

APPENDIX 3

CNPA HERITAGE AND LAND MANAGEMENT GROUP

- **LANDSCAPE RESPONSE**
- **ECOLOGY RESPONSE**



AN CAMAS MOR: LANDSCAPE RESPONSE

1.0 Proposal Description

1.1 Background

An Camas Mor was identified in the 1997 Local Plan as an area for a housing development of 750 house sites. This allocation was defended successfully at PLI .

The revised draft local plan currently with Scottish Government includes an allocation of 1500 units on this site, covering all tenure types.

The master plan for the proposed development is one of eleven that have been awarded recognition as exemplar projects under the Scottish Government's Sustainable Communities Initiative.

1.2 The Site

The proposal site extends to 105 ha lying east of Aviemore and the river Spey within the Rothiemurchus estate. It is within the Cairngorm Mountain NSA and the Cairngorms National Park.

1.3 The Proposal

Aspects of the proposal that will have a bearing on landscape and visual impact include

- 1500 house units and garden ground (the location, design, mix and density of these)
- small scale retail units and community buildings
- main and subsidiary access roads
- pedestrian and cycle access
- services, including surface water drainage suds,
- woodland
- open green space areas
- night lighting,
- construction
- phasing.

Off site impacts – road widening/upgrading, increased traffic,

2.0 EIA and Proposed Mitigation

2.1 Landscape Effects

For EIA purposes the proposal is phased over 4 periods from 2011 to 2027. The assessment of effects is undertaken for each of these periods and at year 2070.

The effects at each stage are described against baseline conditions giving an assessment of cumulative effect over time.

2.1.1 Landscape Resource

The ES examines the effects on the landscape resource by considering impacts on landscape character at two different levels and considering the effects on the NSA and the Cairngorms National Park. The effects of the proposal are assessed using established methodology (GLVIA).

2.1.2 Speyside Landscape Character Area (LCA)

At 2027 it is considered that the effect of An Camas Mor on the 'Speyside LCA' would be 'not significant' and no mitigation is proposed.

2.1.3 Local landscape Character Areas (LLCA)

Significant adverse effects are predicted as a consequence of the development and associated access roads on the raised woodland and flood plain local landscape character areas.

The significant impacts at 2027 on these LLCAs are considered unavoidable. Proposals for mitigation include retaining "as much existing tree cover as possible" and the incorporation of new planting. The ES states that these mitigation measures will not be uniformly effective in reducing the impact by 2027 but will gradually reduce it beyond 2027 aided by off-site forest management of the Rothiemurchus woodlands.

2.1.4 National Scenic Area (NSA)

The likely effects on the key characteristics of the NSA are also assessed, and it is considered that these would remain "essentially intact". The effect of An Camas Mor on the NSA is judged to be slight adverse and not significant. No mitigation is proposed.

2.1.5 Cairngorms National park (CNP)

It is considered that the distinctive landscapes of the National Park as a whole would not be materially affected, the range of landscape types would not be significantly altered, and the most striking and dominant features, the mountains, not affected. It is also considered that the specific site of ACM does not make a significant contribution to the landscape of the National park or its distinctive landscapes.

It is considered that at 2027 ACM would not have a significant adverse effect on the landscape of the CNP. No mitigation is proposed

2.2 Visual Amenity

The effects on visual amenity are assessed using a series of representative and specific viewpoints, routes and potential receptors which the developer has selected following consideration of a bare ground and treed ZVT. Viewpoints were agreed in conjunction with CNPA and THC landscape architects. Effects are assessed over the stages of the development and with the aid of viewpoint photography, context photographs and computer generated visualisations set within the context photograph. The computer-generated views/visualisations show simple blocks of built form and tree cover which have been differentially rendered.

2.2.1 Viewpoint Analysis

Significant adverse landscape and visual effects arise over the period 2011 to 2027. Those most likely to affect the experience of the CNP arise as a result of the eastern access, works to the B970 and increased level of usage, the introduction of a new built settlement and the loss of, and change to, the wooded character of the site and surrounds.

Prior to 2027 significant visual impacts would be experienced from the viewpoint in the vicinity of Guislich farm Access road and from the elevated view points at Ord Ban, Craiggellachie and Pityoulish and Craiggowrie.

By 2027 it is expected that tree growth would be sufficient to reduce effects to slight and not significant at the Guislich Farm viewpoint and Craiggowrie. The effect on viewpoints at Ord Ban,

Craigellachie and Pityoulish would remain significant adverse. It is considered that further tree growth between 2027 and 2070 would reduce the level of impact to slight in all but Craigellachie. The EIA considers that the effect of ACM on the visual amenity of settlements, road, cycleways, footpaths and other recreation locations to be not significant. The timescales that apply to these statements are unclear.

Post-submission Discussions

In post-submission discussions the developer has tabled a proposal to reduce the height of some of the buildings in the core of the development and the density of others elsewhere, and delay development in another. The developer considers that this would equate to constructing about 1100 units by 2027 and that these measures would reduce the residual landscape and visual impact to a non-significant level by 2027.

3. 0 Key Points to Note in Respect of the EIA

3.1 LCA

It is general practice for the EIA process to use the published Landscape character assessment for the area (in this case the SNH Cairngorm LCA was used). This LCA is extremely broad brush and provides little assistance in an examination of impacts at this scale. A more relevant scale of assessment would have been more helpful and would have been better placed to highlight impacts on the CNP as well as the landscape character area.

3.2 NSA

The approach taken to assess effects on the NSA is reductionist with qualities being separated out as 'key characteristics' and the development assessed against these. The NSA designation is a scenic designation in which an area is valued for its underlying character and the experience of the whole.

3.3 Visual Assessment Techniques

The use of ZTVs and viewpoints in the EIA process is a helpful technique designed to give a representative indication of visual effect, or from which to analyse visual effect in the case of a wind farm for example. These single point assessments do not give an assessment of the experience as one moves within the landscape.

3.4 Visualisation

Whilst accepting that projecting forward and creating an accurate visualisation is difficult the chosen approach is particularly crude. The approach relies on the viewer to extrapolate from a blocky image to the form and density of real trees and woodland. Judgement associated with this part of the assessment process is therefore potentially flawed as it is open to individual interpretation.

4.0 Key landscape Issues and Policy Challenges

4.1 The EIA identifies significant adverse landscape and visual effects and considers these to be acceptable for protracted periods of time. CNPA disagrees with this conclusion.

An Camas Mor : Landscape Response

The phasing given in the EIA is for the purposes of assessment only, in reality development will progress with market demand. But what the EIA does do is flag up that the development as proposed is predicted to have a substantial adverse landscape and visual impact for a long time, 60 years or 2 generations.

We can only be confident that the landscape and visual impacts can be reduced to an acceptable (slight level) for up to 630 units. At this level the EIA still indicates significant adverse residual impacts but there would still be sufficient space on the site to adopt measures to reduce that impact.

Between 630 and 1500 units the residual landscape and visual impacts remain significant adverse and with each successive phase of development the space available on the site to adopt measures to reduce those impacts gets less and less. We believe that there may be scope to accommodate more than 630 units on the site and possibly up to the 1100 suggested by the developer.

However, the site cannot in our view accommodate 1500 units and at the same time meet the objective of being a sustainable settlement with a character that complements and enhances the character of the national park.

The SPP accepts that landscape is constantly changing but states that "... the aim is to facilitate positive change whilst maintaining and enhancing distinctive character." It is a Park Plan objective to "Ensure development complements and enhances the landscape character of the Park" (Cairngorms National park Plan 2007 p 38). In policy terms the assessed level and persistence of impact arising from the building of 1500 units indicates a failure to make the satisfactory transition from the existing landscape character, through construction, to a new and complementary character which has the capacity for enhancing this part of the National Park over time.

4.2 The possibility of mitigating these impacts by increasing the proportion of the site given over to woodland, and reducing the area given over to built development, was not been pursued within the EIA process.

It is reasonable to expect, and accept, that as the site is opened up and construction begins that there will be a significant adverse landscape and visual effect. In the early stages of site development the location and extent of existing, regenerating and planted tree cover will contribute to impact reduction. The approach to, and quality of, construction and site management as well as the design of the built development and internal landscaping will have a bearing on landscape impact. Advance planting and other pre-emptive works designed to begin the careful process of transition from one landscape character to another will be crucial to foster positive perceptions.

With each new phase of construction activity, more of the site will be disturbed, and habitat and screening lost. The positive effects of internal tree planting in the proposed biotope strips and in-curtilage retentions will not be substantial enough to contribute much to impact reduction and the development of habitat and a new character for a number of years. In contrast, trees and woodland retained and planted prior to any construction will have immediate effect and if protected and well-managed will put on height and bulk year on year and contribute from the outset to the reduction of internal and external impacts.

It is vital that sufficient space is set aside and vegetation retained in the right places, to allow the development of a robust landscape and biodiversity framework. Augmented and managed this can provide a buffer, screen, backdrop and wildlife corridors sufficient, along with the internal planting, to incrementally counter the adverse effects of the expanding development and to reach

a situation by year 2027 (16 years) when the net adverse landscape and visual effect is not significant.

The SPP emphasises the need to take an ecosystem approach and this is backed up by work undertaken by Forest Research and SNIFFER¹. "Different landscapes will have a different capacity to accommodate new development and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, ..."

To be both externally and internally visually significant, functionally intact as an ecosystem and functional as urban green space, areas of woodland, groupings and strips of trees, will in general need to be more substantial than is indicated or suggested (internal strips are described as being a minimum of 13m wide and biotope strips a minimum of 8m wide). Individual street trees are important in terms of the quality of urban space, the creation of landmarks and pathways through the built form, but it is the woodland within and around the built development that will underpin the success and quality of this settlement in this part of the CNP and NSA.

4.3 The reduction of impacts as described is based on the estimated growth of woodland retentions and planting in the Rothiemurchus area. The EIA does not factor in the effects of the increasing levels of use likely to occur as the settlement is occupied, and possible change to the hydrology resulting from construction disturbance.

The mitigation of all significant adverse landscape and visual effects is dependent upon the retention of existing trees and woodland and the planting of new trees, both within and around the site. Impacts on the NSA in particular are countered by the retention of the predominantly wooded character of the area. This philosophy is to be commended and indeed is the only way to integrate a large settlement on this site. However, such a high level of dependency on a natural system requires a robust plan and methodology if the desired outcome is to be guaranteed. As the proposal stands I am not convinced that the design principles or indicative layout will deliver this within a reasonable time frame,

Though resilient to compaction, the sandy and stony free-draining soils and subsoils of the river terraces will be susceptible to hydrological disruption. This will be an inevitable consequence of construction and trafficking on the site and will affect the growth of both retained and planted trees especially at the edges of disturbed areas.

As the site is developed and occupied, the areas of woodland and open space and the formal and informal pathways within and between them will be crucial in defining the identity and sense of place of An Camas Mor. Retained woodland and planted woodland have to be extensive enough to provide a robust environment that can withstand pedestrian access, bike use, dog walking, and play as well as to provide the function of reducing the landscape and visual impact. If areas cannot provide the former ecosystem services at a satisfactory level, they will not perform the function of landscape impact reduction either.

4.4 The assessment does not recognise the importance of the range of different landscapes in contributing to the special qualities of the Park and specifically the

¹ A Forest Habitat Network for Edinburgh and the Lothians Duncan Ray and Darren Mosley, Forest Research

<http://www.forestresearch.gov.uk/website/forestresearch.nsf/ByUnique/INFD-7YCHCS>

strath and woodland landscapes to which many people relate better than the mountain landscapes.

The EIA concludes that the development of ACM would have only a slight adverse effect on the character of the National Park.

The woodlands, fields and 'wee back road' feel of this area provide a foil to the bustle of Aviemore and the Ski road. Aviemore is the busiest entry point to the Park and provides the first and sometimes only experience of the National Park for many visitors. This contrast between the settlement with its high levels of activity and the strongly rural hinterland gives a taster of what the National Park has to offer, helps to emphasise the status of the location as a National Park and offers opportunities for the quiet appreciation of many of the special qualities of the Park. The assessment greatly underplays the role of this area in the experience of the National Park, a nationally important asset. As currently proposed this development will not maintain and enhance the distinctive landscapes of the park for many years, and therefore cannot meet the first aim of the Park to conserve and enhance the natural and cultural heritage of the area.

Likewise, though I agree with the conclusion that the development would not adversely affect the integrity of the area or the qualities for which it was designated, it would adversely affect the character and experience of this part of the NSA.

5.0 Conclusions

5.1 The Distinctive Character of An Camas Mor and surrounds

The quiet and less-developed landscape east of the Spey is in notable contrast to the bustle and activity of Aviemore and satellite settlements on the Ski road.

The extensive woodlands, moorland and farmland set against dramatic local features of Craigellachie, Callart hill and Pityoulish hill, combined with occasional views of the Cairngorm massif, form a fine setting to these developments (Cairngorms Landscape Character Assessment 2010).

5.2 Importance of Character and Qualities as part of the National Park

The woodlands contribute substantially to the physical and visual context of Aviemore and Coylumbridge. This context is best appreciated from the elevated view points of Craigellachie, Pityoulish and the open areas to the north of Aviemore, and from further afield on Meal A Buchaille ridge, Cairngorm and Ord Ban. These are destinations for many thousands of residents and visitors. The woodlands themselves provide a valuable experience - "It is the forests around the plateau foot which for many people characterises the Cairngorm mountains." (Scotland's Scenic Heritage)

5.3 The EIA

The EIA identifies the loss of, and change to, the wooded character of the site and surrounds as being significant and adverse within the period up to 2027 and beyond

The EIA identified the visual impact in respect of the B970 and a number of elevated locations as being significant and adverse over a similar timescale.

The EIA identifies that some of these impacts will reduce to non-significant over time, but others will persist at a significant level for a period of 60 years or more.

5.4 Fit for a National Park

This level of impact is not consistent with National Park status and with the aims set out in the National Parks Scotland Act and specifically the aim to conserve and enhance the natural and cultural heritage of the area. It does not sit comfortably with the definition of a category 5 protected area, nor with what I believe is the popular perception of a National Park as a protected area.

5.5 Park Plan Strategic Objective and SSCI

New Developments should be designed to complement and enhance the landscape character of the setting. Whilst many of the design principles of this development have much to commend them, those aspects of the development upon which the reduction of landscape character impacts rely are insufficiently robust.

In its current form this development would not succeed in delivering the 'exemplar' outcome that is desired under the Scottish Sustainable Communities Initiative.

5.6 Risk

The EIA process has identified that beyond period D (630 houses constructed) there will be a significant adverse landscape and visual impact, some aspects of which persist for a prolonged period. It is my professional view that the probability of this situation occurring is at best 'highly likely' and at worst 'certain'. Experience and research shows that EIAs do not tend to underestimate impacts. The consequence in landscape terms of taking this level of risk will be critical i.e. failure to complement and enhance the character of the National park.

6.0 Recommendation

There are significant adverse impacts associated with this development some of which are predicted to persist for up to 60 years or more. In its current form, this development is not acceptable in landscape terms.

7.0 Securing a Quality Landscape Outcome

This is a novel and contentious application, not just because it is a new settlement in a National Park, but because it is essentially 'backed' by the government's Sustainable Communities Initiative. In order to avoid undermining the actual and vicarious appreciation of the Park's landscape, and to be confident that the first aim of the Park is being met 'to conserve and enhance the natural and cultural qualities' CNPA need to be able to reassure both opponents and proponents that we are exhibiting due care as made clear in the European Landscape Convention and SPP Para 93.

7.1 Way forward

For this development to be acceptable the level and persistence of landscape and visual impacts must be reduced. The following section contains a description of what is required as a minimum to do this.

It is our view that despite the suggestions made by the developer to reduce impacts by 2027 the pivotal issue in terms of reducing impacts and effecting a satisfactory transition from a woodland to a woodland settlement is to do with the retention and creation of woodland habitats in the right place.

7.2 Landscape Recommendations

7.2.1 Landscape recommendation I

To reduce the landscape and visual impact from the outset, by the retention and planting of substantial areas of woodland within and around the site prior to construction works beginning. (the widths for planting identified here are made with reference to work by Forest Research and SNIFFER on improving and creating woodland networks in developed areas.)

Western Edge

Retention and planting of a continuous 150m wide area of woodland linking the plantations to the north of the site to the ancient and semi-natural woodland in the south, and including the semi-mature plantation in the south west corner.

Reason: This to allow a continuous corridor of woodland to develop which is wide enough to eventually provide 50m of core woodland conditions and a buffer to badger activity to the west. Best practice guidance (Forest Research) is that 150m width is the minimum recommended width for new woodland. The extent of the woodland edge habitat either side of the woodland corridor may be less than 50m depending on the quality of the habitat. Other than in the vicinity of the badger sets to the north this could be achieved in part by extending beyond the red line onto the arable fields. The primary objective of the core woodland is ecological with woodland edge habitat acting as a buffer/community interface. The design of the (inner) community interface will be critical to the internal development of sense of place, it is expected that this would vary in density. The design of the outer edge is critical to the landscape experience of the wider area.

Lowland Heath and Kettle Holes

Retention of the area of lowland heath in the south west corner of the site and augment the habitat by expansion out to the west.

Reason: To compensate for the loss of an area of nationally rare habitat type and retain landscape diversity. The central/eastern area of the site is lowland heath/regenerating pine woodland. The majority of this will be lost or compromised once the development gets underway.

Retention of the Kettle holes as water bodies with as much peripheral vegetation as is necessary to provide a resilient habitat in the face of intense user pressure.

Reason: The kettle holes present an opportunity for retaining a degree of habitat and landscape diversity on the site. There is an explicit reference to the protection of such features in the SPP (Para 130).

Eastern Edge

Retention and planting of a woodland corridor 75m wide adjacent to the B970 linking woodland to the north and south of the site.

Reason: Currently regenerating and young plantation woodland the priority for this edge of the site is for a secondary habitat corridor linking woodland to the north and south of the site. At least part of this buffer strip should be designed to secure a corridor where the tree canopy is continuous and where disturbance is infrequent. The core woodland should be 45m in width with a 15m edge on either side. It is expected that the edge habitat be designed so as to avoid a visually solid edge along the B970. Whilst in theory part of this wooded corridor could extend east of the

road, in practice traffic would present both a source of disturbance and a hazard, and tree planting east of the road could obscure views to the massif.

Internal green corridors x 3

The retention and planting of woodland to create two north/south 50m wide woodland corridors and one 30m wide east/west woodland corridor that dissect the site and link areas of open green space.

The Reason: priority for these corridors is to provide a strong landscape structure and linking elements of green space and habitat. Improving connectivity for people whilst enhancing the overall biodiversity should be part of an integrated approach to sustainable development. To act as landscape elements these corridors need to be substantial with near-continuous canopy cover. Within this, varying densities of retention and planting would allow for a matrix of ground cover to develop and present differential opportunities for access and recreation.

7.2.2 Landscape Recommendation 2

Access

The proposed access road to Inverdrue/Dell farm to be established at the outset as the principal access to the site.

Reason: To mitigate adverse landscape and visual effects relating to the eastern site entrance and the re-routing of the B970. This would contain the more adverse and cumulative landscape effects associated with urbanisation (street lights, kerbs, white lines pavements and increased traffic flows) within a smaller envelope, leaving a lower key eastern entrance to the site. Having this hierarchy from the outset would prevent the loss of roadside features such as dykes and individual trees. These cultural heritage features could then be retained and enhanced rather than removed and replaced.

Any upgrading of the B970 to include new boundary and edge treatments that are consistent in character with the existing.

Reason: To retain the low key rural feel of the area.

ACM to be linked to Aviemore with a bridge for pedestrians/cyclists over the river Spey.

Reason: This is to encourage members of the public to not use the car for local journeys and in so doing reduce landscape and experiential impacts arising from additional road traffic. A bridge would also provide opportunities and encouragement for members of the public to routinely enjoy the landscape context of ACM and the National Park and emphasise the relationship between the two settlements.

7.2.3 Landscape Recommendation 3

The developer to provide a phased Landscape and Ecology Master plan to be agreed with CNPA prior to the development of the Master plan. This should show woodland retentions, and new plantings, street trees and open space, formal footpaths, informal footpaths and potential desire lines. These should link into potential and actual routes accessible from the An Camas Mor site, and integrate with proposals for surface water drainage and lighting.

Reason: To secure the elements of the proposal on which the reduction of landscape and visual impacts depend, and create the potential for a new but complementary character to develop.

7.2.4 Landscape Recommendation 4

The proposals within the Landscape and Ecology Master plan to be underpinned by an evidence-based and objective-driven Landscape Method Statement which should include the following:

- A survey of the existing tree cover and associated vegetation on the site
- Soil survey
- Site protection proposals during and post construction
- Planting proposals – species, ground preparation
- Maintenance - during establishment
- Management – long term management plan

Reason: The reduction of landscape and visual impacts of the development, the retention of ecologically sustainable habitats and the basis of a new and developing internal character, all rest on having trees and woodlands growing well, in the right place, and managed in the right way. New and retained habitat and landscape elements within the site need to be sufficiently resilient to provide a multi-functional green network for both people and biodiversity.

7.2.5 Landscape Recommendation 5

The landscape and ecology master plan must adhere to the concepts and principles of biotope strips, peripheral planting and management of existing woodlands, green crossings and back garden nature reserves as described in the application. The subsequent detailed design statements and phase applications must be consistent with this landscape and ecology master plan.

Reason: Along with the woodland framework described above, these are an essential part of the means by which landscape and visual impact will be reduced and the potential for a new but complementary character to develop created.

7.2.6 Landscape Recommendation 6

The Landscape and Ecology Master plan, Method Statements and Management Plan and the Master Plan must have the reduction of landscape and visual impacts to 'not significant' by 2027 or 16 years as the primary aim. These documents should be assessed against this target. Intermediary targets could be set, but in practice a declining impact will have to be the case if the 2027 target of 'no significant impact' is to be achieved.

7.2.7 Landscape recommendation 7

The method statement and management plan should be delivered through a construction procedures handbook to which all parties are signed up. This shall be in force for the duration of construction on the site. It shall be reviewed and revised by agreement with the CNPA at each new phase of construction or as agreed with the CNPA. The CPH shall cover all aspects of landscape, habitat and tree protection. It will also include control of invasive non natives brought onto site in material or by plan and other bio-security measures.

7.2.8 Landscape Recommendation 8

The applicant to provide timeous evidence that the Landscape and Ecology Master plan and the Landscape Method Statement forms part of the contractual obligation between the applicant and individual developers.

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Reason: to reduce the risk of non-delivery of a robust landscape framework by ensuring developers are contractually bound to these undertakings and that enforcement can be legally pursued as necessary.

7.2.9 Landscape Recommendation 9

CNPA to require evidence that legal structures and agreements are in place for the ongoing site management.

7.2.10 Landscape Recommendation 10

Applicant to have insurances/ a bond in place to ensure appropriate site restoration by the CNPA should part of the proposals be abandoned or delayed for a protracted period.

7.2.11 Landscape Recommendation 11

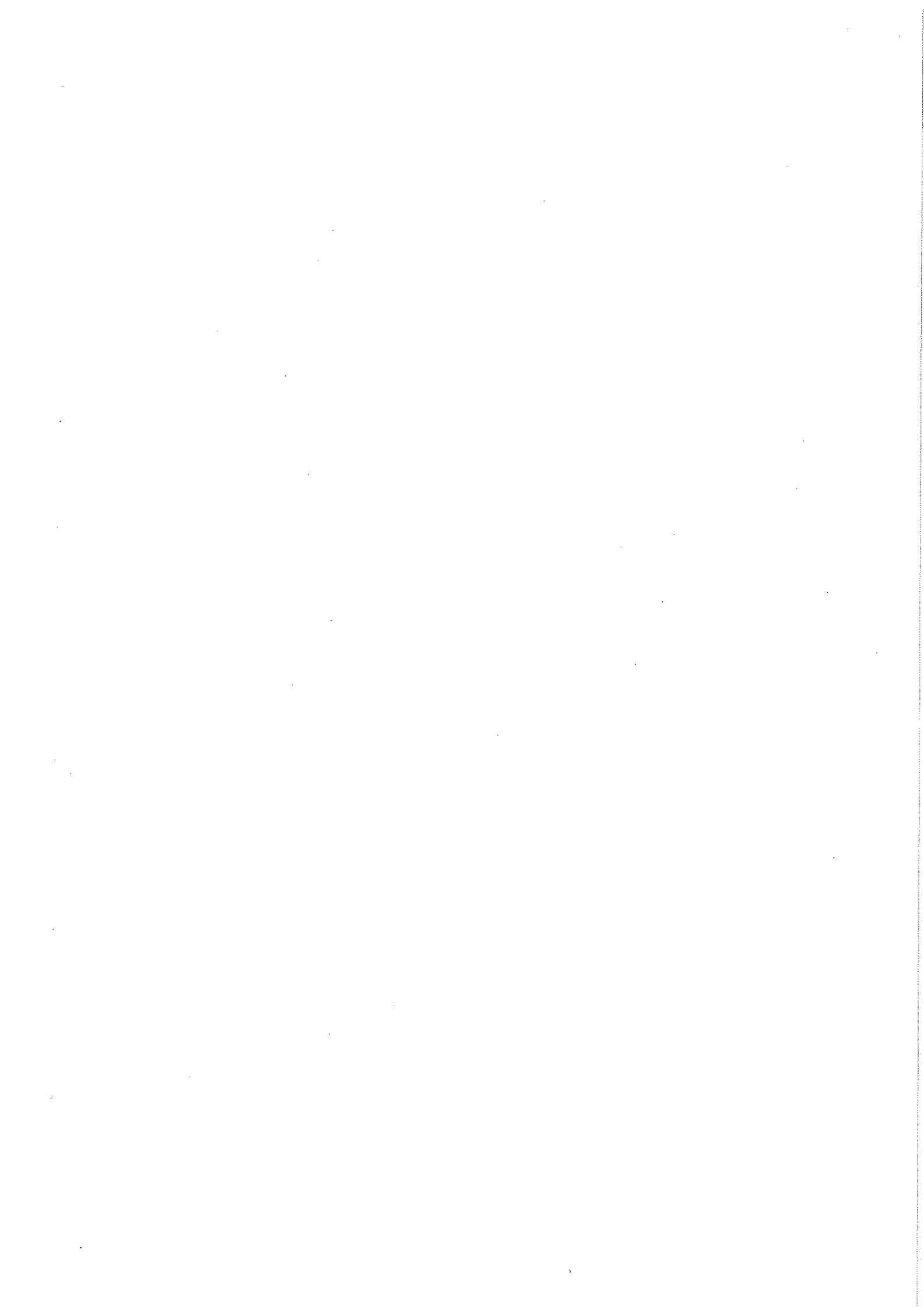
The applicant to secure the services of appropriately qualified and experienced landscape and ecological professionals for the duration of the development. This shall be for both the design of the master plan and detailed stages. Construction shall be overseen by a suitably qualified and experience landscape and ecological clerk of works.

7.2.12 Landscape Recommendation 12

Planning permission should not be granted for more than 1100 units on this site. A full review should be undertaken after the completion of 630 units, and interim reviews at agreed timescales thereafter.

Reason: The site does not have capacity for 1500 units and may have capacity for up to 1100. A full review and assessment is necessary to establish the additional capacity of the site beyond 630. All reviews should be undertaken against the site baseline of nil development.

Frances Thin
Landscape Adviser
CNPA



**Heritage and Land Management Team
Planning consultation response**

Site: An Camas Mor	
Development: 1500 houses and associated infrastructure	
Application No:	
Planning Case officer: Don McKee	HLM Case officer: Karen Couper
Date received:	Response date:

Ecology Response

SNH will be commenting upon all European Protected Species and those sites with statutory designation.

Summary

For a new settlement to be within the CNPA it must be of exemplary environmental design. The housing location within this site is extremely high providing little scope for ecological mitigation. The development will have a significant impact upon the ecology of the NP and therefore it is recommended that the housing numbers are reduced to accommodate more open spaces to provide vital habitat for a host of species.

Habitat loss summary

An Camas Mor is approximately 104.29 Ha, based upon the results of the Phase I Survey undertaken in the ES. The broad-leaved woodland and coniferous semi natural woodland in the south of the core development area will be retained (approx 14.66Ha). The remaining 89.34 ha of habitat will be either totally lost or small sections retained, leaving a highly fragmented habitat that will be unlikely to function as a valuable habitat. Compensation habitat described in the ES are: Creag a Chalamain up to 76Ha of montane woodland regeneration, an area near the river spey that is approximately 3.5Ha that will be wet woodland and Ord Ban which is up to approximately 20 ha of managed heathland and moorland regeneration. This totals 99.5ha of compensatory habitat.

In order to fulfil the requirements of the first aim there should be no overall net loss of natural heritage interest of the CNP. The areas of proposed compensatory habitat would still result in a net loss of habitat, particularly in the short to medium term until the habitats mature. It is therefore necessary that more habitat is retained and enhanced within the core development as mitigation and to ensure that the development provides functional habitat connectivity to those surrounding the site.

Badger

The An Camas Mor core development area and wider survey area is extremely active with badgers. The recent badger survey undertaken by MBEC recorded a total of 109 badger setts. 4 of these were main setts, 58 were active setts and 48

were currently disused. A badger bait marking survey was requested by CNPA to determine the number of badger clans and the extent of their territory.

The Badger report produced by MBEC has stated that there are three separate badger clans. There are two small clusters of active outlier and subsidiary setts within the core development area with only 4 other active setts. One cluster is located within the woodland to be retained in the south east of the core development area and the other is located half way down the western edge of the core development area. It is also stated in this report that the core development area is not frequently used for foraging.

The map of result provided by MBEC clearly shows 21 active setts within the core development area and 22 currently disused setts. Very little foraging activity was recorded in the 2010 survey, with the majority being recorded outwith the core development area. Badgers were recorded foraging in the semi-mature scots pine plantation and the lowland heath area in the south west of the core development area and within the immature plantation in the west of the core development area and the heathland located to the south west of the core development area. The previous badger survey map detailing the foraging areas (covering 2004-2009) also recorded these areas to be important for badger foraging. The heathland within the centre of the core development area did not display a high level of badger activity, except for the section in the north of the development area. This area is frequently used for foraging and figure 1 within the confidential annex of the ES shows there to be 4 active setts and 10 inactive setts in this area. However the update report submitted in 2010, shows only 4 disused setts in the same area. The remaining heathland are within the core development area is flat and therefore, not particularly good habitat for setts, however there is a supply of berries within this area that badgers would forage on. Access to this site has been significantly restricted in the past due to high deer fencing. This does have badger gates within the fencing, however these are not adequate size to allow badger movement. Random holes within the fence are used by badgers to access the site.

The clan located to the south west of the core development has a large population with the main sett comprising c 100 holes. The bait marking survey undertaken by MBEC shows that this clans main territory is a large section of the core development area and a section across the B970. The clan to the north of the development area has recently expanded into an additional main sett located on the western periphery of the core development area. This clans territory borders the clan to the south west's territory and comprises the remaining core development area and a section across the B970. The proposed development would therefore, significantly reduce the badgers clan territories and consequently foraging habitat.

The clan to the southwest cannot expand its range to the west to compensate for the habitat lost to the development due to the boundary of the river and it cannot extend its range north due to the presence of the other clan. The creation of playing fields proposed to the west of the core development area will further reduce available foraging habitat.

Badgers are sensitive to disturbance, particularly by dogs. There is a proposed footpath passing by the main sett at the south west of the core development area.

This will have a significant impact upon this badger population. The proposed development will have a significant adverse impact on the badger population within An Camas Mor due to the loss of foraging habitat and the increased disturbance from humans and dogs.

Large scale mitigation is required to reduce this adverse impact upon the badger population within the An Camas Mor development area. It is recommended that a 150m buffer strip is retained along the western and southern edge of the development area, to retain this area of habitat that is used as foraging by the badgers. The buffer will also reduce the noise and light pollution to the adjacent setts. The heathland area at the south west corner of the core development area should be retained and expanded to retain valuable foraging habitat and increase the buffer zone of the development. Surrounding habitat should be managed to increase the foraging resource for badgers. Further mitigation such as traffic management will be included in the Ecological Management Plan that must be agreed with the CNPA.

I also have concerns about the playing fields to the west of the core development area as construction of these would further reduce the foraging habitat and increase disturbance to badgers and the species within the River Spey SAC.

Note:

Badgers are afforded legal protection by the Protection of Badgers Act 1992. It is therefore an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so
- Interfere with a sett by damaging or destroying it
- Obstruct access to, or entrance of, a badger sett
- Disturb a badger when it is occupying a sett.

Red squirrel

A red squirrel survey was completed in 2008 by MBEC to assess the habitat quality for red squirrels, in addition transects were undertaken to survey for red squirrel dreys. These surveys recorded that red squirrel dreys are present within the woodland along the route of the proposed Coylumbridge bypass and the new bridge and access road crossing the River Druie. The ES has classified the wider survey area (including core development area) as being of medium conservation value for red squirrels. The dense section of broad leaved and coniferous semi-natural woodland located along the southern periphery of the core development site and the semi-mature Scots pine plantation located to the south west of the core development site have been classified in the ES as being sub-optimal for red squirrels.

Red squirrel is a UK Biodiversity Action Plan Priority Species, a Cairngorms LBAP priority species and a priority in the National Park Plan. Red squirrels are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended under the Nature Conservation [Scotland] Act 2004).

It is now an offence to intentionally or recklessly

- kill, injure or take (capture) a red squirrel
- damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection
- disturb a red squirrel whilst it is occupying a structure or place which it uses for that purpose.

Section 9(4) of the Act makes it an offence to intentionally or recklessly damage a red squirrel drey. Section 10 sets out a number of exceptions to Section 9 relating to agricultural operations. Section 16(9)3 sets out a number of purposes for which a licence may be granted to allow damage or disturbance to a red squirrel drey. These purposes do not include development. There is currently no legal mechanism (such as licensing) to deal with red squirrel dreys and development. Although the ES states that there are ecological measures to monitor squirrel dreys for activity, expert and legal advice has been sought by the CNPA on this issue. SNH and Forestry Commission guidelines state that a squirrel drey can only be classified as inactive if daylight can be seen through the structure. Although legislation is being reviewed with the possibility of licensing being available in the future, it is uncertain how or when the licensing mechanism may come into place.

This may legally constrain development within the woodlands for the proposed roads and although the survey undertaken for the ES did not record squirrel dreys within the core development area, the survey is now 2 years old and the squirrels build dreys very quickly, also detailed surveys of all woodland area were not undertaken so it is possible that more dreys may now be present, also, as the core development has been planted with trees and as this is a long term development these trees will increase their potential to support squirrel dreys.

The proposed Coylumbridge bypass will destroy good quality squirrel habitat and create further habitat degradation and fragmentation. As previously stated there is currently no mechanism to licence the removal of red squirrel dreys located along the bypass route.

Retention of a 150m section of the semi-mature woodland and continuous buffer around the core development site to the western side is crucial for conserving red squirrel habitat and retaining connectivity between the good quality woodland within the wider area. This area should be enhanced with additional woodland planting and selective management to favour native species.

Pine marten and watervole

Pine marten scats were recorded in the northern section of the core development area within the dry dwarf shrub heath, and along the field boundaries to the west of the core development area. This indicates that the development site is part of pine marten territory, with the pine marten feeding on the wealth of berries within the core development area. A possible old den site was recorded north of the core development area. The core development area is a valuable feeding area for pine

marten and this will be lost to the development. Mitigation Measure - retention of the 150m buffer strip as indicated above and also the heath area to the south west of the core development area will provide foraging and vital habitat connectivity for pine marten.

No water vole were recorded within the core development area during the surveys for the ES. Water vole activity was recorded within the fisheries site, located to the south west of the core development area. Enhancement measures for the proposed development site including creation of pond and wetland will provide additional habitat for water vole.

Birds

A breeding bird survey of the core development area and the wider area were undertaken in 2005 and a further survey of the core development area was undertaken in 2007. These surveys are now out of date, particularly the survey of the wider area. New surveys have been requested but due to the survey time constraints, these have not yet been completed. The evaluation of the proposed developments site conservation value for bird species is based on the old information and the situation may now be slightly different. It is not expected to be vastly different as there has been no major change to the habitat mosaics within the development site.

The ES states that the core development area is occasionally used by bird species listed on Schedule I of the Wildlife and Countryside Act (WCA) and Annex I of the council directive 79/409/EEC on the conservation of wild birds, including merlin, hen harrier, peregrine, short eared owl and crossbill and have evaluated the core development area to be of low (local High) nature conservation value. This demonstrates that the site is of importance locally to these birds with enhanced statutory protection.

The ES has assigned a low (local High) nature conservation value for the core development area for capercaillie and black grouse, as suitable habitat exists for these bird species to breed. However, none were recorded during the site visits for the ES. There is was some confusion as to why capercaillie is listed on Appendix 4I which lists all species recorded during site visits. The MBEC Ecologist has stated that this was precautionary as there are old records of capercaillie at Coylumbridge and therefore, if there is any capercaillie in the area (despite no recent records) then they may occasionally use the site during the winter months. However the site is heavily disturbed due to the frequent quad bike tours within the core development area. It is therefore highly unlikely that there is capercaillie or black grouse breeding within the core development area.

There are errors within the ES regarding Breeding bird species as the figures do not display all breeding birds listed. The recorded development area supports a diverse assemblage of breeding bird species with 33 species recorded. 58 species have been recorded as breeding within the wider survey area. There are high densities of breeding willow warbler (amber list), yellow hammer (red list) and tree pipit (red) within the core development area. These are mainly focused upon the immature plantation located to the west of the development site. This demonstrates the

importance of this habitat for a number of birds of conservation concern. HLM considers that the complete loss of this habitat would have a **significant adverse effect** on these species.

The 150 meter wide woodland mitigation recommended above would be appropriate mitigation for these species in addition to the other benefits already listed. This measure would provide important habitat for these breeding birds.

Scottish crossbills are highly protected species (listed on IUCN Red list, species of European Conservation Concern, schedule I of the Wildlife and Country, Annex I of the council directive on the conservation of wild birds) and are endemic to Scotland. Distinction between Scottish and common crossbills is extremely difficult, as there are records of Scottish crossbills in the local area, the precautionary principle will be applied so that records of crossbills will be considered to be Scottish crossbills. This species was recorded as potentially breeding within the adjacent habitat. The core development area has been assessed as medium conservation value for Scottish crossbill in the ES.

The 150 meter wide woodland mitigation recommended above would be appropriate mitigation for Scottish crossbill as it will provide suitable habitat.

There are a number of wader species such as common sandpiper and lapwing breeding within the wider area, particularly within the fields adjacent to the river. HLM considers that the proposed development will not have a direct impact upon these species. Footpaths will need to be carefully designated to minimise adverse impacts. To enhance the site the creation of a wetland area within the marshy area north of the fishery would provide valuable habitat for wader species.

Wintering birds

Information has been requested on birds using the site during the winter period. Limited information has been given to date, which makes it difficult to determine the value of the site for wintering birds. However it is known that pink-footed geese and greylag geese have been recorded wintering on site although the details of population are unknown. These are both species of amber conservation concern (moderate decline in population in the last 25 years). It is unlikely that the core development site will be of value for wintering geese populations, although the wider survey area provides good quality habitat for wintering geese. If permission for planning in principle is granted then a wintering bird survey should be undertaken to inform the Ecological Management Plan (EcMP), to ensure adequate mitigation or site enhancement is provided, this should be conditioned. To enhance the site measures that could be included in the EcMP may include leaving sections of grain within the arable fields to provide valuable feed sources for wintering birds.

Note:

Criteria for Species of Conservation Concern
Red List

- Globally threatened
- Historic population decline in UK during 1800-1995

- Severe (at least 50%) decline in UK breeding population over last 25 years, or longer-term period (the entire period used for assessments since the first BoCC review starting in 1969)
- Severe (at least 50%) contraction of UK breeding range over the last 25 years, or the longer – term period

Amber list

- Species with unfavourable conservation status in Europe (SPEC = Species of European Conservation Concern)
- Historical population decline during 1800–1995, but recovering; population size has more than doubled over last 25 years
- Moderate (25-49%) decline in UK breeding population over last 25 years, or the longer-term period
- Moderate (25-49%) contraction of UK breeding range over last 25 years, or the longer-term period
- Moderate (25-49%) decline in UK non-breeding population over last 25 years, or the longer-term period
- Rare breeder; 1–300 breeding pairs in UK
- Rare non-breeders; less than 900 individuals
- Localised; at least 50% of UK breeding or non-breeding population in 10 or fewer sites, but not applied to rare breeders or non-breeders
- Internationally important; at least 20% of European breeding or non-breeding population in UK (NW European and East Atlantic Flyway populations used for non-breeding wildfowl and waders respectively)

Herpetofauna

No species specific surveys were undertaken of the study site for amphibians or reptiles yet the ES assigns a conservation value of low – local high for amphibians. There is a pond located within the core development area that may provide habitat for newts, frogs and toads. This pond will be retained within the development and therefore no breeding habitat will be lost. A detailed survey of the development site has been requested and this will inform the planning process of the true nature value of the site for amphibians and any mitigation required for any amphibians on site.

No reptile survey has been undertaken of the site, despite common lizard being recorded during other surveys and good quality habitat being identified within the ES for reptiles within the heathland and acid grassland areas of the core development area. No species specific surveys were undertaken of the study site for reptiles yet the ES assigns a conservation value of low – local high for reptiles. A detailed survey of the development site has been requested and this will inform the planning process of the true nature value of the site for reptiles and any mitigation required for any reptiles on site. Retention of the heath area located in the south west corner of the core development site as a mitigation measure will provide valuable habitat for these species.

Invertebrates

The invertebrate survey utilised a number of surveying techniques to survey for a suite of invertebrate species. However the survey period was relatively short with surveys only undertaken in June and July 2008 and October 2007. In the Highlands October is generally sub-optimal for surveying invertebrates. Therefore, other species of conservation concern may have been missed. To fully evaluate the site for invertebrates, two visits should be undertaken each month from May to September (inclusive) to account for the varying emergence times for invertebrate species. A detailed survey undertaken in these months specified should be undertaken prior to each development phase detailed planning application.

The survey undertaken in the ES recorded 603 species with only 2 red data book species (RDDBS) and 21 nationally scarce species within the core development area. Northern Damsely (red data book species, and Scottish biodiversity list, Cairngorms LBAP) was recorded within the pond within the core development area. The invertebrate report by Martin Townsend (2008) has therefore designated this pond as having high conservation significance. This pond will be retained within the development, but management will be important to maintain this habitat. The other RDDBS is the *Minettia flaviventris* recorded within the core development site (exact location not specified).

The habitat mosaics within the core development area were assessed in the Invertebrate report (Martin Townsend, 2008) to be of moderately high to high conservation significance for invertebrates. The unmitigated development plans will have a significant adverse impact upon invertebrate species. Mitigation recommendations stated in the Invertebrate report are that sections of the north of the development should be retained. This area comprises habitat mosaics of heathland, bare ground, unimproved grassland, broom stand, birch scrub, mature birch and pine. In addition the report also states that a corridor of at least 50m wide should link this area to the dry open heath at the south of the core development area. The ES states that sections of the habitat within the kettle hole in the north of the development area will be retained and areas of habitat connectivity will be created, however these are likely to be wooded as they will be more robust within a new community than heathland strips. The CNPA recommends the mitigation measure of retaining and expanding the heathland triangle located in the south west corner of the development site. This should be managed to optimise the value for invertebrates. In addition creation of a wetland area and pond will enhance the site for invertebrates.

Habitats and flora

No scarce or rare plant species were recorded during the habitat/flora surveys within the core development area. Two notable plant species were recorded within the wider survey area, namely, common wintergreen and creeping ladies tresses (designated a nationally scarce plant). These are located along the proposed Coylumbridge Bypass route. Construction of this bypass would therefore have a negative impact upon these notable plant species and would degrade this valuable habitat.

Within the core development area the main habitats are conifer plantation, dry dwarf shrub heath, broad leaved semi-natural woodland, and coniferous semi natural woodland. The dry dwarf shrub heath at this elevation is lowland heath which is a rare and threatened habitat with the UK supporting 20% of the world's total and as such it is of international conservation concern. The dry dwarf heath within the core development is a floristically rich habitat supporting a variety of species including bilberry, cowberry, heather, juniper and high density patches of lichens. The ES has designated the dry dwarf shrub heath within the core development area as being of low-local medium conservation value due to the extensive planting and natural regeneration of pines within the heathland area which due to succession will eventually form woodland. However the habitat must be assessed in its current condition, and with appropriate management the successional changes could easily be halted. The tree presence within the heathland, particularly to the south of the dry dwarf shrub heath habitat, has reduced the conservation value slightly and therefore the CNPA considers this habitat to be of medium conservation value. This habitat will be totally lost due to the proposed development which will have a **major adverse effect**. Compensatory habitat at Ord Ban will involve 20 ha that will be managed for heathland and moorland retention. This is to offset the major adverse effect, however, Ord Ban is an upland habitat, which does not entirely compensate for the loss of lowland heath. In addition the area of dry dwarf heath (including the section of dry heath and acid grassland mosaic) that will be lost to the development is approximately 34.34 Ha. As mitigation the area of heathland located in the south west of the core development site should be retained and expanded to provide additional lowland heath habitat.

The woodland to the south of the core development area is listed as an **Ancient Woodland Site** that is currently supporting plantation trees. It is understood that the plantation to the southwest of the core development area has been felled and replanted approximately 40 years ago the remaining woodland in this area is of ancient origin. Broad – leaved semi-natural woodland (UKBAP priority habitat) is present within the southern section of the core development areas. Within the ES it is stated that this is a good quality habitat which is developing further through ecological succession and is classified as being Low -locally high conservation value, the CNPA considers this habitat is of medium (i.e. regionally important habitat) conservation value. It is proposed to retain the majority of this woodland, with the core development road, however the proposed access road will bisect the woodland. It is recommended that the road alignment should be altered to curve around the woodland boundary to prevent habitat fragmentation of this valuable habitat.

The Scots pine plantation located in the south west corner of the core development site, located on the **Ancient Woodland Site**, is approximately 40 years old. This habitat is described in the ES as being of low ecological value. At present there is limited botanical diversity, however the woodland is maturing with a diverse base layer developing in patches. This woodland also provides good habitat for red squirrel with squirrel feeding remains scattered throughout the woodland evident during a walk over survey. This woodland is also valuable habitat for badger with foraging signs evident throughout the site. The badger survey within the ES has also identified this area as being utilised by badgers with signs of foraging, latrines, footprints and inactive setts. As one of the main mitigation recommendations a

woodland corridor of 150m should be retained along the western edge of the development, which should include a minimum 150m strip of this woodland. Retention of a minimum of 150m of this woodland is of particular importance as this will provide mature habitat early on within the development process. It is important to retain as much of this woodland as possible as it is listed as an Ancient Woodland Site.

Coniferous Semi-natural woodland (UKBAP priority habitat) is located in the south eastern corner of the core development area. Within the ES this is described as “an important species and structural component within the development area”. This habitat is listed on the AWI. This habitat will not be directly impacted upon by the development, but will be impacted upon an increase of recreational users and associated pet animals. It is important therefore to provide realistic mitigation measures within the EcMP to ensure the conservation importance of this woodland is maintained.

The extensive conifer plantation located along the western boundary of the proposed development site is relatively immature and is of low conservation status at present. Retention of 150m wide section of this woodland along the periphery of the development site will provide a valuable woodland corridor to connect the woodland to the south and north of the developments in addition to providing valuable habitat for a number of species as the habitat matures and creating a buffer between the development area and the surrounding habitat.

Coylumbridge Bypass

The proposed bypass will cut through important lowland heath and coniferous semi natural woodland that supports good populations of red squirrels and notable plant species of conservation concern including the nationally scarce creeping ladies tresses. The proposed Coylumbridge bypass goes through woodland listed on the Ancient Woodland Inventory and through areas identified in the ES as being high quality red squirrel habitat there are also numerous dreys present throughout this site. At present there is no method for licensing the felling of trees with squirrel dreys present which may prevent construction of the proposed road.

Construction of this road will severely degrade the habitat and increase fragmentation of important habitats. This will have a major negative impact.

Masterplan

The first aim of the National Park is to conserve and enhance the natural and cultural heritage. There are three discrete habitat locations that have been identified as compensatory habitats “to provide valuable nature conservation offsetting and enhancement for the potentially significant habitat and plant loss impacts of the site”. Whilst it is recognised the value of these compensatory habitats, there is still some requirement to conserve and enhance where possible the valuable habitat mosaics within the An Camas Mor site by onsite mitigation. **The current masterplan proposals will result in significant habitat fragmentation or total loss of some habitats resulting in a major adverse effect for a number of habitats**

and species as outlined above. The current level of proposed housing does not allow scope for adequate onsite mitigation. This is of particular importance as the detailed mitigation for the site has not been agreed and there are a number of outstanding surveys to be submitted that may record species of conservation concern requiring more mitigation ensure favourable conservation concern to fulfil the first aim of the National Park. In addition, this is a long term development and there must be scope to provide further mitigation in the future in response to potential changes in species and habitats conservation status.

Mitigation measures summary

- Creation of compensation habitat at Creag a Chalamain, Ord Ban and area near river Spey.
- Wetland area should be created in the marsh area within the fields to the west of the development area as compensatory habitat.
- 150m woodland strip should be retained around the western edge of the development including the semi-mature woodland. This should be managed to optimise the ecological value by using native pines and broadleaved species and establishing an understory by planting juniper, bilberry etc. The buffer zone will help contain the disturbance within the core by providing a buffer for light and noise pollution as well as providing a barrier to help restrict movement by people. Retention of a wide buffer will create valuable habitat for a number of species in addition to providing an essential wildlife corridor.
- A minimum of 2 internal woodland strips of a minimum of 50 meters running approximately north south and at least one 30m wide running east west should be included within the development to aid connectivity and provide valuable habitat.
- The dry dwarf shrub heath to located in the south west corner of the core development site should be retained. The feasibility study identified this area as being outwith the area of site available for development due to a constraint in developing this region due to animal movements. This would retain part of the low land heath and this section has not been planted and should therefore be managed to prevent natural regeneration. This area should be expanded by converting the adjacent fields to lowland heath to a minimum of 5 ha.
- The kettle hole within the semi-mature Scots pine plantation located in the south west of the development site, is currently classified as wet modified bog. This should be reinstated as a pond with bog margins and managed in such a way to optimise the biodiversity.
- Detailed Enhancement measures - Specific enhancement measures must be incorporated in to the design of individual buildings and garden plots. For example Swift and bat boxes should be incorporated building designs These measures can be identified and agreed with the detailed design and layout for each phase of the overall development.

Landscape and Ecological Management Plan

The landscape and Ecological Management Plan must provide strategies to mitigate the potential impacts upon the local habitats from the development and increased human population and associated disturbance. It should be conditioned that this is produced and agreed with SNH and CNPA.

Surveys for development phases.

There are a number of concerns with a long term development such as An Camas Mor as the habitats will definitely change along with the associated suite of species. In addition it is highly likely that species conservation status will change within the coming years, with a number of species being isolated as likely to be extinct within the next couple of decades such as hedgehog. It is therefore crucial that the site is monitored regularly and that before each phase of development is considered for detailed planning a suite of ecological surveys is undertaken to establish the current ecological value of the site and that an impact assessment is undertaken considering the conservation and legal status of each species in addition to the cumulative impacts. Comparison and assessment against the 2010 baseline information must be made.

As a minimum the following surveys are essential and should be conditioned. These should be undertaken during the optimum survey period, by specialists in the particular species field and should take into account protected species and **UKBAP and Cairngorms LBAP** species. CNPA should be consulted to agree the specific surveys:

- Detailed habitat and botanical survey, including lichen;
- Invertebrate survey (2 visits during each month of May –September (inclusive));
- Mammal survey including bats.
- Bird survey – breeding and wintering if required;
- Fungi survey
- Reptile and amphibian survey.
- Mitigation for each development phase must be agreed with CNPA.

Invasive non-native species

The control of invasive non-natives is of particular concern which has been identified as a priority in the existing Cairngorms National Park Plan. Such species can have very considerable negative impacts on habitats and native biodiversity, and so steps should be taken to control their spread from gardens and also there are invasive non-native plant species on site and further information is required on how these plants are being eradicated and what measures will be taken to prevent spread of these plants. In addition it is important that no invasive non-native plant species are brought into the site during the construction phase i.e. through contaminated top soil.