## **2a. Maintain the population of otter as a viable component of the site**

As the other conservation objectives can be met for otter with the mitigation included in the proposal, the proposed development would not hinder or prevent the maintenance of the population of otter as a viable component of site.

### **Conservation Objective 1. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status**

As all the other conservation objectives would be met, the proposed development would not prevent or hinder the condition or conservation status of the qualifying interests of the SAC, and so this conservation objective would be met.

## **2. Craigmore Wood SPA**

### **Distribution of the species within site**

The proposed development is not expected to increase any off-path activity throughout the site, therefore the distribution of the species is not expected to be impacted upon. It is considered likely that this conservation objective will be met. See Annex I-II for full assessment.

### **Distribution and extent of habitats supporting the species & Structure, function and supporting processes of habitats supporting the species**

There will be no impacts on the habitats associated with the site, with the proposed development approximately 600 m from the nearest point. Therefore it is considered likely that this conservation objective will be met.

### **No significant disturbance of the species**

The proposed development is unlikely to lead to a significant disturbance on the designated species – See assessment in Annex I-II. Therefore, it is considered likely that this conservation objective will be met.

### **Population of the species as a viable component of the site**

As the other conservation objectives will be met, the population of capercaillie should not be adversely affected therefore this conservation objective will be met.



## Annex I

2023/0199/DET Erection of owners/managers accommodation; erection of 7 self catering cabins, shower/toilet block. Boat of Balliefurth

<p><b>Q1. Is the proposed development likely to change levels of human activity or patterns of recreation around the proposed development/associated settlement?</b></p> <p><i>Q1: This and Q2 are included as screening questions to filter out any developments that aren't likely to have changed levels or patterns of recreation.</i></p>	<p><b>Yes in relation to access routes closest to the development.</b></p> <p>Craigmore Wood (Figure I, H) is located approximately 600 m from the proposed campsite location, with two forestry tracks providing access into the woodland approximately 0.35 km to the northeast and 0.7 km to the southwest of the access point of the proposed development on the B970. Neither of these access points have formalised parking and there is no formalised pedestrian access along the B970 to these entry points.</p> <p>It is considered that currently these tracks will be used by the nearby properties and likely from other locals for recreation such as dog walking and cycling. Given the proximity to the campsite, it is likely that at least some visitors will use these access points and the network of tracks within the woodland for similar recreation.</p> <p>Assuming that the proposed site is at full occupancy all year round (four people in each of the seven pods and eight people residing within the domestic dwelling) that is an additional 36 people in the area, which is currently sparsely occupied.</p>
<p><b>Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?</b></p> <p><i>Q2: This is included to ensure the effect of otherwise small-scale development sites particularly close to capercaillie woods are adequately considered. Evidence from settlements in Strathspey where houses are adjacent to woodlands indicates that networks of informal paths and trails have developed within the woods linking back gardens with formal path networks and other popular local destinations (eg primary schools). Such paths are likely to be used by visitors.</i></p>	<p><b>No.</b> Despite the relatively short distance, access from the proposed development site, would involve a 0.35 km walk along the B970 (to the nearest access into the woodland) with no formal pedestrian access.</p> <p>The wider Craigmore Wood is also easily accessible from the south at Nethybridge, which includes formalised walks and provision for car parking. Additionally, the proposed campsite allows for easy access onto the Speyside Way. It is possible to consider that visitors to the area would either enjoy the Speyside Way or seek out formalised routes with parking options (e.g. woodland walks around Nethybridge or Grantown on Spey).</p>
<p>If Q1 &amp; Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q1 or Q2 = Yes, continue to Q3</p>	

**Q3. Which capercaillie woods are likely to be used regularly for recreation by users of the development site at detectable levels? (list all)**

*Q3: This is included to identify which capercaillie woods are likely to be used for recreation by users of non-housing development sites at levels that would be detectable. The answer will be assessed using professional judgement based on knowledge of existing patterns of recreation around settlements and in the local area, the relative appeal of the capercaillie woods concerned compared to other recreational opportunities in the area, the volume of recreational visits likely to be generated by the development site, and informed by national survey data (eg on the distances people travel for recreational visits).*

Given the proximity to the development **Craigmore Wood**, is considered likely to be used for recreation by users of this development but not considered that it would be regular use.

Visitors to the area are likely to visit other woods in the area associated with tourist amenities, such as **Anagach Woods SPA** (Figure I, D)) and perhaps even **Rothiemurchus** (Figure I, M & N) **and Glenmore** (Figure I, O) which are popular locations with visitors to the area. It is considered unlikely that all the proposed visitors to this development would all go to the same place at the same time. Therefore, any effects of the number of visitors to the woodlands would be dispersed and not considered a detectable change to the existing levels (consisting of current population of Grantown, Nethybridge and Aviemore using the sites).

Continue to Q4

**Q4. Are residents / users of this development site predicted to undertake any off path recreational activities in any of the woods identified at Q3 at detectable levels?**

*Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.*

**No off path recreational activities are expected.** Visitors to established ‘campsites’ are considered more likely to stick to established paths/tracks.

If Q4 = No for any woods, continue to Q5  
 If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.

**Q5: Are each of the woods identified at Q3 already established locations for recreation?**

*Q5: This is included because if users of the development site are likely to access previously*

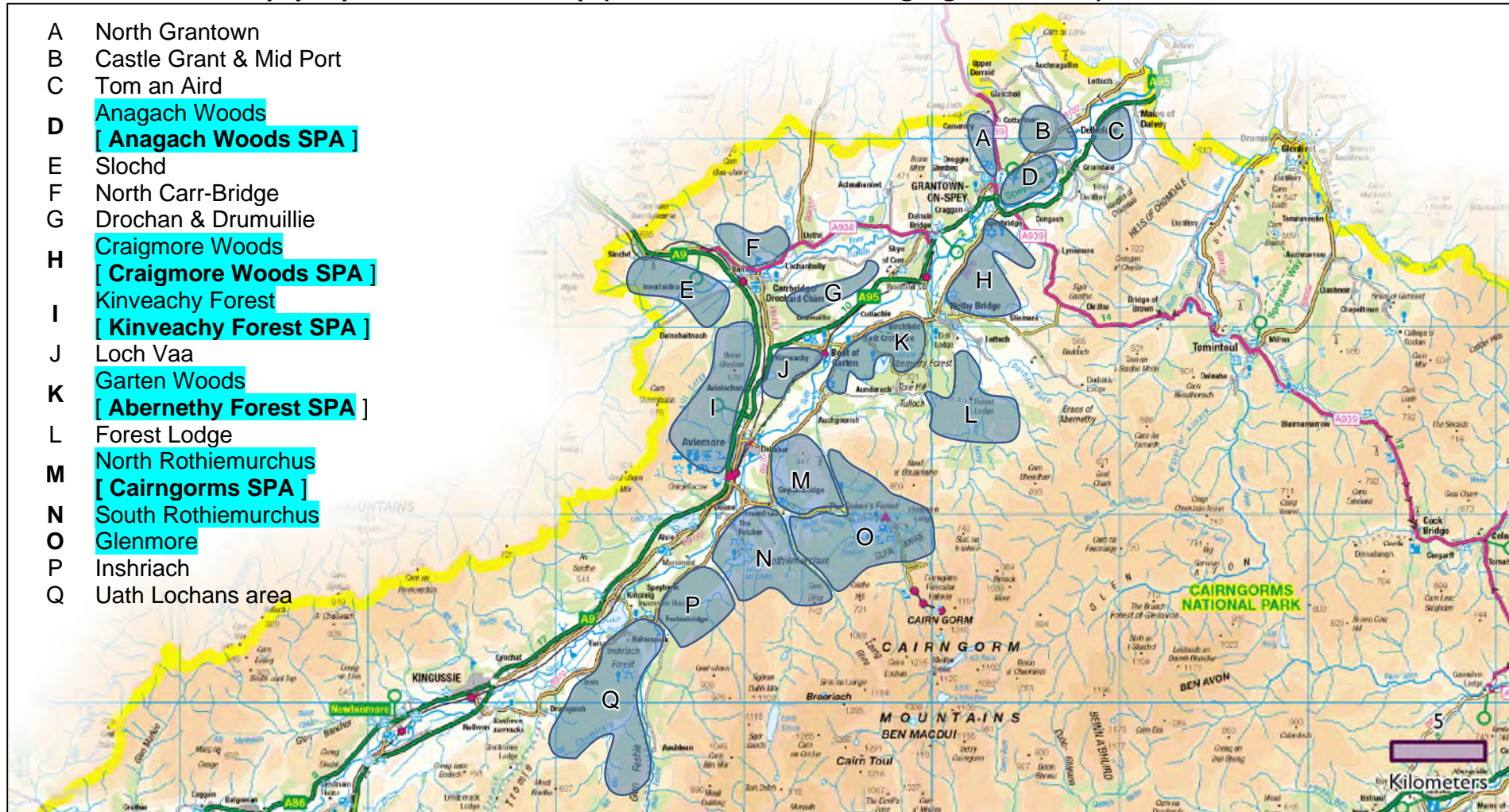
**Yes.** Craigmore Wood has a level of activity, especially around the formalised routes at Nethy Bridge. The access point to Craigmore Wood, to the northeast of the development currently serves as access for a residential property. It is considered that the other woods such as Anagach Woods and Rothiemurchus would be subject to heavier more frequent activity, given there

<p><i>infrequently-visited capercaillie woods, or parts of these woods, for recreation, significant disturbance is likely and mitigation is needed. This will be answered on the basis of professional knowledge.</i></p>	<p>proximity to larger settlements.</p>
<p>If Q5 = No for any woods, mitigation is needed. Note and continue to Q6. If Q5 = Yes for any woods, continue to Q6</p>	
<p><b>Q6: For each of the woods identified at Q3, are users of the development site predicted to have different temporal patterns of recreational use to any existing visitors, or to undertake a different profile of activities? (eg. more dog walking, or early morning use)</b></p> <p><i>Q6: This is included because some types of recreation are particularly disturbing to capercaillie; and increased levels of these types of recreation will cause significant disturbance and require mitigation. This will be answered on the basis of professional knowledge on existing patterns of recreational use and whether each location is sufficiently close and/or convenient in relation to the development site and patterns of travel from there, to be used by users of the development for different recreational activities or at different times of day. For example, capercaillie woods with safe routes for dogs that are located close to development sites are likely to be used for early morning &amp;/or after work dog walking.</i></p>	<p><b>No.</b> It is likely that people staying in the proposed site will undertake similar activities to existing users. There is no reason to assume that visitors to the development will recreate at earlier or later times than what is currently existing within the woodland.</p> <p>No info is known on whether the proposed camping pods will allow dogs, however given the lack of formalised pedestrian access and the current location of the proposed development (large open field with space for dog walking) it is reasonable to think that any early morning/late evening dog walks will take place within the immediate vicinity of the proposed development.</p>
<p>If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7 If Q6 = No for any woods, continue to Q7</p>	
<p><b>Q7: For each of the woods identified at Q3, could the predicted level of use by residents / users of the development site significantly</b></p>	<p><b>No</b> the potential level of use would not significantly increase the overall levels of recreation.</p>

<p><b>increase overall levels of recreational use?</b></p> <p><i>Q7: This is included because a significant increase in recreational use could result in significant disturbance to capercaillie, even in situations where the capercaillie wood is already popular for recreation, and no changes to current recreational patterns / activities or off path activities are predicted. The answer was assessed on the basis of professional judgement of current levels of use and whether the increase is likely to be more than approximately 10%.</i></p>	<p>Although Grantown on Spey is geographically closer to the proposed site, Craigmore Wood is accessed directly from Nethybridge, therefore it would make sense that the majority of local residents using Craigmore for recreation are from Nethybridge.</p> <p>Based on the HRA for the LDP in 2020 the population for Nethy Bridge was estimated at 747 people with the population predicted to increase to 766 in 2024 and reduce to 751 in 2029 (based on the number of housing sites allocated within the LDP and predicted population changes).</p> <p>Assuming that the holiday accommodation and residential property are occupied all year round there would be an additional 36 people in the local area. This would be an increase of approximately 4% of the population associated with Nethybridge.</p> <p>Given that the holiday properties are likely to be skewed to the associated tourist seasons, there are likely to be periods when they are not fully occupied.</p>
<p>If Q4-7 = No for all I woods, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed</p>	
<p><b>Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?</b></p>	<p><b>No. No mitigation is required.</b></p>
<p><b>Reasons mitigation needed:</b></p>	<p>N/A</p>

## Annex II.

### Badenoch and Strathspey capercaillie woods map (considered woodlands highlighted in blue)



Capercaillie woodland in Badenoch and Strathspey.

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