



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 5 Appendix 2 10 November 2023

Agenda item 5

Appendix 2

2023/0030/PPP

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0030/PPP Residential development, staff accommodation and infrastructure.
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	24 July 2023
Checked by	NatureScot
Date	Date of consultation response from NatureScot

INFORMATION
European site details
Name of European site(s) potentially affected
<p>1) Kinveachy Forest SPA¹</p> <p>2) River Spey SAC</p>
Qualifying interest(s)
<p>1) Kinveachy Forest SPA</p> <p>Capercaillie - breeding</p> <p>Scottish crossbill - breeding</p> <p>2) River Spey SAC</p> <p>Otter</p> <p>Freshwater pearl mussel</p> <p>Sea lamprey</p> <p>Atlantic salmon</p>
Conservation objectives for qualifying interests
<p>I) Kinveachy Forest SPA</p> <p>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</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> – Population of the species as a viable component of the site – 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

¹ 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 III** has the potential to affect the wider capercaillie metapopulation of Badenoch and Strathspey. Attention has been focused in this HRA on the woods closest to the development and most likely to be used regularly for recreation, which in this case is Kinveachy Forest SPA. The associated Boat of Garten, Loch Garten, Glenmore and Rothiemurchus woods (woods I, J, K, L, M, N and O on the map are also considered in a broader assessment). 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.

2) River Spey SAC

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):

- 2b. Restore the distribution of **freshwater pearl mussel** throughout the site
- 2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food
- 2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats
- 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 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

APPRAISAL

STAGE 1:

What is the plan or project?

Relevant summary details of proposal (including location, timing, methods, etc)

Construction of 180 homes, comprising of two storey houses ranging from 2 no beds to 4 no beds and four storey flats of 1 no beds and 2 no beds. The proposed site is immediately south of the Scandinavian village within the centre of Aviemore. The development will include the proposing of access and open spaces.

STAGE 2:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

No

STAGE 3:

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)?

1) Kinveachy Forest SPA

Capercaillie – YES LSE. There is potential disturbance during operation of the site through increased human activity by the addition of the occupants from the proposed development to the already existing population within Aviemore (See Annex 1)

Scottish crossbill – NO LSE. The habitats onsite are suboptimal for supporting breeding crossbill, with the site containing a fairly open canopy with fewer mature trees. No disturbance to breeding crossbill is predicted. Therefore, this species will not be considered further.

2) River Spey SAC

FWPM, Sea Lamprey & Atlantic Salmon - Yes LSE. The proposed development area is approximately 2m from the nearest point of the River Spey SAC. Although the watercourse does not run through the proposed development, given the proximity of the development to the watercourse there is potential for pollution events which could negatively impact on the qualifying species.

Otter: NO LSE. No negative impacts on otter are expected. Although otter are known to use the Aviemore Burn for connecting to the River Spey and other watercourses. The Aviemore Burn runs through the centre of Aviemore, therefore it would be expected that any otter using the burn would be habituated to a certain level of disturbance. Given the location of the development, construction outwith standard times is unlikely. Currently no additional mitigation is currently

required to protect otter and otter will not be considered further.

STAGE 4:

Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives

1) Kinveachy Forest SPA

Distribution of the species within the site:

The distribution of capercaillie within the site will not be affected as a result from the increase in residents (described in **Annex I-III**) therefore this conservation objective will be met.

Distribution and extent of habitats supporting the species; structure, function and supporting processes of habitats supporting the species:

There will be no effect on the structure, function or supporting processes of the habitats supporting capercaillie as a result of the proposed development, therefore this conservation objective will be met.

No significant disturbance of the species

See **Annex I-III** for detailed assessment. In summary, there would be no additional disturbance to capercaillie over and above what is already occurring through use of existing routes in capercaillie woods (I, J, K, L, M, N and O). Therefore, this conservation objective can be met.

Population of the species as a viable component of the site:

As the other conservation objectives can be met, the population of capercaillie should not be affected and so this conservation objective will be met.

2) River Spey SAC

Restore the distribution of the Atlantic Salmon & FWPM & maintain the distribution of lamprey within the site:

No works will take place directly within the SAC however given the proximity of the development to the SAC (Aviemore Burn) there is potential to impact on the distribution of the aquatic species, through pollution events. A change in water quality through the introduction of fuels, oils or sediments would reduce the water quality and therefore could potentially impact on each of the species. Furthermore, the introduction of sediments, especially large volumes of sediment could lead to smothering of habitats within the watercourse downstream of the site and impact upon distribution.

Mitigation to minimise the potential for such impacts include the conditioning of a Pollution Prevention Plan which will detail measures implemented by the site to prevent pollution (including sediments) from entering the burn. If mitigation is conditioned (and implemented) then the conservation objective will be met.

Restore the distribution of habitats supporting FWPM and Atlantic Salmon and maintain habitats supporting sea lamprey throughout the site:

As above, the introduction of sediments or chemicals to the watercourse could negatively impact

the habitats known to support these species, such as the channel substrate as described above.

The implementation of a PPP will minimise the risk of pollution events occurring - as discussed above and allow the conservation objective to be met.

Restore the population of FWPM & Atlantic salmon and maintain the population of sea lamprey:

If the distribution, suitable habitat and availability of food/hosts are not significantly impacted upon then these conditions should be met for each of the qualifying species.

STAGE 5:

Can it be ascertained that there will not be an adverse effect on site integrity?

1) Kinveachy Forest SPA

Yes it can be ascertained that there will not be an adverse on site integrity as all the conservation objectives can be met.

2) River Spey SAC

Yes it can be ascertained that there will not be an adverse on site integrity as all the conservation objectives can be met provided the a condition is attached to the planning permission (should planning permission be granted) for the following:

A pollution prevention plan will be produced to detail measures to be implemented to protect the nearby watercourse from construction activities, e.g. storage of fuels/oils, refuelling etc. The PPP will be agreed with the CNPA prior to works commencing on site.

Reason: To ensure no adverse impacts on the designated site or qualifying features.

Annex I: Capercaillie Assessment

2023/0030/PPP Residential development, staff accommodation and infrastructure.

Q1. Is the proposed development likely to change levels of human activity or patterns of recreation around the proposed development/associated settlement?

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.

Yes, there would be an increase in the level of human activity but not likely to patterns of recreation.

The proposed development includes construction of 180 properties, comprising of houses and flats, ranging from one bed to four bed properties. As the development is currently at principle stage, the exact number of bedrooms is undetermined. Using the 2.07 occupancy rate applied for the LDP (in the absence of a robust alternative), this would amount to approximately 373 people residing within the development.

The existing population of Aviemore was estimated to be around 3,800 people in 2020 (based on National Records of Scotland 2019 mid-year estimate of the population). Adding an additional 373 people to the existing Aviemore population would increase the current population by around 9%. This would be a moderate increase in the potential number of people using existing paths and routes.

In the planning system, there is a number of consents for additional residential units, as listed in **Annex II** this would amount to an additional 613 people, giving a potential population of around 4,413 an increase of approximately 16%. Adding the additional 373 people from the proposed development to this would result in an increase in the potential population of around a further 8% leading to a population number of approximately 4,786.

While the addition of 373 to the existing or potential populations **will likely result in an increase in the levels of human activity**, this needs to be put into context of existing levels of use by other visitors, as well as residents.

The Aviemore and Glenmore area hosts 1,000,000 visitors a year (<https://www.visitaviemore.com/aviemore-community/>). In the absence of more detailed figures, this is approximately 2,740 people visiting the area each day (assuming that the 1 million visitors are spread evenly over 365 days of the year, which they are not as the tourist season is skewed to summer between June and September <https://cairngorms.co.uk/wp-content/uploads/2016/06/160620VisitorInfrastructureandInformationFINAL.pdf>). In this context,

	<p>the addition of an extra 373 people would be a moderate addition to the usual levels of use.</p> <p>-----</p> <p>Although the development will lead to a moderate increase in population within Aviemore, it is considered likely that not all residents will take an interest in accessing either Kinveachy Forest or the other woodlands. The capercaillie woodlands, especially Kinveachy Forest, are easily accessible for residents from Burnside and other locations within Aviemore. Given the distance from the development to the woodlands, it is considered likely that the current patterns of recreation within the woodland (e.g. early morning/late evening dog walks and off track mountain biking) are unlikely to alter significantly.</p>
<p>Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?</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>No.</p> <p>From the proposed development site, the closest entry point to a known capercaillie wood (Kinveachy Forest, wood I on the Badenoch and Strathspey capercaillie woodlands map in Annex III, part of the Kinveachy Forest SPA) is approximately 3km from the proposed development along either public roads/footpaths or the Aviemore Orbital route. As this is some distance from the proposed development, and makes use of existing routes, the proposed development site is not more accessible than from other parts of Aviemore.</p>
<p>If Q1 & Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q1 or Q2 = Yes, continue to Q3</p>	
<p>Q3. Which capercaillie woods are likely to be used regularly for recreation by users of the development site at detectable levels? (list all)</p> <p><i>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</i></p>	<p>None at detectable levels.</p> <p>As discussed in Q1 & Q2The closest entry point to a known capercaillie wood from the proposed development is Kinveachy Forest (wood I on the map in Annex III) and access is approximately 3km from the proposed development. The tracks and paths in Kinveachy are well used by residents of Burnside and from other people in the wider area. Recreation within the woodland includes dog walking, and downhill biking. In the past there has been issues with illicit route creation for biking, which has caused disturbance in sensitive capercaillie areas within Kinveachy Forest. However, these issues are being actively managed on site in order to protect the local</p>

<i>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).</i>	<p>capercaillie populations, through signage and other measures (e.g. fencing, removing tracks).</p> <p>Other woodlands which might be used by residents of the proposed development, which are considered accessible from Aviemore, include Rothiemurchus (M & N, Annex III), Glenmore (O, Annex III) or further to Abernethy (K, Annex III) and surrounding woodlands. All these woodlands are currently used for similar recreation by local residents and visitors.</p>
---	---

Continue to Q4

<p>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?</p> <p><i>Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.</i></p>	<p>No, not at detectable levels.</p> <p>There is no reason to believe that people staying in the proposed development would not follow existing patterns of behaviour and use existing paths and tracks for recreation, including mountain biking and dog walking.</p>
---	---

If Q4 = No for any woods, continue to Q5

If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.

<p>Q5: Are each of the woods identified at Q3 already established locations for recreation?</p> <p><i>Q5: This is included because if users of the development site are likely to access previously 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>Yes. See answers to questions 1, 2 and 3.</p>
--	---

If Q5 = No for any woods, mitigation is needed. Note and continue to Q6.

If Q5 = Yes for any woods, continue to Q6

Q6: For each of the woods identified at Q3,	No. The woods are all already well used at a variety time of day for walking, running and cycling,
--	---

<p>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)</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 &/or after work dog walking.</i></p>	<p>as well as dog walking, by both residents and visitors to Aviemore and the wider area.</p>
<p>If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7</p> <p>If Q6 = No for any woods, continue to Q7</p>	
<p>Q7: For each of the woods identified at Q3, could the predicted level of use by residents / users of the development site significantly increase overall levels of recreational use?</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</i></p>	<p>No. There would not be a detectable or significant increase in human activity in Kinveachy Forest or the nearby associated capercaillie woodlands (woods I, J, K, L, M, N and O in Annex III).</p>

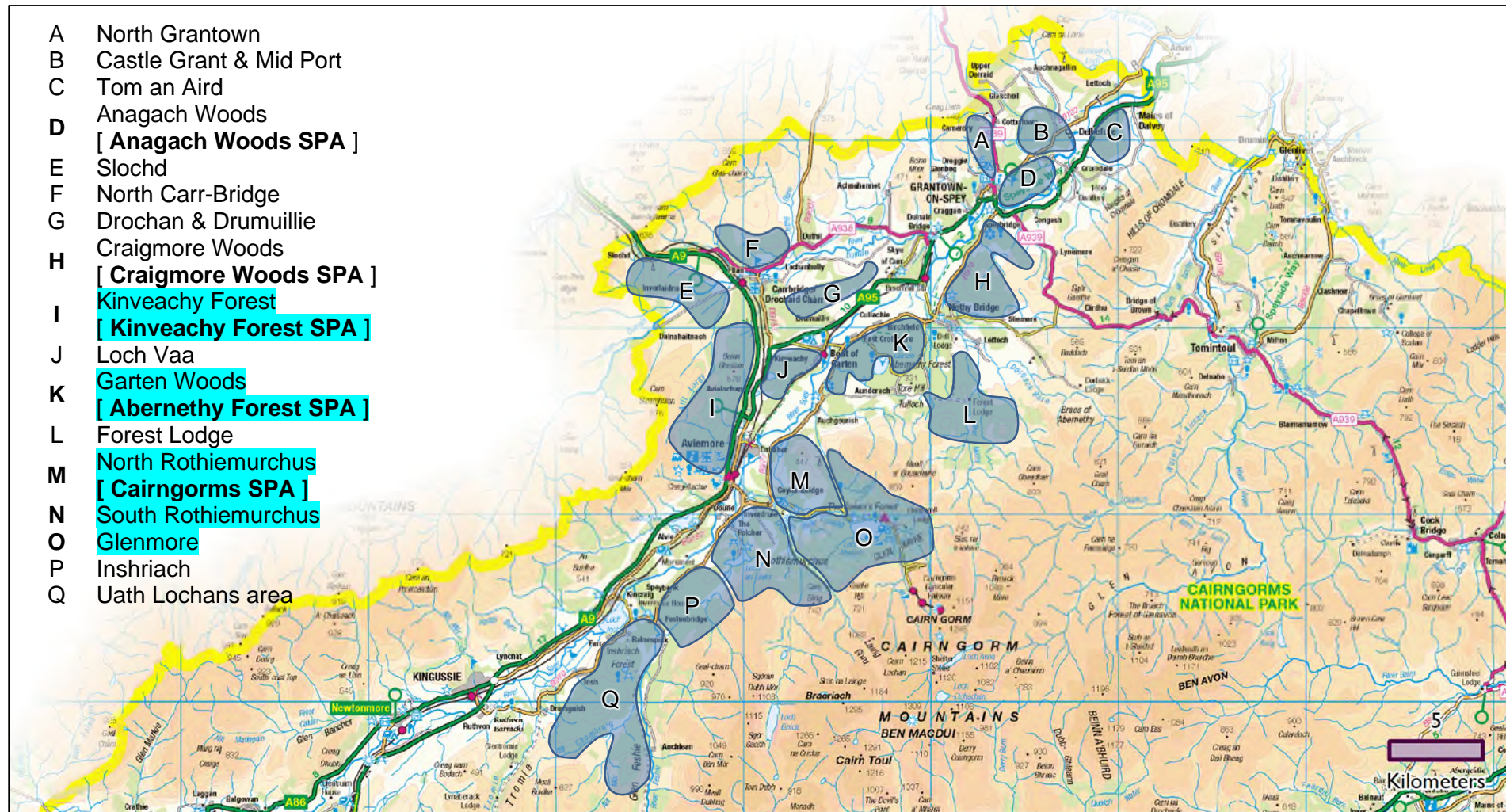
approximately 10%.	
<p>If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed</p>	
<p>Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?</p>	<p>None required.</p>
<p>Reasons mitigation needed:</p>	<p>n/a</p>

Annex II – information on planning applications with consent but not yet built

The number of people per application site has, unless otherwise stated fully in application, been calculated using the 2.07 person occupancy figure used for the LDP assessment as explained in the answer to question 1 of this document:

- **GRAMPIAN ROAD, 2 people:** 21/01746/FUL, Change of use from office space to 2 bedroom flat, 85 Grampian Road, Aviemore, PH22 IRH
- **PINE BANK CHALETS – no change,** replacement of one large cabin with two smaller cabins: 21/01221/FUL, Demolition of holiday units, erection of 2 new units, Pine Bank Chalets, Dalfaber Road, Aviemore, PH22 IPX
- **GRAMPIAN ROAD NEAR ACHANTOUL 3 people based on number of guest beds per the approved floor plan:** 20/03708/FUL Conversion of garage annex to form guest bedroom accommodation, Carn Mhor Guest House, The Sheiling, Aviemore, PH22 IQD
- **INVERDRUIE 13 people:** 2016/0158/DET Erection of 6 dwellings, upgrade current access point and a new access track formed; private drainage (shared treatment plant and soakaway), Land 175M SE Of Heatherbank, Rothiemurchus, Aviemore
- **SOUTH END OUTSIDE AVIEMORE 2 people:** 20/04360/FUL Demolition of garage and replacement with double garage with granny flat, Kinmundy, Grampian Road, Aviemore, PH22 IRH
- **SOUTH END OF AVIEMORE LA TAVERNA 8 people based on 4 double beds in each unit as per the approved floor plan:** 19/00846/FUL Construction of 4no. units for holiday letting, High Range Motel, 19 Grampian Road, Aviemore, PH22 IPT
- **NEXT TO HAPPY HAGGIS 56 people:** 2019/0363/DET, Erection of three blocks of flats (27 units) with associated parking and access, Development Site On Former Filling Station Grampian Road Aviemore Highland
- **NEAR HOSPITAL 34 people:** 2019/0298/DET, Spey House Phase 2 - Development of 14 no dwellings including 6no terraced houses, 4no bungalows and 4no cottage flats, Land 20M South East of Spey House, Cairngorm Technology Park, Dalfaber Drive, Aviemore
- **Part of H1 in LDP: 193 people:** Applications associated with 2018/0184/MSC Satisfy the Conditions of Planning Permission PPA-270-2126 for residential units, Land North West Of Dalfaber Farm, Dalfaber Drive, Aviemore
- **PART OF H2 in LDP: 79 people:** 2016/0224/DET Proposed 30 flats and 8 terraced units, Land 30M West Of 31 Allt Mor, Aviemore
- **PART OF AHR MI in LDP:** 33 units of the 140 already built, so for the remaining units it will be **221 people:** 05/306/CP Erection of 140 dwellings, construction of roads and services and landscaping, Horse Field (Land North Of Scandinavian Village), Aviemore
- **SEAFIELD PLACE –22/04334/FUL-** Conversion of a garage into a one bedroom self contained flat. **2 people.**

Annex III – Badenoch and Strathspey capercaillie woods map (assessed woodlands are highlighted blue)



Capercaillie woodland in Badenoch and Strathspey.

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2018. All rights reserved. Ordnance Survey Licence number 100040965 Cairngorms National Park Authority © Nature Scot