



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 7 Appendix 2 11 August 2023

Agenda item 7

Appendix 2

2022/0328/PPP

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2022/0328/PPP Erection of holiday apartments
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	16 May 2023
Checked by	NatureScot
Date	Date of consultation response from NatureScot

INFORMATION

European site details

Name of European site(s) potentially affected

I) Kinveachy Forest SPA

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 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.

The River Spey SAC is within 200 m of the proposed development site, however there is a lack of direct ecological connectivity between the proposed development site and the SAC. Therefore, the River Spey SAC will not be considered further.

Qualifying interest(s)

I. Kinveachy Forest SPA:

Breeding capercaillie

Breeding Scottish crossbill

Conservation objectives for qualifying interests

I. Kinveachy Forest 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:

- 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

APPRAISAL

STAGE 1:

What is the plan or project?

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

The proposal includes the construction of 22, 2-bedroom holiday apartments and associated infrastructure. Site clearance works will include the removal of six mature trees and several young self-seeded trees. The site is located within Aviemore town centre and Kinveachy Forest SPA is approximately 1.65km from the site.

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)?

I. Kinveachy Forest SPA

Capercaillie: yes, there is a risk of likely significant effects from the potential long term disturbance through increased human activity by the addition of the occupants of the proposed development, as explained within **Annex I**.

Scottish crossbill: no likely significant effects, as none of their habitat will be affected. Scottish crossbills are therefore not considered further in this assessment.

STAGE 4:

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

I. Kinveachy Forest SPA

Distribution of the species within the site:

The distribution of capercaillie within the site will not be affected as additional use of woods (described in **Annex I**) is not likely to result in additional off path activity, 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 **Annexes I-III** for detailed assessment. In summary, there would not be additional disturbance to capercaillie over and above what is already occurring through use of existing routes in 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.

In conclusion, all conservation objectives can be met.

STAGE 5:

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

I. Kinveachy Forest SPA

Yes, as all conservation objectives are met it is possible to conclude that there will not be an adverse effect on site integrity.

Annex I Capercaillie Assessment: 2022/0328/PPP - Erection of holiday apartments.

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 patterns of recreation).

The proposed development includes 22 apartments with 2 bedrooms each, so assuming 4 people per apartment, resulting in 88 people staying at the proposed 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).

In the planning system, there is consent for additional residential units, as listed in **Annex II**. Using the 2.07 occupancy rate applied for the LDP (in the absence of a robust alternative), this would amount to an additional 697 people, giving a potential population of around 4,497.


Adding an additional 88 people to the existing Aviemore population (assuming full occupancy year round, which is unlikely given the seasonal fluctuating nature of tourism in the National Park) would increase the current population* by around 2%. This would be a slight increase in the potential number of people using existing paths and routes, should all the visitors use them (which not all visitors will).

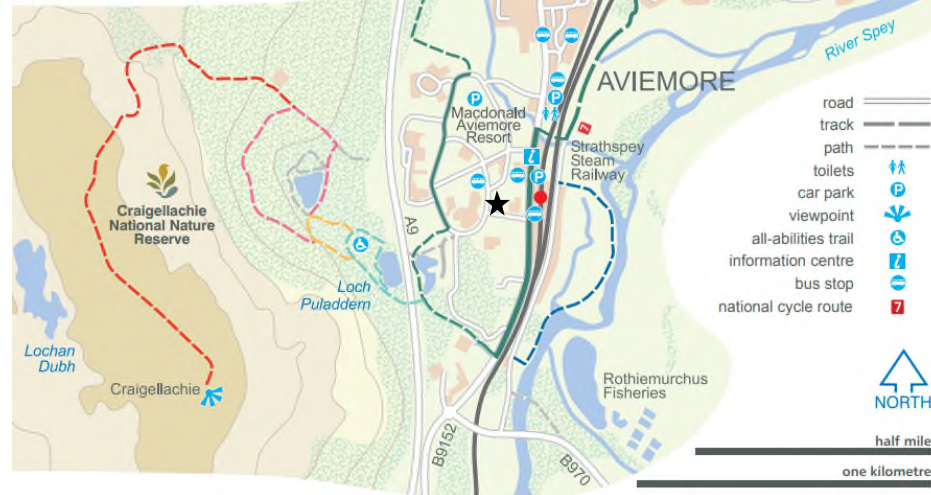
*based on occupancy of existing properties, not including consented but not yet built

There are a number of existing promoted and well used paths and routes in Aviemore and the surrounding area, as seen in the figure overleaf (taken from the Aviemore Paths leaflet https://www.visitaviemore.com/wp-content/uploads/2013/09/CNPA.Paper_.1911.Aviemore-Paths.pdf). There are also informal un-promoted but well used routes that connect with formal paths and roads. Visitors staying at the proposed development (marked by the black star in the below figure) are considered likely to use the promoted paths, due to information being available about them. **There is no reason to believe that visitors staying at the proposed development would undertake a different pattern of recreation to existing users of paths and routes in Aviemore and the surrounding area.**

Aviemore Paths

This leaflet has been developed in partnership with Aviemore and Vicinity Community Council and the Aviemore Business Association.

Aviemore Orbital 
 A rich and varied trail taking in Milton Woods and some of Aviemore's hidden heritage.
Distance: 3¼ miles (6km)
Approximate time: 2 hours
Start: Village centre
Terrain: Pavements and minor roads, surfaced paths with some steep sections.



Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?

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

No.

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 2 km 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>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.</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 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>	<p>None at detectable levels.</p> <p>The closest entry point to a known capercaillie wood (Kinveachy Forest, wood I on the map in Annex III and part of the Kinveachy Forest SPA) is approximately 2km from the proposed development, located at Milton of Burnside as described in question 2. The tracks and paths in Kinveachy are well used by residents of Burnside for recreation including dog walking, as well as by other residents of Aviemore and other people from the wider area.</p> <p>Due to the distance between the proposed development and the entry point to Kinveachy, it is unlikely that a significant proportion of visitors staying at the proposed development would recreate in Kinveachy. There are other closer and promoted routes, such as the routes within Craigellachie SSSI or the orbital path.</p> <p>In recent years Kinveachy has become known for downhill biking, with illicit route creation causing disturbance in sensitive capercaillie areas. However, the proportion of people staying at the proposed development who might visit Kinveachy and who would be equipped, inclined and capable of doing the downhill biking routes that are causing existing disturbance issues in the wood would be very small. Visitors are also more likely to use existing downhill routes than create new ones, as they are unlikely to stay long enough to identify potential new routes and create them.</p> <p>It is reasonable to expect people staying at the proposed development to also visit other areas popular for recreation/with visitor amenities, such as Boat of Garten, Loch Garten, and Glenmore and Rothiemurchus – all of which are also locations of capercaillie woods (woods J, K, L, M, N and O in Annex III, which are part of Abernethy Forest SPA). However, it is very unlikely that all the people staying at the proposed development would go to the same place at the same time – they are more likely to disperse spatially and also temporally. These areas are already well used and so the level of additional activity caused by people visiting from the proposed development would be undetectable compared to existing levels of use.</p> <p>Therefore any additional disturbance in capercaillie woods from people staying at the proposed</p>

	development would be minimal (compared to existing levels of use), on existing paths and routes and in well used areas of existing disturbance. Therefore the additional use of the woods by people staying at the proposed development as identified above would not be at detectable levels.
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. 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 and dog walking.</p>
<p>If Q4 = No for any woods, continue to Q5</p> <p>If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.</p>	
<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>
<p>If Q5 = No for any woods, mitigation is needed. Note and continue to Q6.</p> <p>If Q5 = Yes for any woods, continue to Q6</p>	
<p>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</p>	<p>No. The woods are all already well used at a variety times of day for walking, running and cycling, as well as dog walking, by both residents and visitors to Aviemore and the wider area. Visitors staying at the proposed development are unlikely to undertake a different temporal pattern or profile of activities compared to existing use.</p>

<p>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>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 approximately 10%.</i></p>	<p>No. There would not be a detectable or significant increase in human activity in Kinveachy Forest or the capercaillie woodlands associated with Boat of Garten, Loch Garten, and Glenmore and Rothiemurchus (woods I, J, K, L, M, N and O in Annex III).</p>
<p>If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here</p>	

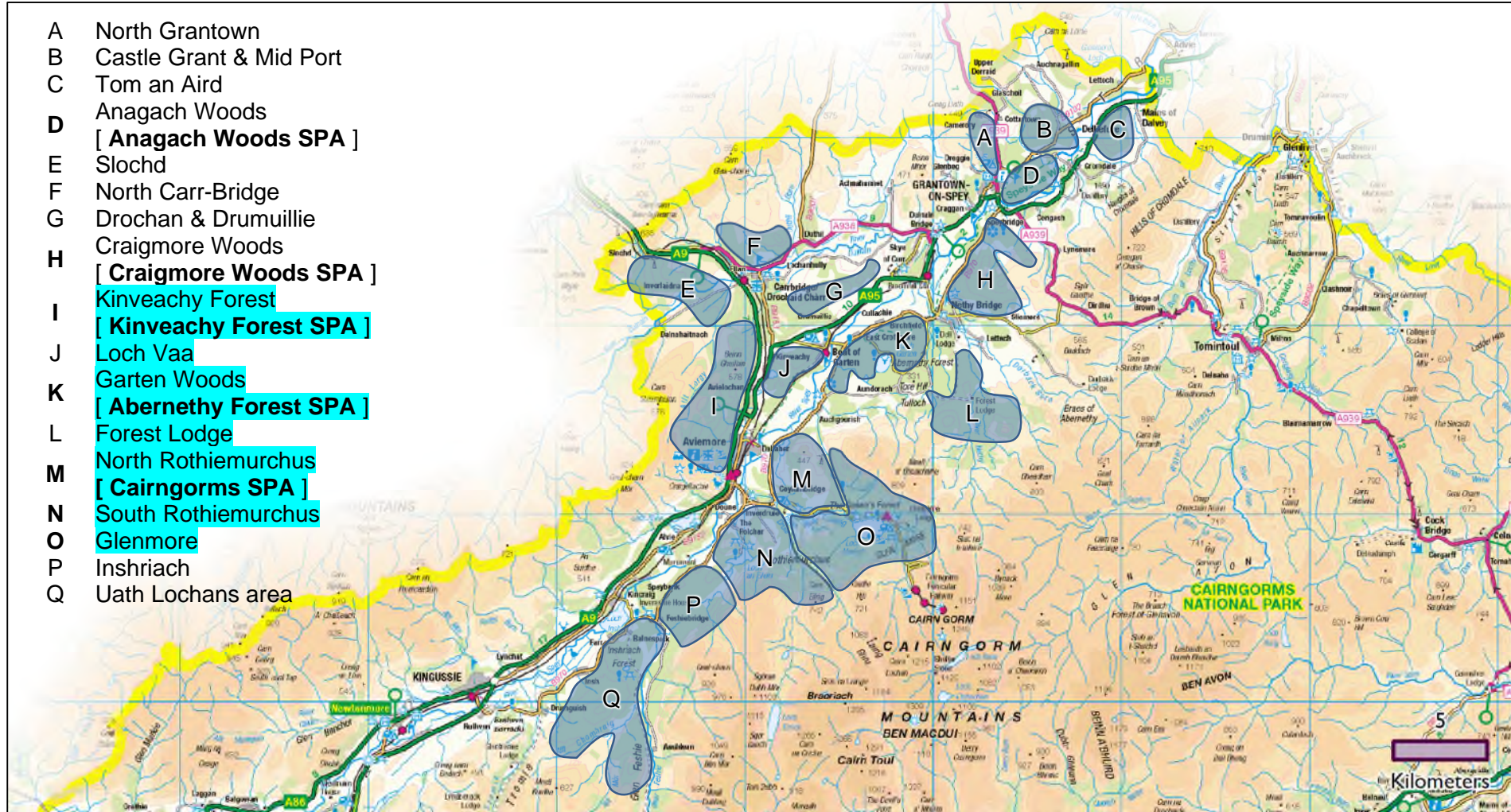
If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed	
Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?	None required.
Reasons mitigation needed:	n/a

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 (considered woodlands highlighted blue)



Capercaillie woodland in Badenoch and Strathspey.

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