

# APPENDIX A

## Paper I - 08/272/CP

Developer's information including extracts from environmental report, capercaillie mitigation plan and design drawings of houses

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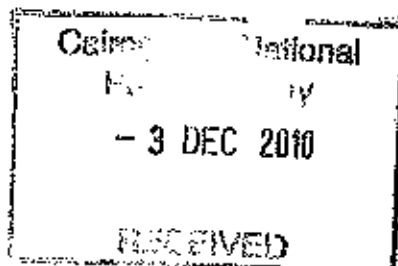
26 November 2010

TILlicOUNTRY

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Cairngorms National Park Authority  
Albert Memorial Hall  
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For the attention of Mr Andrew Tait



Dear Mr Tait

## Proposed Housing Development and Provision of a Primary School Site at Deishar Road, Boat of Garten - Davall Developments Ltd. Amended Ecological/Mitigation Report and Amended Layout

I refer to various meetings and discussions regarding the above site and particularly updating a response to SNH comments regarding ecological issues and any resultant changes required to the layout.

I now enclose a further report which updates the ecological matters arising with particular regard to Capercaillie and also an amended layout which we feel properly addresses all the relevant issues while allowing development to proceed.

I would ask you to note that the site owners are Seafield and Strathspey Estate and they are prepared to co-operate fully on any matters of woodland or estate management outwith the site in terms of mitigation.

In relation to the Planning situation, we are fully aware that this development site was formally proposed to be included within the Local Plan and was only deleted after consideration of the Reporters' comments arising from the public inquiry. At that time however, neither the Reporters, nor CNPA, had before them the further ecological information and mitigation strategy on Caper and were not able therefore to take these matters into account. It is worthy of note however, that the village envelope boundary has been drawn to include the Application site.

Boat of Garten has been clearly recognised as an important intermediate settlement in Strathspey which supports a level of community services. The existing primary school is situated outwith the immediate community and there is in our view a strong community aspiration to achieve a modern primary school as well as to fulfil housing demand for affordable and other housing needs.

These aspirations were articulated most recently at the Boat of Garten Working Group meeting held in Boat of Garten Hall on 19<sup>th</sup> October 2010, attended by members of the Highland Council, Boat of Garten Community Council, CNPA, SNH, Seafield Estates, Cairn Housing Association and the Highlands Small Communities Housing Trust. Minutes of this meeting should be in your possession.

#### ALSO AT

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There is no substantive land available for development in Boat of Garten in the newly adopted Local Plan. This in our view results in a most unsatisfactory and unsustainable situation whereby an important and established settlement which supports a critical level of community services, cannot consolidate and support these by necessary new housing development.

In this situation and given the current economic climate and reduced levels of public spending, it is unlikely to achieve the levels of funding which might justify the capital expenditure on a new school.

In addition, Boat of Garten is at a threshold level in relation to its existing sewage treatment facility which can barely cope with the current discharge. It is our understanding that if this development was granted Planning Approval then Scottish Water, who are only funded for growth, would programme a new sewage treatment facility to full modern standards which would materially improve the current situation.

In our view, the development now proposed reaches a necessary balance within the four aims of the National Park, to allow Boat of Garten to maintain itself as a sustainable community. It remains within the village boundary. The need for this development has been recognised in the past by both CNPA officials and members, and evidenced in earlier drafts of the Local Plan. I hope therefore that the further information now submitted can allow you to report favourably on the proposals to your committee and that Planning Permission can be granted.

Please contact me if you require any further information.

Yours sincerely



Bill Hepburn  
for Bracewell Stirling Consulting

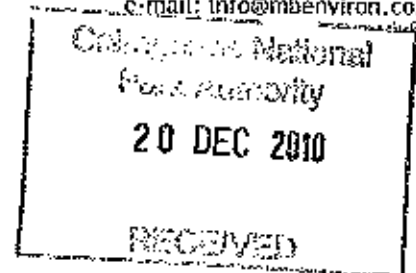
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MBEC Report (6 Copies)  
Drawing 2532-SP01 Rev 1 (6 Copies)  
Drawing 2532-LP02 Rev 1 (6 Copies)

16<sup>th</sup> December 2010.

cc. Anne Elliott, Scottish Natural Heritage

enc. Draft Plan



**Boat of Garten Capercaillie Mitigation Proposals**

**Additional Information on behalf of Davall Developments and Seafield and Strathspey Estate in response to Anne Elliott's email, 2/12/10 and subsequent telephone conversation on 15/12/10.**

Dear Mr Tait,

I am writing this letter to make you aware of recent further work regarding the Boat of Garten proposed housing site, on behalf of Davall Developments Ltd.

A meeting was held between SNH (Anne Elliott), CNPA (Matthew Hawkins), the Seafield and Strathspey Estate (Will Anderson) and the Developer's consultants (Allan Rennie and Andy Mackenzie) on 15<sup>th</sup> November 2010. Matthew Hawkins encouraged the Developer's consultants to produce more detail on the capercaillie mitigation proposed and Anne Elliott agreed with this. The meeting was concluded with the agreement that the Developer and the Estate would create a draft plan for detailed comment and consideration by the CNPA and SNH. Matthew Hawkins noted that he would ask access colleagues for their comments and respond. This draft plan was sent to SNH (Anne Elliott) and the CNPA (Matthew Hawkins) by email on 18<sup>th</sup> November 2010. Since then the same draft set of capercaillie mitigation proposals were included with the ecology information submitted to the CNPA at the end of November 2010. This information included a draft plan and written outline principles. It was fully acknowledged at that time that further discussion, comments and agreement on the precise details of the mitigation and implementation would be necessary but the key thing was that both the Estate and the Developer were in full agreement with the provision of this mitigation as part of the future implementation of the proposed development.

To date (16/12/10), no response has been received from Matthew Hawkins of the CNPA but Anne Elliott of SNH has responded fully to the draft proposals by email on 2<sup>nd</sup> December 2010, giving further advice of how SNH would like to see the draft proposals further developed. The attached plan to this email is an updated draft to move towards addressing SNH's further detailed comments.

The Developer does not view this as the final detail on the mitigation but rather further development of the principles and detail involved. The Developer and the Estate continue to emphasise that they are committed to implementing this and hope this further work indicates their willingness to undertake best practice ecologically based mitigation to avoid/minimise all impacts on capercaillie in relation to the proposed development while acknowledging the important issues surrounding continued public access. This further information also indicates our willingness to develop this further and implement suitable measures in agreement with SNH, CNPA and the Capercaillie Project Officer should the proposed housing development be consented.

Yours Sincerely,



Dr Andy Mackenzie.  
Independent Ecologist working with Bracewell Stirling Architects

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## 1. INTRODUCTION

- 1.1.1 Bracewell Stirling Architects act for Davall Developments (the Developer), a local house-building client who propose to construct a housing development on the western edge of the village of Boat of Garten, Inverness-shire. The land on which this proposed development is located and the surrounding land within the wood is in the ownership of Seafield and Strathspey Estate. Seafield and Strathspey Estate are fully supportive of this proposed development and have been instrumental in putting forward and agreeing to much of the on site and off site mitigation proposed within this report. The proposals also include land designated for a new primary school, which it is understood the local community are very supportive of. The proposed development location plan and site plan are included in this report as Figure 1 and Figure 2.
- 1.1.2 The site is currently a Scot's pine (*Pinus sylvestris*) plantation, with a number of tracks and footpaths crossing it. Both the tracks and footpaths are fairly well used, particularly by dog walkers from the village and some now form part of the core path network. The plantation in this northern edge area of the wood and to the immediate south has evidence of past ploughing and is a commercial plantation. It is understood from the Estate records that the natural woodland was gradually cleared around 1900 and used for grazing but had a number of standard trees left for animal shelter and amenity and some natural regeneration occurring through to the 1920's. Part of the area was also accidentally burned in 1920. Natural regeneration then occurred and some including the area close to Boat of Garten was clear felled in 1940/41. It is noted that the rest of the area was destroyed by fire in 1942. Since then the woodland area has been re-planted in the 1960's and thinned once in 1994. A few of the older Scot's pines still remain further south in the wood but well outside of the proposed development area in the north.
- 1.1.3 The site is bounded to the north by National Cycle Network Route 7 (Loch and Glens Cycle Route North and part of the Aviemore to Slochd loop) and Deshar Road and by the housing of Craigie Avenue and the community centre in the top north-eastern corner. The rest of the proposed development site to south west and east is bounded by the Scot's pine plantation. Vehicular access to the site will be via Deshar Road, immediately to the west of a small car park adjacent to Craigie Avenue.
- 1.1.4 Bracewell Stirling Architects initially commissioned Mackenzie Bradshaw Environmental Consulting (MBEC) to carry out a red squirrel (*Sciurus vulgaris*) survey to confirm the extent of the population within the plantation on the proposed development site and to provide advice on mitigation. This aspect of the ecological site investigation was to update a previous squirrel survey by Steve Austin in May of 2008, providing baseline information in a concise format to aid further detailed scheme design and mitigation by the Developer. Subsequent to this red squirrel investigation, the site was also assessed for badger (*Meles meles*) and wood ant (*Formica sp.*) presence and all this work is presented here as a Survey Report in Appendix 1.
- 1.1.5 As part of the Local Plan procedures within the Cairngorms National Park, the Local Plan was subject to examination through a Local Plan Inquiry. In light of the issues raised by the Reporter to the Inquiry for this site in Boat of Garten, and in particular the issue of capercaillie (*Tetrao urogallus*) using the wider area, MBEC have been requested to submit further independent ecological reporting, as supporting information, to assist the Cairngorms National Park Authority (CNPA) for the

determination of this detailed planning application. All this information is also of importance to Scottish Natural Heritage, as a statutory consultee.

- 1.1.6 Recent planning decisions relating to protected species are of relevance to this application, principally: the Public Local Inquiry Reporters' decisions for the Aberdeen Western Peripheral Route (AWPR) and the 400kV Beauly to Denny powerline upgrade projects. The later decision being partly within the CNPA's jurisdiction and forming an important part of the red squirrel discussion within this report.
- 1.1.7 The 2009 Survey Report by MBEC also provides an introduction to the ecological/biodiversity interest of the site and is included as Appendix 1 to this document.
- 1.1.8 An Outline Ecological Management Plan has been developed to indicate the principles and outline process involved in implementing this development, should it receive planning consent (Appendix 2). It is MBEC's and the Developer's opinion that this outline plan indicates a clear commitment to the minimisation of all ecological impacts, the protection of important wildlife and indicates a method by which the development can proceed to implementation in a lawful and fully acceptable manner.

## **2. BOAT OF GARTEN, CAPERCAILLIE AND THE 2009 LOCAL PLAN INQUIRY**

### **2.1 Capercaillie Presence in Boat of Garten Woods**

- 2.1.1 At no time during the 2009 MBEC surveys (Appendix 1) were either sightings or any signs of current or recent capercaillie presence identified on or within the vicinity of the proposed development site. While it is fully recognised that these were not specific ornithological surveys, the surveying was carried out by qualified and experienced ecologists who while undertaking the specific surveys for other species were consciously looking for all evidence of other species and species groups that may be of importance. In particular, these ecologists were familiar with the feeding signs and droppings of capercaillie but did not find any evidence of their presence within the northern section of the wood.
- 2.1.2 The wider area of Badenoch and Strathspey is noted for capercaillie and red squirrel presence and these two species have been noted within the wider Boat of Garten to Kinveachy coniferous plantation (Boat of Garten Woods). This wider area of woodland has been noted to be on the edge of an undesignated area of land used by capercaillie as a "linking habitat" between a number of well used sites in the wider area. One site that has been used as a lek has been identified within the plantation, at >1km from the edge of the proposed development site.
- 2.1.3 Various capercaillie surveys have been completed in the wider woodland area. MBEC are aware of surveys in 1994 and every year from 2001 to and inclusive of 2010. Of these surveys, only the 1994 survey showed any presence of capercaillie in the immediate vicinity of the proposed development site (numbering two records outside of the proposed red line boundary, but adjacent to it).
- 2.1.4 The 2009 capercaillie surveys (March and July) show presence at some distance from the main village along Deshar Road and south west from the existing housing along Kinchurdy Road. MBEC have not seen the location details of surveys



undertaken in 2010. Moss *et al.* (2009) specifically identifies the area of the proposed development (BG/H1 at that time) as a heavily disturbed area where no capercaillie droppings were found.

2.1.5 It should be noted that the current housing proposals have gone through several design iterations, influenced by the capercaillie surveys, in order to satisfy SNH's concerns and objections to the original designs. The most significant was as a result of the 2003/04 survey programme which was conducted by Dr Philip Ratcliffe with the agreement of SNH. This survey resulted in the reduction of the red-line boundary to 57% of the original area and the housing numbers of 120 reduced to 103 (Rennie, 2005i). The current proposals have further reduced the housing to 77 units within an even smaller area. More recently, with the emergence of red squirrel presence as a significant CNPA planning issue within the Park, a number of surveys have been conducted specifically for this species, the most recent in June 2009.

## 2.2 Local Plan Inquiry Reporter's Comments Regarding the Proposed Site

2.2.1 During the Local Plan Inquiry in December 2009, two main issues were raised. Of primary importance to the Reporter was the presence of capercaillie in the woodlands south of Deshar Road, with red squirrel (*Sciurus vulgaris*) as a secondary issue.

2.2.2 The Reporter's commentary can be summarised as follows:

- While the need for housing is recognised, the development on this site is not deemed essential;
- An Appropriate Assessment (AA) has not been carried out, though CNPA appears to indicate otherwise;
- An AA is deemed appropriate, even though SNH has not designated the area for capercaillie;
- While the presence of capercaillie and some use of the whole area is not in question, the level of presence and use of the proposed development site is, especially as doubt has been ascribed to the SNH methodology for estimating the population;
- The SNH mitigation conditions are deemed inadequate;
- The development could have a significant impact on the wider area, including the SPAs, though to what extent is unknown;
- Development should be presumed against; and
- The zoned area for development should be dropped from the local plan.

## 2.3 Discussion on this Proposed Housing Area

2.3.1 The 2008 SNH Natura Appraisal for the area indicated that the one recorded lek is well away from the proposed development area (previously referred to as BG/H1) (SNH, 2008). Collated records from 1994 to 2005 indicate a wide presence through much of the wood and the April 2006 study also showed that birds were widely dispersed (the SNH Natura Appraisal notes that this work was detailed enough to

show that the birds generally avoid the existing houses and the tracks and the areas adjacent to them). The sensitivity of capercaillie to human disturbance is outlined but their response to the regular recreational use of these woodlands is not so well understood. A number of recent studies have, however, indicated a varying flushing distance exhibited between male and female birds when disturbed by hikers, with the distances increasing with a more open wood structure. Of the recorded distances, 90% were within 50m of the flushing "event". Further work is quoted and the distance of the recorded lek site within the wood is noted as being beyond the median alert distance from woodland paths. The birds generally avoid woodland near paths, which is suggested as a limiter to the area of woodland that is available to the birds. The removal of unnecessary paths would appear to be the recommendation arising from the various study results.

2.3.2 It should be noted that the SNH Appraisal document identifies that only one of the three surveys (in 1994) showed any capercaillie presence in the immediate vicinity of the Boat of Garten proposed housing area (previously called BG/H1 and zoned in the deposit draft Local Plan).

2.3.3 The following summary is of particular note (SNH, 2008):

- *"The proportion in the whole of the Boat of Garten Woods of the total Scots pine woodland resource in Badenoch and Strathspey is 0.019%,*
- *Capercaillie have only once been recorded as using this part of the woodland in three separate surveys,*
- *New habitat has been created elsewhere in Strathspey (which can be shown to be successful),*
- *The larger area of woodland will not be fragmented by the development,*
- *Specialist advice (SNH and Capercaillie Project Officer) states that the loss of 5.8ha of habitat, in this instance, is not important.*

*Therefore, regarding the loss of habitat arising from the proposed zoning of the land for development, and its subsequent development, this would not be significant in terms of effects on the SPAs."*

2.3.4 However, the document continues with:

*"Although potential loss of habitat is not in itself believed to be significant, the level of use of Boat of Garten Wood by capercaillie, its proximity to SPAs, the known dispersal distances of capercaillie, the need to manage capercaillie at metapopulation scale and their sensitivity to disturbance lead us to conclude that the development is likely to have a significant effect on capercaillie in the SPAs."*

2.3.5 The final conclusion section states that it has not been demonstrated that there would be no affect on the metapopulation of birds which use the nearby SPAs and that the proposal therefore risks adversely affecting SPA integrity. However, the mitigation proposed by SNH as a suggested condition to development consent was considered to reduce disturbance to a level where it would be unlikely to cause a negative effect on capercaillie within the Boat of Garten Wood and any knock-on impact to the maintenance and distribution of the SPA populations. With the mitigation in place, the

"stepping stone" function of the wider woodland would not be significantly impaired (SNH, 2008).

2.3.6 SNH (2008) recommended that the Local Plan should state that this mitigation "...be part of an access management plan produced by the developers, and enforced via a Section 75 agreement with the Cairngorms National Park Authority or Highland Council (whichever determines any planning application)."

2.3.7 The SNH position was further clarified for Bracewell Stirling Architects on 11 February 2010, by Anne Elliott, SNH Area Officer (Strathspey and Nairn):

*"For the Deposit Draft Local Plan, we advised that there is likelihood of significant negative effect on Natura interests. We therefore note that development will only be permitted if CNPA is able, after an appropriate assessment, to conclude that it will not adversely affect the integrity of those interests.*

*In our appraisal of the principle of developing this site shown in the Deposit Draft Local Plan for housing, our view was that there is a likely significant effect on the nearby capercaillie Natura sites. However adverse impacts on the integrity of the sites could be avoided by off-site mitigation to reduce impacts of disturbance to capercaillie. As you know, we objected to the most recent planning application because it lacked any mitigation. The Deposit Draft Local Plan contained details of off-site mitigation required in the event of development here, and these are still relevant. This off-site mitigation was necessary to enable the appropriate assessment of the Deposit Draft Local Plan to conclude no adverse effect on the integrity of nearby capercaillie Natura sites by allocating this land for housing development."*

2.3.8 With regards to appropriate off-site mitigation, as stated in the Natura Appraisal, SNH want this to be signed up to and guaranteed prior to any development being implemented, to off-set any potential impacts to the SPAs – mitigation which the Reporters at the Local Plan Inquiry apparently considered to be inadequate. The Reporters appear to be dismissing the opinion of the statutory consultee (SNH) with the expertise required to determine such things.

2.3.9 The importance of the wider area of Boat of Garten wood as a "stepping stone" between SPA areas is not disputed by any of the parties involved, though it should be noted that the majority of movement would be likely to be between the Abernethy and Kinveachy areas or vice versa (approximately east to west/west to east). The Boat of Garten plantation lies between these SPAs, in line with the northern edges of three of the designated areas (Craigmore Wood lies to the east of Nethy Bridge and the Abernethy Forest), thus effectively providing a continuous habitat for the metapopulation of these areas. However, the proposed Boat of Garten housing site is adjacent to the main road into the village and existing development and already subject to a high level of disturbance (by vehicles, humans, dogs and cats). While development of this area may push the limits of disturbance slightly further into the plantation, the wood is actually quite broad and long and the less-disturbed "stepping stone" would remain unaffected slightly further south. With the mitigation proposed in later sections of this report it is arguable that in future the core area for capercaillie may be effectively increased in size. The wider Boat of Garten Woods area is of a substantial size in comparison to the disturbed edge which has been identified for the proposed development.

- 2.3.10 An important issue in relation to the whole of the Boat of Garten Woods must also be borne in mind in this consideration and that regards the commercial status of this area of plantation. This is an area of commercial forestry and will be likely to be subject to felling at some point in the future, meaning the loss of a much larger area of suitable capercaillie habitat as a normal part of forestry management and harvest operations. This occurs regularly within the wider surrounding area and adds context to the likely effect of the proposed housing development on the capercaillie interest of the area.
- 2.3.11 As noted during the MBEC field studies in June and September 2009, the area proposed for housing is commercial plantation (there is evidence of some previous felling, ridge and furrow ploughed topography and younger trees are present, i.e. currently too young to be of any particular commercial value). The development aims, however, include using the woodland setting, which would mean retaining the essential character of the woodland. While basically addressing the landscape issue, retention of the character of the area should also facilitate a reduction in the disturbance effect of the proposed new houses (as well as the existing houses). It is recognised however, that this does not address the issue of moving the potential zone of disturbance, by recreational users, further south into the woodland. It should be noted that the paths into the wider area of the plantation are limited, though MBEC surveyor experience shows that they are reasonably well-utilised by both recreational walkers and for exercising dogs from and to Boat of Garten.
- 2.3.12 It should be noted that at no time was there a reported sighting of capercaillie within the proposed development area in the 10 years prior to a September 2005 communication between Allan Rennie of Bracewell Stirling Architects and SNH (Rennie, 2005ii) and "signs" were limited to four records within the original larger proposal area. None of the subsequent surveys have identified either signs or sightings either in or within the immediate vicinity of the revised scheme red line boundary.
- 2.3.13 The September 2005 communication (Rennie, 2005ii) reiterated an earlier capercaillie study conclusion that the construction of housing on the revised site was unlikely to impact on the capercaillie population and that the proposed mitigation measures, habitat enhancement of and reduction of recreational access to the southern part of the wood, should increase the suitability of this area for capercaillie (i.e. a net gain of suitable habitat).
- 2.3.14 Recently in 2010 Seafield and Strathspey Estate have been in correspondence with RSPB after a letter was written by the RSPB to the CNPA regarding the housing allocation in the local plan which included this proposed site. The RSPB have said that "they do not wish to see housing at this site", however, they do not appear to have really justified why in terms of the relative locations of the proposed housing and the main area of capercaillie use and they have not seen any of the detailed mitigation proposed. This is merely recorded here for accuracy but not discussed further because it is SNH that are the statutory consultee on nature conservation in this situation and they have carried out the detailed previous appraisal and are aware of the detail proposed in relation to this development.

## **2.4 Measures Proposed Specifically in Relation to Capercaillie**

- 2.4.1 Seafield and Strathspey Estate and Davall Developments Ltd. have agreed in principle a range of on-site and off-site proposals which will specifically address the

concerns in relation to capercaillie. At the time of writing these are in a draft plan which was sent to SNH and CNPA on 18<sup>th</sup> November 2010, following a meeting on 15<sup>th</sup> November 2010, where Matthew Hawkins of the CNPA specifically requested more details on this issue. This draft plan is included within this report as Figure 3, while Figure 2 shows the proposed development layout. MBEC were hoping to be in a position to have addressed any CNPA and SNH comments on these before the submission of this report but as of 25<sup>th</sup> November 2010 we have had no response. As the Developer's team have stressed to SNH and CNPA, we are happy to adjust the mitigation proposed as directed within the principles outlined and Seafield and Strathspey Estate and Davall Development Ltd. are fully supportive of this approach. To implement this on the ground we suggest that Seafield and Strathspey Estate, SNH, the Capercaillie Project Officer and the Developer's ecologist should agree the detail of this on the ground just prior to the works being undertaken.

- 2.4.2 This draft plan (Figure 3) has been constructed to address SNH's Natura appraisal proforma (CNS/DC/HI/BOGH), specifically conditions 1-6 within item 3d. The implementation of this mitigation has been judged by SNH to reduce disturbance to a level that the housing proposal would be unlikely to negatively affect capercaillie within Boat of Garten Wood or adversely affect the ability of the wood to act as a potential stepping stone linking other surrounding Natura sites (Section 4. Conclusions). In other words, the implementation of this mitigation as part of the housing works would allow a conclusion of no effect on integrity to be reached for the relevant Natura sites in the surrounding area in relation to capercaillie (Section 4. Response, a). For this application, the completion of such an appropriate assessment for the surrounding Natura sites would be down to the CNPA as the competent authority. It is a matter for the CNPA whether they judge that an appropriate assessment is necessary under the Conservation Regulations 1994 and amendments. However, given that the CNPA has stated recently that a specific appropriate assessment was not carried out for the Boat of Garten Woods in relation to the recent core paths implementation, then comparing the relative levels of capercaillie disturbance in relation to their respective locations and closeness to lek and capercaillie rearing areas, this would suggest to the ornithologically based observer that one is not necessary for this proposed development.
- 2.4.3 MBEC believe that this draft plan (Figure 3) does address these "conditions" and provides a workable solution for both public access and capercaillie mitigation; two things which are quite difficult to reconcile in practice. Further, it is clear that both Seafield and Strathspey Estate and the Developer can implement this mitigation and are committed to doing so in line with constructing the proposed housing development.
- 2.4.4 Further details of the proposed capercaillie mitigation are explained in the text in Section 5 of this report.

### **3. RED SQUIRREL**

#### **3.1 Current Status of the Population within Boat of Garten Woods**

- 3.1.1 The 2009 Survey Report (Appendix 1) showed a relatively even spread of red squirrel dreys across the plantation area within and adjacent to the proposed housing site boundaries. The concentrations of higher-rated dreys indicated the presence of up to

approximately six individuals. A distinct cluster of dreys was noted, 100m in from the road and to the west side of the site (see Figure 2 which indicates that no houses are proposed for this area). This cluster included a slightly higher concentration of higher-rated dreys than within the rest of the proposed development area. The only factors which would appear to influence this pattern are the density of the canopy, providing greater connectivity between trees and therefore more protection, and possibly the slightly greater physical distance from the existing residential area.

- 3.1.2 The estimation of up to six animals within the study area agrees with the number suggested by the earlier 2008 survey report and fits within the relatively low population density expected for this type of coniferous plantation. With generally little age difference between trees in this area, this type of monoculture provides a sub-optimal habitat for red squirrel. This section of woodland is currently subject to a relatively high level of disturbance due to the proximity of the current residential area and the number of dog walkers using the woodland (plus a number of cats capable of hunting squirrel). From surveyor observations (an ecologist was present on the site from early morning through to beyond dusk), disturbance is fairly constant throughout the day close to Deshar Road. The road just to the north of the proposed development area is not thought to be a significant source of mortality for this population, as can occur in some circumstances, because the habitat to the north is not suitable for them and therefore they have no reason to cross into it.

### 3.2 Red Squirrels and Development within the Cairngorms National Park

- 3.2.1 The presence of the red squirrel dreys within the proposed housing area has implications for the proposed development at Boat of Garten, as a number of trees will need to be felled in order for the housing to be constructed. The identification of high-rated squirrel dreys had already influenced the design iteration before the 2009 protected species survey programme and this detailed investigation further influenced the design of the specific housing proposals, particularly with regards to the cluster of dreys identified within the western edge of the site – a number of houses and loop of road were removed from the earlier design (see Figure 2).
- 3.2.2 As identified in the 2009 Survey Report (Appendix 1), red squirrel is subject to protection under the Wildlife and Countryside Act 1981, as amended itself and as amended by the Nature Conservation (Scotland) Act 2004. They are also listed within local and UK Biodiversity Action Plans. The relevance of this is that there is currently no development licensing system in place to permit the destruction, damage or disturbance of red squirrel dreys for the purposes of development, even while protecting the status of the species. Guidance related to forestry tree felling is available and is provided by the Forestry Commission and this is used in large parts of Scotland, along with careful ecological supervision during felling works and deemed to be lawful and reasonable. Indeed these guidelines are used by forest managers/private landowners within the Park on a regular basis for large scale tree felling operations down to local thinning operations. However, recently officers of the CNPA have been taking quite a different and, it is fair to say, a unique stance on such widely accepted mitigation techniques and appearing to say that they are unlawful and therefore planning consent cannot be granted. Given this known situation, which in MBEC's experience is exclusive to the CNPA, this development has been designed along with new types of ecological mitigation to ensure the proposed development can proceed under the CNPA's terms.

3.2.3 As a result of a lack of development guidance, it is fair to say that there is currently some uncertainty, in relation to the planning application process, in the interpretation of the law governing the protected status of red squirrel and inconsistency in relation to the protection afforded to other species of conservation concern in a European context. The approach of the CNPA is extremely precautionary and extends protection to all dreys, no matter whether they are actually in use or not. However, given that red squirrels use multiple dreys and can build a new drey in under a day, it can be sensibly argued that, within the law, only those recently or currently in use are protected. Such a view would ensure the buildability of the Boat of Garten proposals, while at the same time applying "top-notch" mitigation through the provision of "reasonable precautions" (as stated in the Nature Conservation (Scotland) Act 2004). It is very important to note that the current status of the red squirrel population in the local area is not at threat here and even individual animals are not at threat, given the mitigation proposed and the determination of the ecologists involved to find a common sense and lawful approach to resolve this uniquely CNPA issue. MBEC have seen Senior Counsel advice given on this situation and are content that they can work within the basis of this eminent planning QC's advice.

### 3.3 Recent Developments in Planning and Legal Opinion

3.3.1 The Reporters' opinions for two recent pivotal Public Local Inquiries (PLIs) for development projects with similar issues in Scotland (the Aberdeen Western Peripheral Route [AWPR] and the Beauly to Denny 400kV power line upgrade), have relevance for the Boat of Garten proposals, as red squirrel presence was identified as an issue for both these proposed developments (AWPR PLI, 2010; Scottish Government, 2009). Importantly, cognisance has also been taken of the closing submissions of an eminent planning advocate (Ailsa Wilson QC) for these inquiries and her carefully reasoned written comments specifically to another local developer dealing with a similar set of issues to this proposed Davall Developments site.

3.3.2 Red squirrels and their wider conservation/range maintenance are arguably more of an issue for the Beauly to Denny project than for the AWPR, as the CNP area is considered to be a more important area for this species, due principally to the current absence of grey squirrels. In March 2009, Forestry Commission Scotland proposed the designation of "stronghold" areas (FCS, 2009) to help manage the land involved in a more 'squirrel-sensitive' way (essentially by encouraging "best practice" land management). The designation of stronghold sites was subsequently announced in December 2009 (Wildlife Extra, 2009). The closest of the 18 designated sites to the transmission line is the South Rannoch woodland, c. 12km to the west of the transmission line route; the closest site within the Park is the Inshriach & Glenfeshie site, c. 19km to the north-east of where the line crosses Glen Truim. Similarly, the proposed housing site referred to here is outside of any stronghold site for red squirrels.

#### Discussion of the Relevant PLI Considerations with Regards to the Boat of Garten Proposed Housing Site

3.3.3 A number of important points have been identified within the two PLI determinations which are of primary importance to the Davall Developments' housing development application in Boat of Garten. The AWPR and Beauly to Denny projects are clearly of a much larger-scale than this small housing development, nonetheless, the same principles should apply in relation to the context of the National Park and CNPA's



position, in relation to planning determination for the sites (i.e. the presence of red squirrel dreys).

3.3.4 The AWPR PLI decision provides some legal clarity in relation to the precautionary approach taken to dreys by the objectors and the suggestion that a nationally protected species should receive more protection than a European Protected Species. While a licensing system for development related disturbance is not in place, it does not follow that destruction of a drey is necessarily a criminal activity under the WCA 1981, as amended (Section 9[1 & 4]). The development would be consented and there are relevant mitigation measures in place to avoid and minimise impacts to red squirrel and therefore no actions would occur which could be classed as "intentional" or "reckless" under criminal law and the conditions specified under WCA Section 10, subsections 3 and 3A would apply. As pointed out by the Reporters, statutorily consented activity is *lawful activity*; as long as reasonable precautions are taken to prevent accidental damage to red squirrels and their places of shelter/protection; developmental activities satisfy 10(3) and 10(3A).

3.3.5 SNH (2010) provides a three-stage test for the defence of inadvertent wildlife crime as a result of lawful activities; this test clarifies the legal position of an inadvertent offender thus:

1. *The unlawful act was an incidental result of an otherwise lawful activity or operation.*
2. *The person who committed the unlawful act must have taken reasonable precautions in order to avoid committing the act or, alternatively, the person must show that he or she did not foresee and could not reasonably have been expected to foresee that the action would result in an offence being committed.*
3. *It must be shown that steps were taken to minimise any damage or disturbance (including, for example, disturbance to a nest site) once it became apparent that a contravention of the provisions of the 1981 Act had occurred."*

3.3.6 SNH suggests that under these conditions, proof of best practice and reasonable precautions in place to prevent inadvertent wildlife crime (as prescribed under the WCA) will satisfy the Judiciary of a developer's best intentions as regards their operations.

3.3.7 The UK Red Squirrel Group (2004) reflects a similar approach to accidental infractions of the WCA (as amended), i.e. that the act was incidental to the main purpose of the work; the work was legal (not in contravention of any other legislation/regulation); and that the unlawful act could not reasonably have been avoided. In the absence of a licensing system, the Group states that ultimately only a court can decide what is "reasonable" under law, but that a developer should take all reasonable steps to avoid, or if not possible, to minimise, damage to places red squirrels use for shelter or protection (through survey and mitigation measures, etc.). Such mitigation as is required is also best derived through agreement between the conservation agencies (i.e. SNH in Scotland), planners and the developer.

3.3.8 The AWPR PLI endorses the approach to mitigation presented by MBEC here working on behalf of Daval! Developments with regards to red squirrel presence on the proposed development site at Boat of Garten. It should be noted that the



proposed mitigation for the housing development goes further than that proposed and accepted as lawful for the AWPR, giving more guarantees for avoiding direct disturbance to squirrels: this clearly demonstrates *current best practice* and *reasonable* precautions taken by the developer and should therefore satisfy all the necessary tests to be undertaken by the officers of the CNPA in relation to red squirrels and their protection.

- 3.3.9 The Beauly to Denny PLI has highlighted what the Reporters have termed a "misunderstanding" of the National Parks (Scotland) Act 2000 in how CNPA determines planning applications: "*It does not follow that every square centimetre of the area designated as a National Park must necessarily be regarded as being of outstanding national importance.*" A coordinated and "reasonable" approach to development needs to be applied and this does not mean that every application has to satisfy every aspect of all four aims of the CNPA. MBEC believe that, under these terms, the current CNPA officers approach to red squirrels and planning is currently what would be considered an *unreasonable* approach to development and it is presumed that the same thinking will be stated for Boat of Garten, as has previously been the case for Carrbridge and other proposals.
- 3.3.10 A point of further interest brought out in the Beauly to Denny PLI is the Reporters' attitude towards commercial coniferous plantation, which clearly implies a low "value" given to such plantation within the wider landscape, especially when compared to natural afforestation. Commercial plantation is a crop and harvest is therefore an expected stage in the forestry process (with forestry being counted a *lawful activity* as stated by SNH, 2010), whether under private or Forestry Commission ownership. The Boat of Garten proposed housing site is characterised by coniferous monoculture plantation (straight lines of Scots pine with access tracks and rides separating the forest blocks). The Boat of Garten site has a history of previous cropping and thinning: in addition to the ridge and furrow topography of ploughed plantation forestry, this site also has regular lines of tree stumps as evidence of thinning operations. None of this woodland is identified by the Woodland Trust as being of Ancient Origin (Ancient Tree Hunt, 2010), confirmed by checking the SNH Ancient Woodland Inventory held in GIS form by MBEC. The majority of the woodland to the south of the site is, however, identified as Ancient Woodland by SNH and "Ancient Wood (replanted – 2b)" by the Woodland Trust; the closest part of this designated area is c. 100m beyond the proposed development site housing boundary.
- 3.3.11 While essentially for purposes other than forestry, housing, road development and power line developments require felling on vastly different scales: the Beauly to Denny power line requires approximately a 100m-wide clear-felled wayleave through forest (varying in width depending on localised issues and forest design planning), while for this proposed small housing development the trees will be selectively felled to retain the essential edge character of the woodland on the edges of the housing area. These differing methods obviously have different implications for the long-term presence of squirrels in the local area. Anecdotal evidence indicates domestic gardens being used by red squirrel if mature trees are retained close by; an example of this has happened is Rowan Park, Carrbridge, where the housing is fairly recent (c. 10 years old) and immediately adjacent to a proposed development site (Carrbridge Wood, Tulloch Homes Ltd.). Red squirrels are frequently observed (often daily) using the gardens for foraging, especially when food is put out for them (which it commonly is). At least one of the properties is also reported to have a drey in a tree in the garden. The nearby Landmark Heritage Park in Carrbridge is also known for its feeding of squirrels and would appear to both support a population of the animals on

site and have a number of animals commuting from adjacent areas (indicated by the number of road kills on the adjacent B9153). This suggests that sympathetic development, with long-term retention of mature food trees locally, while causing an indirect relocation of animals during construction, may actually be of potential long-term benefit in safeguarding suitable habitat and encouraging higher winter survival rates (evident from MBEC's recent work at Carrbridge).

### Conclusions

- 3.3.12 By implementing appropriate ecological mitigation through design and working practices, the Developer would be carrying out what constitutes "reasonable precautions" to avoid any unlawful actions under either section 9(1) or section 9(4) of the WCA (paragraph 2.248, AWPR PLI Report, Vol. 1, Chapter 2, AWPR PLI, 2010). The Reporters endorse the approach which has, in parallel, been proposed by MBEC for Davall Developments, in that appropriate mitigation "...would also justify a mitigation strategy that involved differentiating between active dreys and abandoned dreys at the time of construction", as this strategy would "...seek to avoid any direct impacts that would constitute an unlawful act, such as the deliberate killing or injuring of a red squirrel or deliberate destruction of an active drey whilst occupied by a red squirrel."
- 3.3.13 While the Reporters for the Beauly to Denny Inquiry have not focused precisely on the same issue, they have obviously formed similar views to those for the AWPR consent as similar issues and mitigation apply for this project as well. A specific email highlighting this very issue was sent to the Scottish Government for the attention of the Reporters during their deliberations on the Beauly to Denny project (email to Scott Mackenzie from Don McKee of the CNPA dated 12 September, 2008) and they were clearly aware of it, took account of it but decided that a lawful consent could be granted in their advice to the Scottish Ministers.
- 3.3.14 MBEC having been involved in and studied the mitigation for red squirrels for the AWPR and the Beauly to Denny project carefully are clear that the approach that the to the Boat of Garten site with regards to red squirrel presence on the proposed development site is even more precautionary and clearly best practice. In summary, it includes total avoidance of known and likely active dreys; continuous surveying of dreys to determine activity (using state of the art equipment which allows 24hr a day surveillance from a safe distance); and felling in a direction which will assist squirrels to safely temporarily move from the area, if they wish. All such work would be completed by qualified and experienced ecologists and the time-frames involved at the site would specifically allow for felling to be undertaken over an extended time period, as necessary to ensure no disturbance of red squirrels. In relation to the construction process, all surrounding plantation areas would be undisturbed and suitable additional landscaping proposed for the development area will mature in the longer-term. This outline approach was conveyed to the CNPA at a meeting held in Grantown on Spey on 18<sup>th</sup> August 2009. To emphasise, this clearly demonstrates *current best practice* and *reasonable precautions* taken by the developers and should therefore satisfy planners as to the good intentions of Davall Developments in relation to the site. Suitable safeguards could be further ensured through the use of detailed conditions, which MBEC, on behalf of Davall Developments, would be happy to discuss and agree with officers of the CNPA.
- 3.3.15 The approach to the implementation of this mitigation are further detailed in an Outline Ecological Management Plan which is appended as Appendix 2 to this report.

This approach is intentionally flexible to allow for drey movements over time and MBEC are confident that, with this flexibility built in and understood that squirrel can be fully and lawfully mitigated on this site.

#### **4. OTHER POTENTIAL ECOLOGICAL ISSUES**

##### **4.1 Introduction**

4.1.1 A number of other ecological issues have been identified over the course of the iterations of the housing proposals for this site. In addition to the capercaillie and red squirrel issues, concern has been previously expressed over the potential impact to the habitat itself and a number of other species of potential interest including badger, wood ants, other bird species and several other insects.

4.1.2 A serial objector to development proposals within the National Park is the Badenoch and Strathspey Conservation Group (BSCG). Evidence, shows that this group, a small number of whom are extremely active, are following an anti-development agenda within the Park's boundaries (even arguably an anti-sustainable development agenda). This group have made comments in relation to certain aspects of this proposal, as they do for virtually every proposal, and where relevant these are discussed below. We have ignored some of the obviously ridiculous comments made concerning this proposed development, including for example those concerning potential disturbance to otter and their connection to the Spey SAC.

##### **4.2 Ancient Woodland**

4.2.1 In their 2002 objection to the development of this site (BSCG, 2002), the implication was that the trees are part of the "Caledonian forest (native pine)" classification. A 1994 source is quoted, identifying the forestry of most of this area as "self-sown Scots pine". However, the lack of "exotic" conifer species to be found in the proposed development area does not mean that the forestry is not plantation. It is clear from looking at the site that the forestry is plantation: the trees are for the most part in straight lines, with ploughed ridge and furrows including felled stumps providing evidence of an earlier thinning. Age class structure is fairly uniform amongst the planted trees. Information MBEC have been given from the owner, Seafield and Strathspey Estate, and summarised in Paragraph 1.1.2 clear shows that BSCG are totally wrong about this proposed housing area of land and its immediate surroundings, alongside Deshar Road. While some self-sown trees are present, this is not uncommon in this area within slightly more open areas of plantation forestry.

4.2.2 In defence of the BSCG position, their 2002 objection was made on the original outline application which included a small area within the designated Ancient Woodland and part of an adjacent area identified in the Semi-natural Woodland Inventory (SNH GIS dataset held by MBEC) and as "Ancient Wood (semi-natural – 2b)" by the Woodland Trust (Ancient Tree Hunt, 2010): the area now being proposed is significantly smaller and is completely outwith these non-statutory areas.

4.2.3 The issue of habitat fragmentation that could be caused by development of this area was also raised in the objection (BSCG, 2002). However, this is clearly not now an issue as the site will not cause any severance of the overall canopy from the River Spey to Kinveachy. Retention of more mature trees all around the development edge

will also reduce the potential loss of habitat and limit even very localised fragmentation. It is important to note that this proposed development will be next to Deshar Road and will extend the existing village edge slightly.

#### 4.3 Plants

- 4.3.1 The Badenoch and Strathspey Conservation Group (BSCG) have reported the presence of several notable plant species in the wider woodland area. These were the presence of Juniper (*Juniperus communis communis*) and creeping lady's-tresses (*Goodyera repens*). An MBEC botanist has also seen these two notable species in the wider Boat of Garton Woods and they are locally frequent within the valley. However, MBEC have checked the current proposed development area and neither has been seen within it or on its immediate surroundings – they are present further south within the woodland. BSCG also mention bearberry (*Arctostaphylos uva-ursi*) as being present. It is respectfully suggested that the surveyor must have got their identification wrong – to the inexperienced eye this species can be confused with cowberry, which is a common and present species. An MBEC botanist has confirmed that there is no bearberry present within the proposed development site or its immediate surrounds, however, it could be present further south on edge habitat approximately 1km south of the proposed site but even this is not ideal habitat and not where it would be expected to be found.
- 4.3.2 BSCG also mention fungi and although not actually classified as plants we have mentioned them here just to be comprehensive. MBEC have not carried out specific fungal surveys of the site but have noted the presence of common fungi while surveying on the site (e.g. oyster mushroom, fly agaric, hedgehog fungus and common chanterelle – most of which were outside of and south of the proposed development site) and we would have picked up any rarer fungal fruiting structures had they been present. MBEC do not feel that detailed fungal surveys are necessary for this site because of its lack of past woodland continuity, it ploughed and drained soil and disturbed recent past.

#### 4.4 Badger

- 4.4.1 As reported in the Survey Report (Appendix 1), experienced mammal surveyors found no evidence of badger presence on the proposed site or its immediate surroundings in either the 2008 or 2009 surveys. Anecdotal evidence does suggest badger to be present in the wider area, even although they are not resident within the proposed development area or its immediate surroundings.
- 4.4.2 The commercial coniferous plantation provides a generally sub-optimal habitat for badger, which usually prefer a more varied environment, to include open grassland and broadleaved tree edge areas. While open grassland and some edge habitat is potentially available beyond Deshar Road, the level of disturbance in this section of the plantation, close to the village, is fairly high and has probably resulted in badgers avoiding this part of the plantation edge. The currently regular level of off-lead dog-walking, with clear evidence of dog investigation of rabbit holes, will also be a factor in this avoidance. Badgers are well known to avoid setting in areas with regular dog activity, when they have a choice, as they do here, of much less disturbed areas in the surroundings.

#### 4.5 Wood Ants

- 4.5.1 In their 2002 objection, BSCG stated that habitat would be lost for wood ant.
- 4.5.2 As noted in the MBEC Survey Report (Appendix 1), Boat of Garton Woods provides a range of forest floor habitat, some of which is suitable for wood ant species. However, only Scottish wood ants (*Formica aquilonia*) were found on the site at that time and in low densities.
- 4.5.3 The absence of the narrow-headed wood ant (*F. exsecta*) may be explained by the limited amount of open space on the site and the historical disturbance due to past forestry clearance operations within the area. While the hairy wood ant (*F. lugubris*) shares its range with *F. aquilonia*, the past land use including grazing and the removal of the past native cover may also be a factor in its absence. No survey of the wider area surrounding the proposed site was undertaken to establish the presence of either of these species locally, though they are known to be present and locally abundant in suitable habitat in the Strathspey area.
- 4.5.4 Opening-up the canopy around the edges of the proposed development and future Seafield and Strathspey estate management for capercaillie in the surrounding area of the woodland would significantly increase the opportunities for nest-building, particularly for *F. exsecta*, through increasing the penetration of sunlight to the woodland floor.
- 4.5.5 Recent carriageway improvement work on the A9 in the Carrbridge area, on behalf of Transport Scotland, has highlighted the potential for translocating whole nests away from development, if necessary. The results have so far been reasonably positive, with a reasonable proportion of nests surviving in their new locations; where the translocated nest has failed, a new nest has sometimes been constructed by the colony as well. While this would be a "last resort", if any new nests, as well as the existing nests of Scottish wood ant were within the footprint of the proposed housing at that time and disturbance was to be unavoidable, then translocation would be a suitable option. Again, this could be easily conditioned, should the CNPA so wish.
- 4.5.6 Restructuring of the woodland edge combined with translocation (if assessed as necessary) would ensure the continued presence of the existing Scottish wood ant population. The development of this small area of land would not threaten their presence within the wider woodland, in other words their status would be maintained.

#### 4.6 Other Bird Species

- 4.6.1 A number of bird species have been noted to use the wider woodland area (BSCG, 2002), including crested tit (*Lophophanes cristatus*), crossbill (*Loxia sp.*) and siskin (*Carduelis sp.*). Highly mobile, the loss of a small area of the woodland would not impact these species. Of these birds, only siskin was observed by MBEC surveyors in the vicinity of the proposed development site during the 2009 surveys. Felling at the correct time of year and careful pre-construction survey would avoid any chance of disturbing any nesting activity.

#### 4.7 Other Mammals

- 4.7.1 As noted in the MBEC Survey Report (Appendix 1), the only other evidence of mammalian wildlife noted during surveying was the observation of rabbit (*Oryctolagus cuniculus*) and roe deer (*Capreolus capreolus*) in the area.

- 4.7.2 Bats forage around the woodland edge in this area, however, there are no trees within the proposed development site that are suitable for bat roosting, which is the key planning consideration in relation to this site. The trees were surveyed for their bat roost potential by MBEC but they are all too small and lack suitable decay and damage suitable for bat roost use.
- 4.7.3 No evidence of pine marten (*Martes martes*) (or wildcat) was found during either of the surveys within or immediately adjacent to the proposed development area, though BSCG (2002) suggest it is present in the area. The search of the forest floor for ant presence was sufficiently intense for any evidence of this species to have been found. None of the trees are large enough, nor are there areas of boulder scree to support pine marten dens. Additionally, as previously mentioned, this area is subject to a high level of human and canine disturbance which would discourage use of the site for denning by pine marten. It is likely that pine marten do pass through the area regularly during foraging, as they do across much of the National Park. Pine marten can often be positively encouraged to enter gardens in this area by the public putting out food and due to bins encouraging their curiosity. Pine marten will also hunt red squirrels, particularly taking young out of dreys and this may well occur in this wider woodland area.

#### 4.8 Other Species

- 4.8.1 The Badenoch and Strathspey Conservation Group (BSCG) have reported the presence of a number of species of insect in the area. For the Boat of Garten site this includes the Slender Groundhopper (*Tetrix subulata*). As identified in the Survey Report (Appendix 1), the proposed development area and its immediate vicinity do not really provide optimum habitat for this species, although areas surrounding the proposed site do.
- 4.8.2 A ground nesting bee, *Andrena lapponica*, was reported in the area 2009. While this species is widespread across the National Park area, this report was for a grouping of 15 females. Information on the ecology of such insect species is often scant and they are fairly poorly understood and studied. These bees are thought to be normally solo-nesting and nest burrows are thought to be more commonly scattered across the woodland floor rather than concentrated (BSCG, 2009). However, information is scarce and as with many species of insect in this area, the more one looks the more one finds – under-recording is a recognised issue. This find may just have been an indication that the majority of the area is not suitable for them or vice versa, they may actually be fairly widespread around the wider valley.
- 4.8.3 Two mollusc species noted by BSCG are the ash-grey slug, *Limax cinereoniger*, a "widespread but local" woodland species associated with dead wood and "intolerant of human disturbance" and the Lemon slug, *Malacolimax tonellus*. Both slug species are noted as "scarce" by the Conchological Society of Great Britain & Ireland. *Limax* is described as "Probably the most reliable indicator of ancient, semi-natural woodland", though *Malacolimax* is also a good indicator of ancient woodland where it occurs (CSGB&I, 2010). However, it should be noted that this refers to broadleaved ancient woodland and not coniferous forest (though true Ancient Caledonian Pine Forest would also contain broadleaved species). Given the age of the Boat of Garten plantation and its obvious recent history of commercial forestry, it is unlikely for either of these species to be present, particularly at the northern end of the wood where we are discussing – neither was observed during the survey programme, though a high number of Great black slugs, *Arion ater*, were observed. Growing up to 15cm, *Arion* is

one of the most common UK slug species, feeding on any decaying plant detritus available (Natural England, 2010).

- 4.8.4 While all these records are interesting, if they are to be further investigated by MBEC confirmed identification records through the relevant British Recorders would be necessary, along with precise details of their locations. However, this is not felt necessary because, for this proposed development site, given that none of these species are formally protected and given that the vast majority of this surrounding plantation habitat will remain it is not thought likely that there would be any effect on their conservation status, even locally. It is the case that all of these species are recognised as being under-recorded and under studied; they are very likely to be present much more frequently in the surrounding area than ecologists/entomologists are currently aware of.

## 5. MITIGATION

- 5.1.1 A range of mitigation has been discussed for the proposed development and the wider area of Boat of Garten Woods during the design development process, in discussion with the Developer, Seafield and Strathspey Estate and from recommendations SNH have made. This iterative process has been on going for a number of years.
- 5.1.2 It is recognised, as discussed in Section 2, that while the proposed site is not important to capercaillie that there is concern about the development of the recent core paths initiative and the general disturbance levels, particularly related to the walking of dogs off the lead within Boat of Garten Woods as a whole. This proposed development in conjunction with the landowner, Seafield and Strathspey Estates, provides an opportunity to improve the current situation and to help to mitigate for this proposed development within the wider woodland area. As discussed in Section 2 of this report, Figure 3 provides a suggested draft approach to this. Capercaillie habitat enhancement of the southern woods, to include reduced recreational access, was one of the earliest proposals (i.e. before investigation of the red squirrel dreys). Despite the lack of evidence of capercaillie in close proximity to the village and the proposed development area, this was considered an appropriate approach; given the likely value of the wider wood as a linking habitat between the SPAs either side of the River Spey in this part of the valley.
- 5.1.3 The principles involved in the proposed capercaillie mitigation follow those recommended by SNH and those the Estate are carrying out in other parts of their landholding in the surrounding area. Figure 3 indicates proposed locations and actions and these proposals are detailed here:
- A new loop path incorporated into the proposed development to allow short dog walking immediately adjacent to the development edge. This will also help to prevent the formation of any new "desire" lines off the main paths. Paths from the proposed development will also be designed specifically to encourage the use of this and discourage the use of any additional exits and entrances. Signage will be used to advise walkers of the varying lengths of the loops to and from the village that are available to them and encouraged for use;



- On the existing paths going south into the woodland, habitat edge management can be used to discourage walkers (and dogs off the lead) from leaving the immediate environs of the path. This can be achieved by localised tree management;
- A series of signs will be erected at entrances to key paths, advising generally of ground nesting birds, controlling dogs, preferably on lead walking and asking people to stick to the tracks. See Figure 3 for the suggested locations for these;
- Two existing paths/tracks which lead into a generally quieter area of the wood will be actively managed to remove or at least reduce the related disturbance zone for capercaillie. This can be done without actively shutting the paths using scarification to encourage natural regeneration along with signage. This will also act as enhancement for other species using this area as well; and
- The Estate have volunteered to introduce some variable thinning in the wood to improve capercaillie habitat away from the paths/tracks. The detail of this would need to be agreed with SNH and the capercaillie project officer. Seafield and Strathspey Estate have implemented such capercaillie enhancement work elsewhere within their land which is known to have been successful.

5.1.4 Mitigation for red squirrel and wood ants has been previously proposed by MBEC (and fully committed to by Davall Developments) as part of the Survey Reporting (Appendix 1). This includes a carefully phased felling programme with the intention of permitting safe movement of squirrels out of the immediate development area during the construction process (as indicated in the Outline Ecological Management Plan presented as Appendix 2). Evidence from other previous developments within the Park area demonstrates that retention of some mature trees, where practicable, within the development will promote continued colonisation of the area by red squirrel, as well as suitable landscape planting. MBEC will ensure that all landscape planting is of native species, suitable for the area and which will be of benefit to red squirrel in particular. This re-colonisation of red squirrels (and from previous evidence the local increase in the density of the population) will in part be increased by foraging opportunities provided by residents of the completed housing. Without any further encouragement it is very likely that increased bird feeding and specific red squirrel feeding will occur in gardens, as has happened elsewhere and encouraged an increase in red squirrel winter survival leading to a localised population increase. For wood ant nests, careful translocation of the structures has been demonstrated as being adequately successful and worthwhile, although if possible this will be avoided. Habitat enhancement for capercaillie within the wider forest will also act as habitat enhancement for wood ants in the surrounding area. Additionally, the opening-up of the canopy in this area and specific edge treatment will encourage a slight increase the availability of suitable wood ant habitat. Effectively "glading" the plantation woodland edge will provide more opportunities for nest establishment on the edges of the proposed development.

5.1.5 For other species, especially avian and invertebrate species, residential gardens often provide a range of different habitats and foraging opportunities, particularly when planting is sympathetic to the surroundings, as it will be for this development. The first step in this process will be the further suitable landscaping of the development: only appropriate native species will be planted, such that the



biodiversity of the site can be enhanced in line with the habitats of the surrounding area.

- 5.1.6 It is recognised and fully accepted by Davall Developments that MBEC will perform an Ecological Clerk of Works role pre, during and immediately post construction. This will allow for a regular advice and site based support system to ensure that the pre-construction elements and the construction elements are all taken forward in an ecologically sensitive way. This approach will also ensure that the wider surrounding habitat works, particularly in relation to the paths and the Estate's future work are coordinated with relevant stakeholders including the Park and SNH.

## 6. CONCLUSIONS

- 6.1.1 The proposed housing development has been subject to a number of ecological investigations during the life of its design stage. Initially redesigned in response to the presence of capercaillie outside of the site but in the southern woods, red squirrel presence further influenced the design with the result that the current proposal has been shaped to fit within a much smaller area and takes into account the use of this part of the plantation by red squirrel.
- 6.1.2 With the implementation of the full mitigation proposals outlined, it will be possible to not only limit the potential for indirect disturbance to species, but also to slightly enhance the edge habitat for the species present in this part of the Boat of Garton Woods and provide enhancement for capercaillie in the wider woodland, through the active participation of Seafield and Strathspey Estate.
- 6.1.3 Successive surveys have demonstrated that capercaillie, while present in the Boat of Garton Woods, do not use the plantation area adjacent to the village or the area proposed for development. These surveys have also indicated that capercaillie use of the wider area should not be affected in relation to this development. The designation of core paths in this area, while unfortunate, from a capercaillie perspective due to the limitation put on management of them can be used to limit the use of other paths in the Woods and to encourage their use by existing village residents, visitors and new residents. This management can be effected through education and signage. All parties concerned recognise the possible importance of the wider plantation as a linking habitat between important capercaillie areas within Badenoch and Strathspey.
- 6.1.4 The issue of the legal status of red squirrel, with respect to development, has been clarified to an extent by the Reporters of the AWPR and Beaully to Denny powerline projects. A pragmatic approach to development is recommended, including recognition of the mobility of red squirrel, their response to secondary disturbance and their ability to coexist with people in such woodland edge settings. It should also be borne in mind that there is currently a licensing regime for development being taken forward within the Scottish Parliament and by the time this development is being built this may well be in place. However, regardless of this the Developer is sure that this development can be taken forward in a legal manor protecting the red squirrel population of the Wood.
- 6.1.5 As prescribed within the MBEC Survey Report (Appendix 1), an ecological pre-construction survey programme and the provision of Ecological Clerk of Works roles

will be an important aspect of the mitigation process. Flexibility in approach will be required in the construction programme, in order to respond to the findings of the survey programme should any issues be raised (see Appendix 2 for details of this approach). Any such issues will be fully discussed with SNH and the Park and the ecologists will keep in regular contact and provide regular updates, as mitigation is detailed and developed.

- 6.1.6 SNH has been consulted throughout the design iteration process and, along with specialist ecological input, this involvement will be continued to ensure a satisfactory safeguarding, with the enhancement discussed for the ecological interests of both the development site and the wider surrounding area.

## 7. REFERENCES

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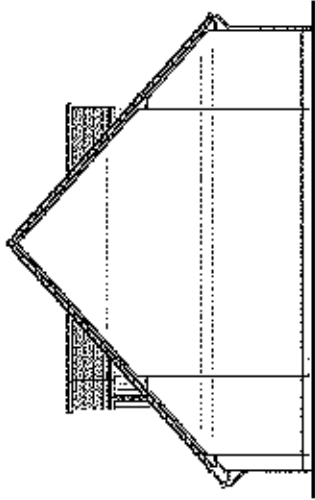
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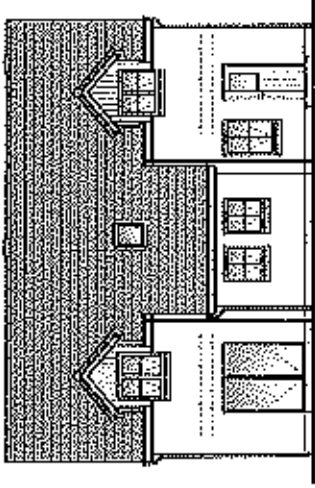
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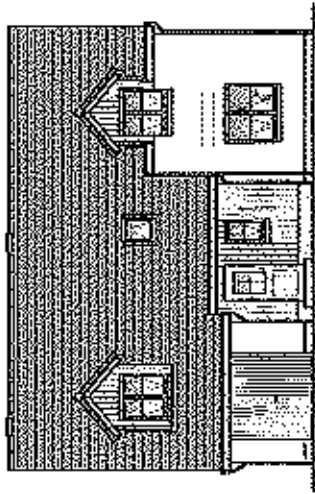
# BOAT OF GARTEN, AVEMORE



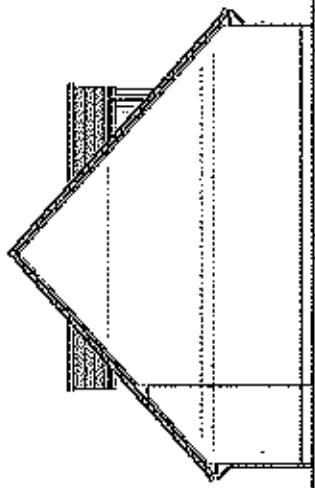
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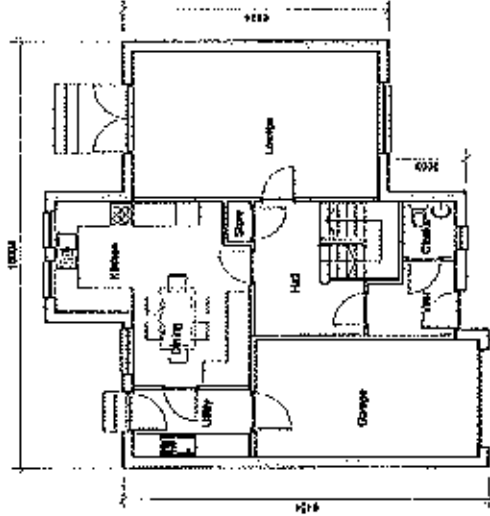
REAR ELEVATION



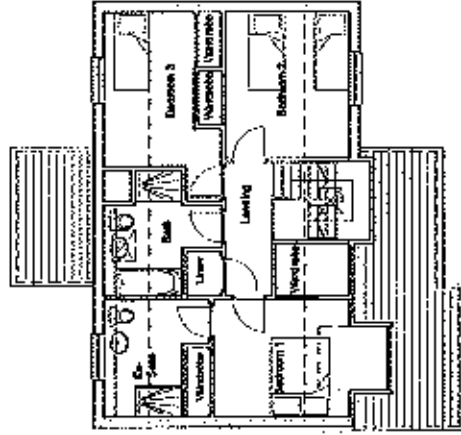
FRONT ELEVATION



GABLE ELEVATION



GROUND FLOOR PLAN  
67.5 sq.m (Excluding Garage)  
Total Floor Area 133 sq.m



FIRST FLOOR PLAN  
65.4 sq.m

## HOUSE TYPE A

California National Park Authority  
Planning Application No. 08/2779/14P  
25 JUL 2008  
REGISTERED

THE ARCHITECTS  
PLAN NO. 13 OF REGULATION NUMBER  
08/119/14P/05  
REGISTERED 16/7/08

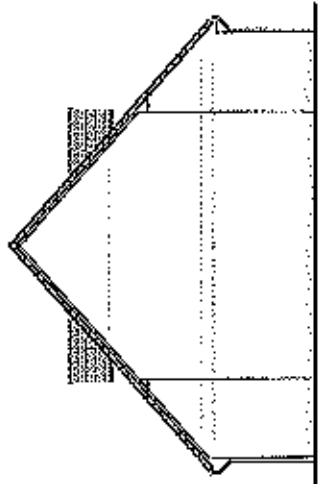
REVISED

### Bracewell Stirling Architects

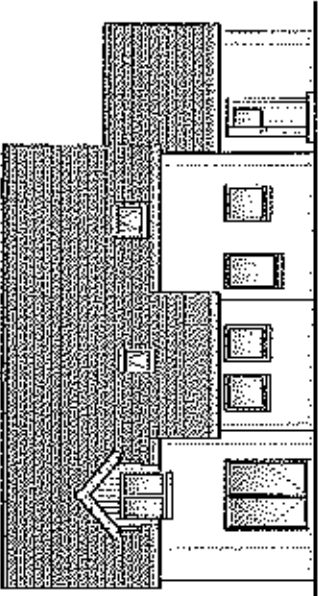
- ALL WORKS HAVE BEEN CHECKED BY THE ARCHITECT
- ON WALLS, FLOORS, CEILING, DOORS, WINDOWS
- ALL WORKS HAVE BEEN CHECKED BY THE ARCHITECT

BOAT OF GARTEN AVEMORE DAVALL DEVELOPMENTS	
House Type A - 133 sq.m 3 Bed Villa with Integral Garage	
DATE: 11/08	DATE: JULY 08
DRAWN BY: 2532-TYPE A	REV: 00

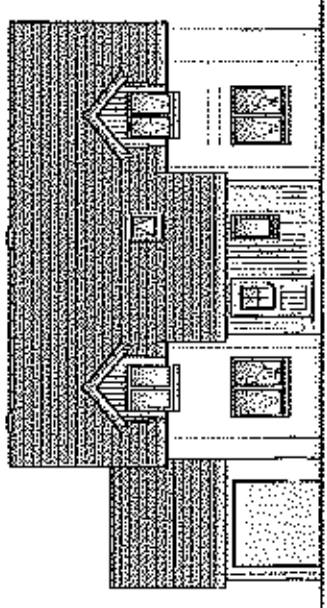
# BOAT OF GARTEN, AVEMORE



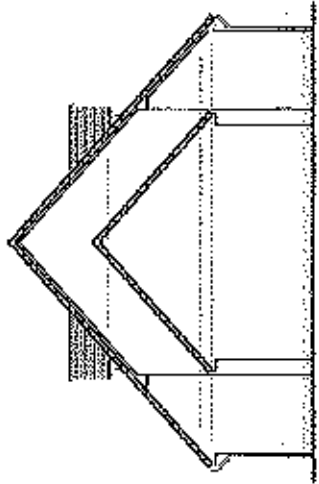
GABLE ELEVATION



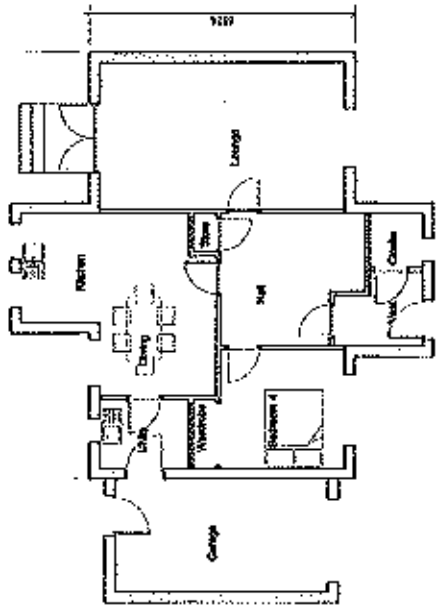
REAR ELEVATION



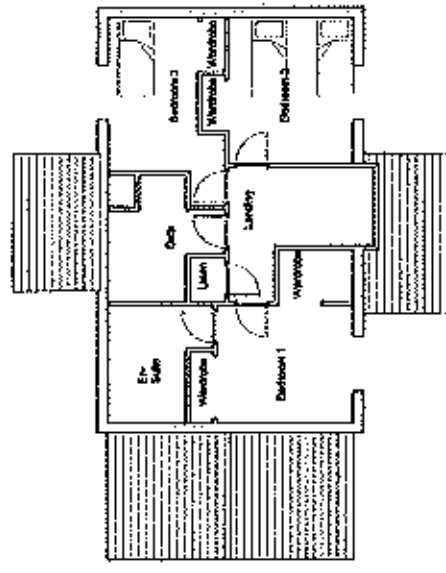
FRONT ELEVATION



GABLE ELEVATION



GROUND FLOOR PLAN  
77.8 sq.m (Excluding Garage)  
Total Floor Area 143 sq.m



FIRST FLOOR PLAN  
65.4 sq.m

25 JUL 2008  
REGISTERED

REGISTERED  
25 JUL 2008

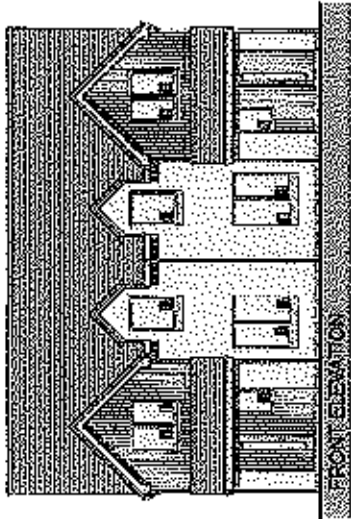
Bracewell Stirling Architects

- ARCHITECTS
- REGISTERED ARCHITECTS
- REGISTERED ARCHITECTS
- REGISTERED ARCHITECTS

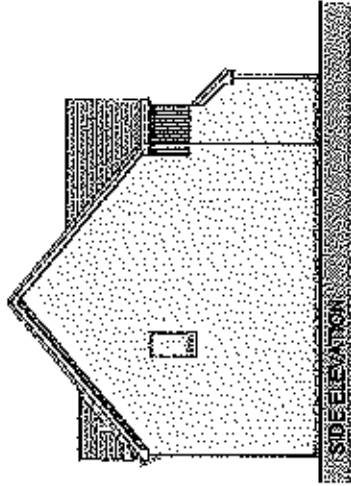
BOAT OF GARTEN  
AVEMORE  
DAVALL DEVELOPMENTS  
House Type B - 143 sq.m  
4 Bed Villa With Integral Garage  
SCALE 1:100 DATE JAN'08 BY  
DWGNO 2592- TYPE B

## HOUSE TYPE B

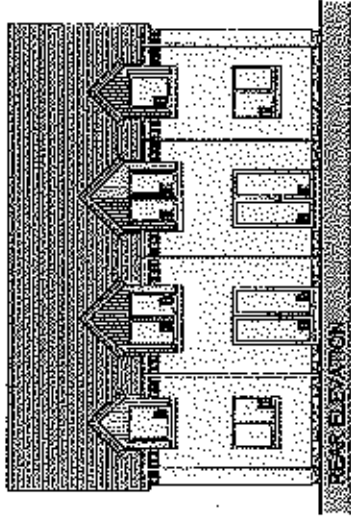
# BOAT OF GARTEN, AVEMORE



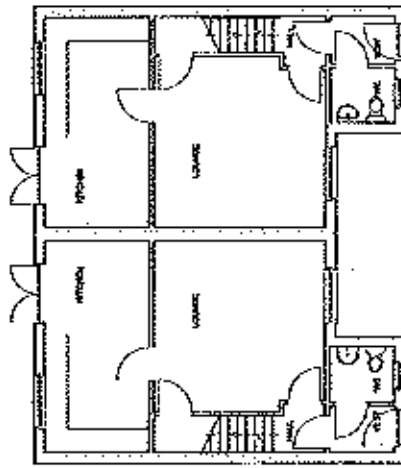
FRONT ELEVATION



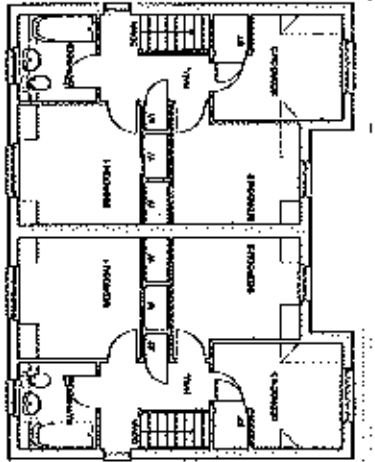
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN  
43.75 sq.m  
Total Floor Area 86 sq.m



FIRST FLOOR PLAN  
42.25 sq.m

PLANNING PERMISSIONS  
 05/12/2006  
 23 JUL 2006  
 REGISTERED

THE ARCHITECTS  
 TRACEY HILLARD & ASSOCIATES  
 PLANNING PERMISSIONS  
 REGISTERED ARCHITECTS  
 14/11/03

**Bracewell Sailing Architects**

- 11 HILLS BANK, AVEMORE, ST. LEONARDS, FIFE, DD18 2JG
- 01463 721467
- 01463 721467
- 01463 721467
- 01463 721467

BOAT OF GARTEN  
 AVEMORE  
 DAVALL DEVELOPMENTS

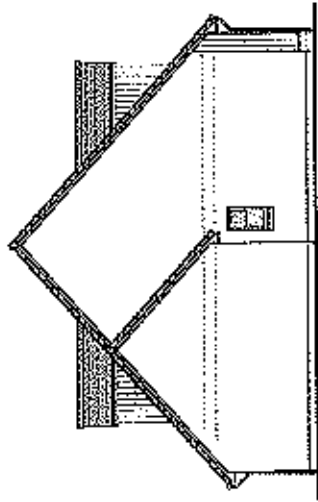
House Type C - 86 sq.m  
 3 Bed Semi Detached Villa - 86sqm

SCALE 1:100 DATE JUN'08 BY

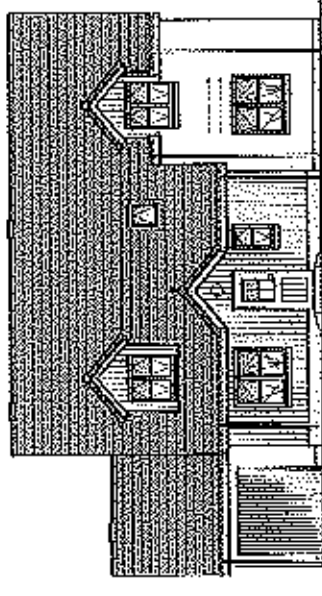
PLAN NO 2532-TYPE C

## HOUSE TYPE C

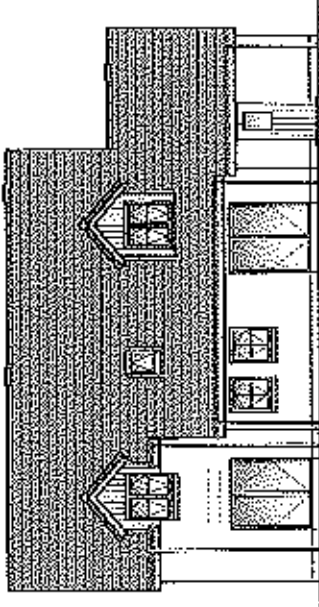
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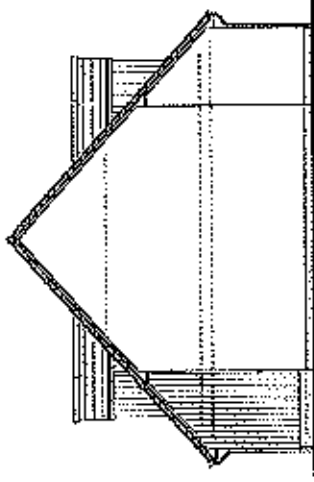
GABLE ELEVATION



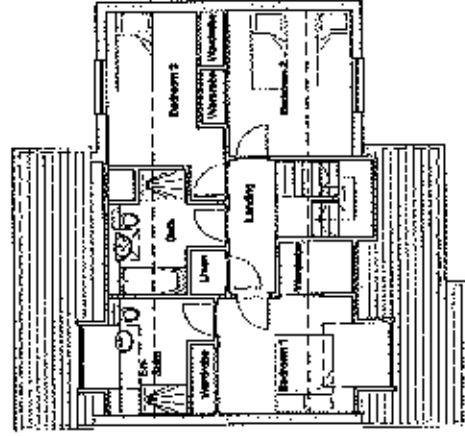
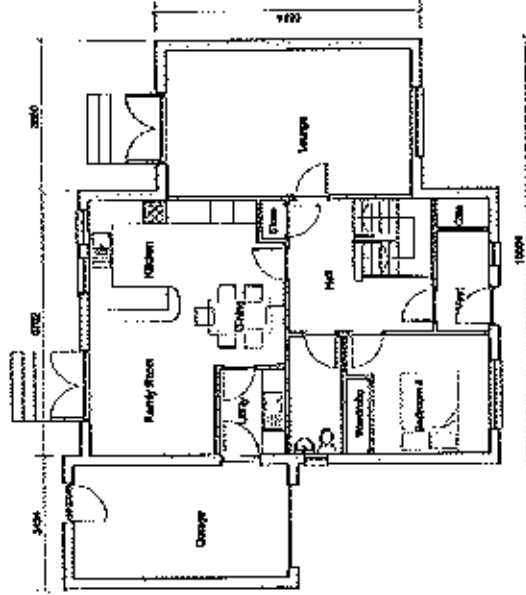
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



## HOUSE TYPE D

Registered Architect: Paul Ashbury  
Planning Registration No. 081222167  
25 JUL 2008  
REGISTERED

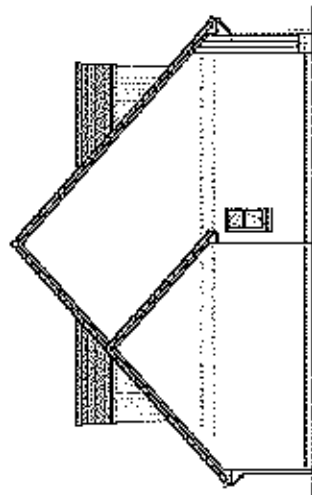
USE FOR PLOTTING PURPOSES  
PLAN No. OF 18. OF REGISTRATION REFERENCE  
of 1001/2008  
RECEIVED 14/2/08

### Bracewell Surfing Architects

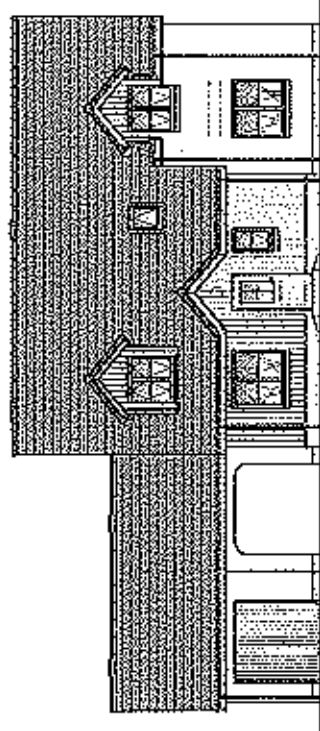
- 1000 HOURS ARCHITECTURAL DESIGN
- 1000 HOURS ARCHITECTURAL DESIGN
- 1000 HOURS ARCHITECTURAL DESIGN
- 1000 HOURS ARCHITECTURAL DESIGN

BOAT OF GARTEN AVEMORE	
DAVALL DEVELOPMENTS	
House Type D - 157 sq.m	
4 Bed Villa with Integral Garage	
SCALE	1:100
DATE	July 08
PROJECT NO.	2532-TYPED

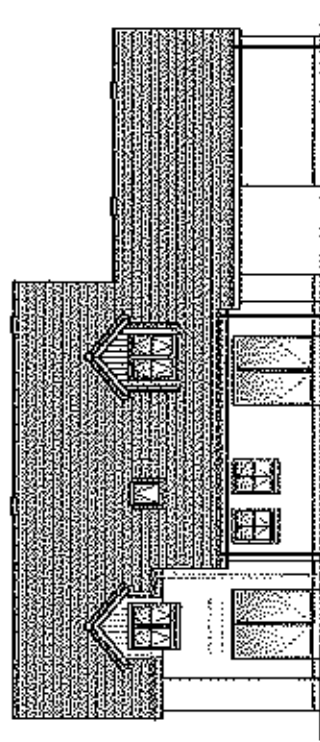
# BOAT OF GARTEN, AVIE 1



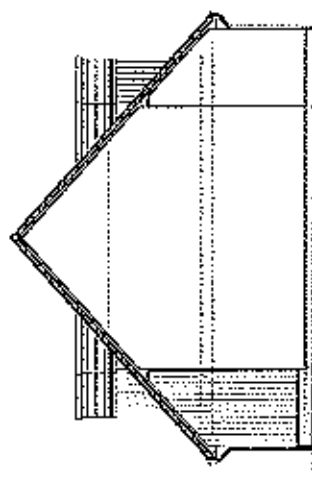
GABLE ELEVATION



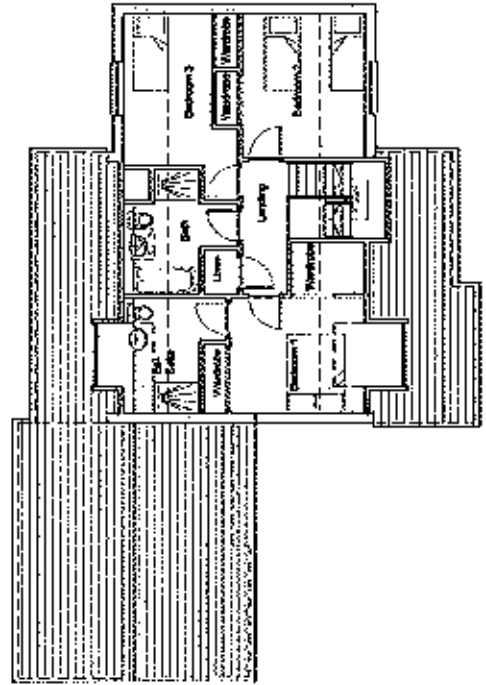
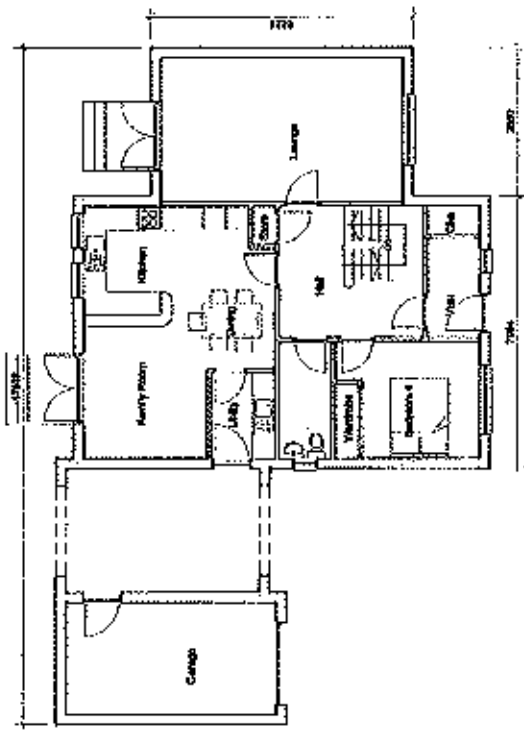
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



## HOUSE TYPE D (CP)

Colours and textures for materials  
 Planning application No. 08/12/2008  
 25 JUL 2008  
 REGISTERED

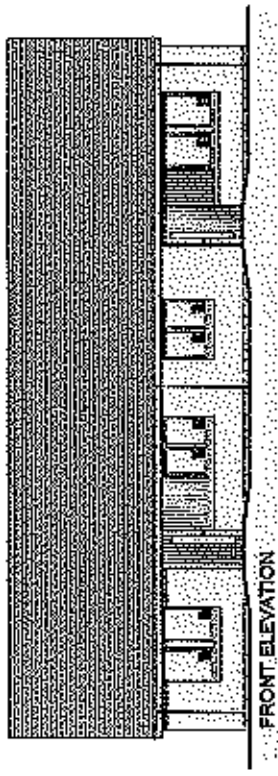
USE PRELIMINARY DOCUMENTS  
 PLAN NO. 2 OF 18, OF APPLICATION REFERENCE  
 REGISTERED  
 08/10/2008  
 18/07/08

**Bracewell Stirling Architects**  
 REGISTERED ARCHITECTS FOR THE  
 ARCHITECTS ACT 1997  
 REGISTERED UNDER THE ARCHITECTS ACT 1997  
 REGISTERED UNDER THE ARCHITECTS ACT 1997

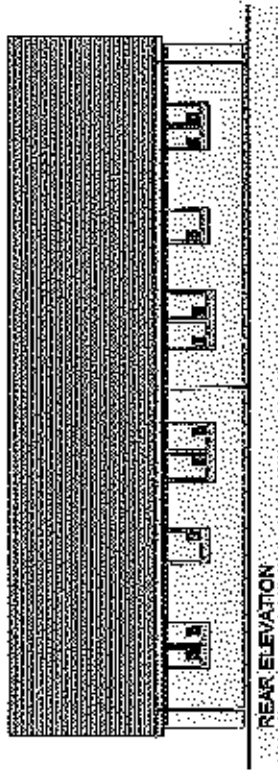
BOAT OF GARTEN AVIBMORE DAVALL DEVELOPMENTS	
House Type D (CP) - 107 sq.m 4 Bed Villa With Integral Garage & Car Port	
SCALE	1:100
DATE	JUN 08
BY	BR
DRAWN BY	2532-TYPE D (CP)



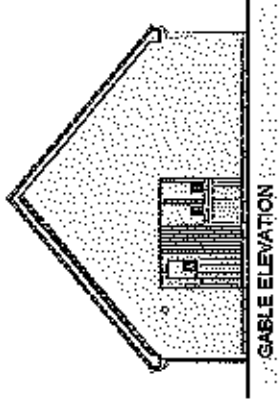
# BOAT OF GARTEN, AVEMORE



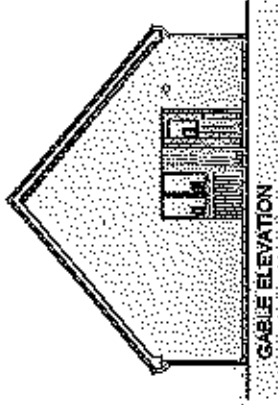
FRONT ELEVATION



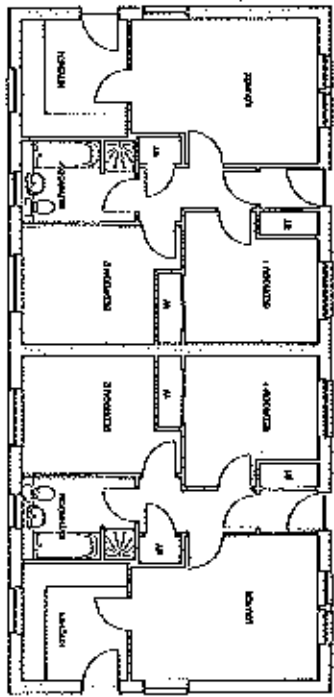
REAR ELEVATION



GABLE ELEVATION



GABLE ELEVATION



GROUND FLOOR PLAN  
63.1 sq.ft

## HOUSE TYPE E

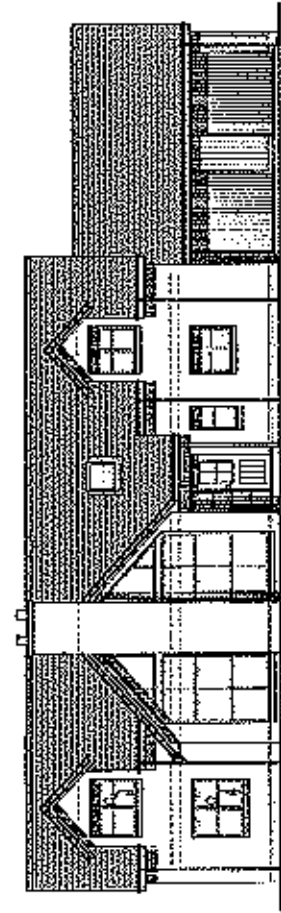
1. City of New York, Department of Buildings  
 2. Date of Application: 26 JUL 2008  
 3. Project Name: BOAT OF GARTEN  
 4. Project Address: 2532 AVEMORE ST, BROOKLYN, NY 11224

PROJECT NO. 2008-00000  
 PLAN NO. OF 18 OF APPLICATION SUBMITTANCE  
 DATE OF ISSUE: 07/26/08  
 REVISIONS: 01/07/08

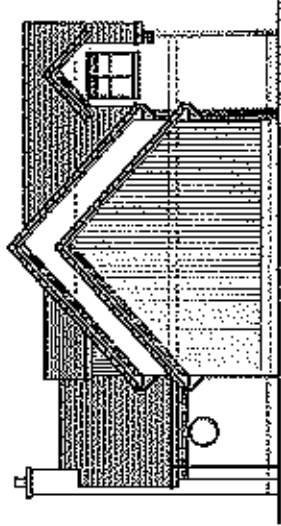
**Pracewell Stirling Architects**  
 1. PROJECT NAME: BOAT OF GARTEN, HOUSE E  
 2. PROJECT ADDRESS: 2532 AVEMORE ST, BROOKLYN, NY 11224  
 3. PROJECT NUMBER: 2008-00000

BOAT OF GARTEN	DATE: 07/26/08	BY: [Signature]
AVEMORE		
DAVALL DEVELOPMENTS		
House Type E - 03 sq.ft		
2 Bed Semi Detached Bungalow		
SCALE: 1/16" = 1'-0"		
FIG. NO. 2532-TYPE E		

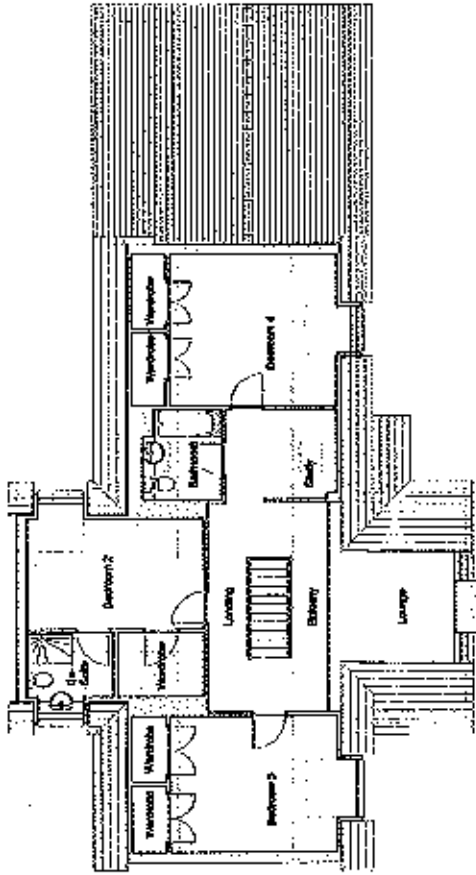
# BOAT OF GARTEN, AVEMORE



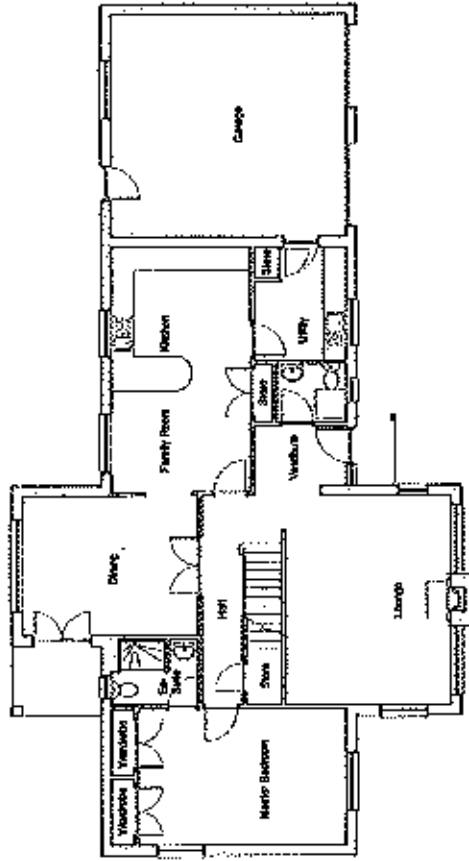
FRONT ELEVATION



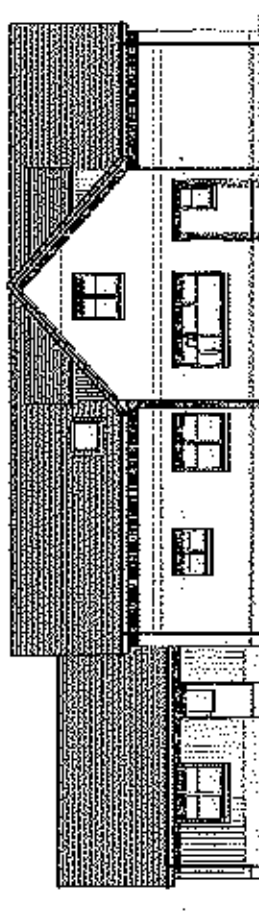
SIDE ELEVATION



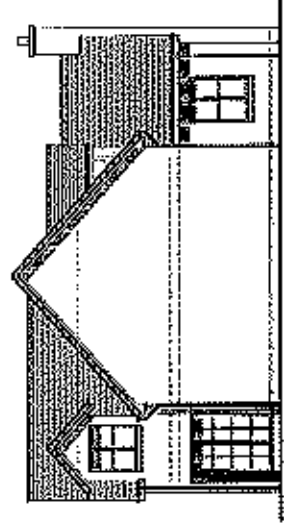
FIRST FLOOR PLAN 22.8 sqm



GROUND FLOOR PLAN 117.1 sq.m  
(Excluding Garage)  
Total Floor Area 139 sq.m



REAR ELEVATION



SIDE ELEVATION

California National Plans Library  
Planned Approval No. C9127014F  
25 JUL 2008  
RESERVED

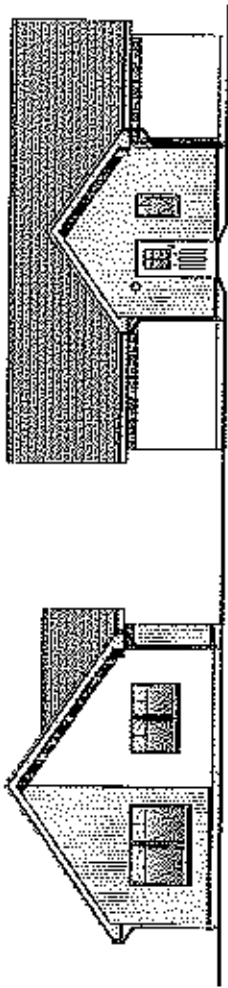
THE CALIFORNIA COUNCIL  
PLANNING AND DEVELOPMENT  
RESERVED  
02/18/11 6:54  
14/7/08

**Bracewell Stirling Architects**  
10000 WILSON AVENUE, SUITE 200  
DUBLIN, CALIFORNIA 94568  
TEL: (925) 835-7000 FAX: (925) 835-7000

BOAT OF GARTEN AVEMORE
DRYALL DEVELOPMENTS
House Type F - 160 sq.m 4 Bed Villa With Integral Garage
SCALE 1:100 DATE JUN 08 BY
DWG NO 2532-TYPE F REV

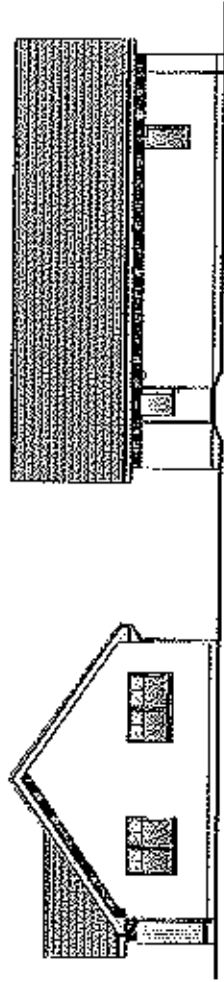
# HOUSE TYPE F

# BOAT OF GARTEN, AVEMORE



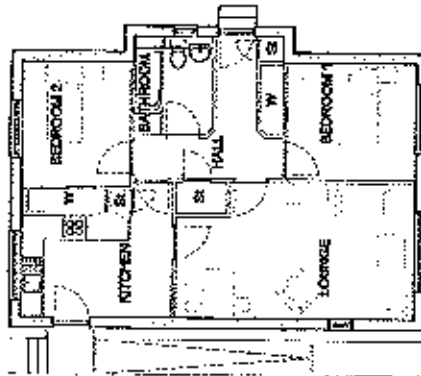
Front Elevation

Side Elevation



Rear Elevation

Side Elevation



FLOOR PLAN  
70 sqm

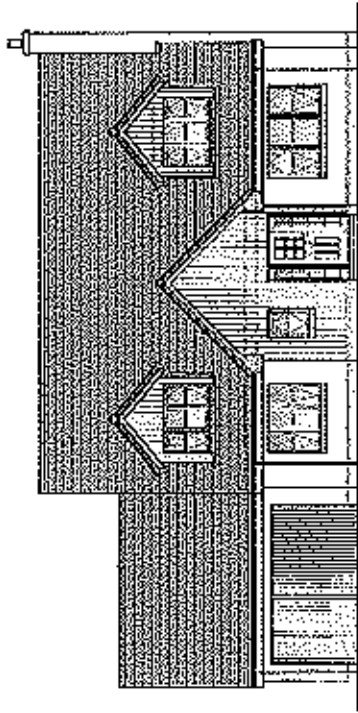
25 JUL 2009  
 REGISTERED  
 PLANNING PERMISSION  
 08/1272/1/R  
 25 JUL 2009  
 REGISTERED

**Bracewell Stirling Architects**  
 15 NORTH BRIDGE AVENUE, NOTTINGHAM  
 TEL: 0115 951000 FAX: 0115 951001  
 EMAIL: SA@BRACEWELLSTIRLING.CO.UK  
 WEBSITE: WWW.BRACEWELLSTIRLING.CO.UK

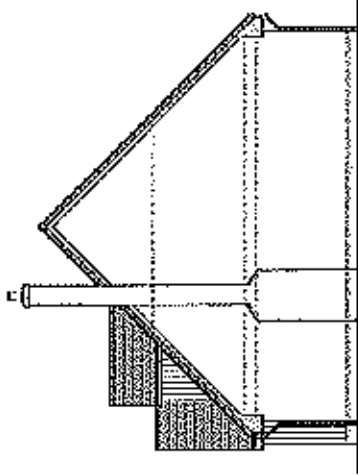
BOAT OF GARTEN  
 AVEMORE  
 DAVALL DEVELOPMENTS  
 House Type Garry - 70 sqm  
 2 Bed Detached Bungalow  
 SCALE 1:100 DATE Jun '08  
 DRAWN 2532 - TYPE Garry

# HOUSE TYPE GARRY

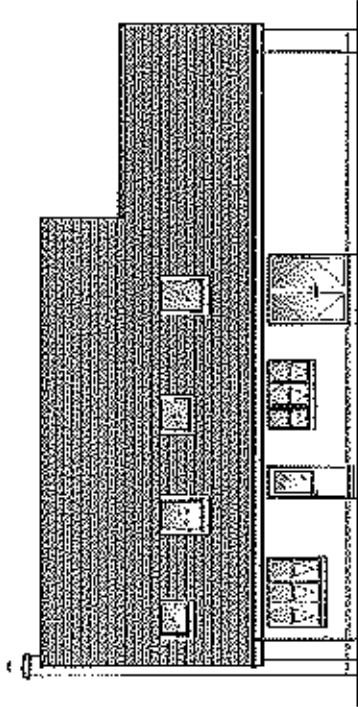
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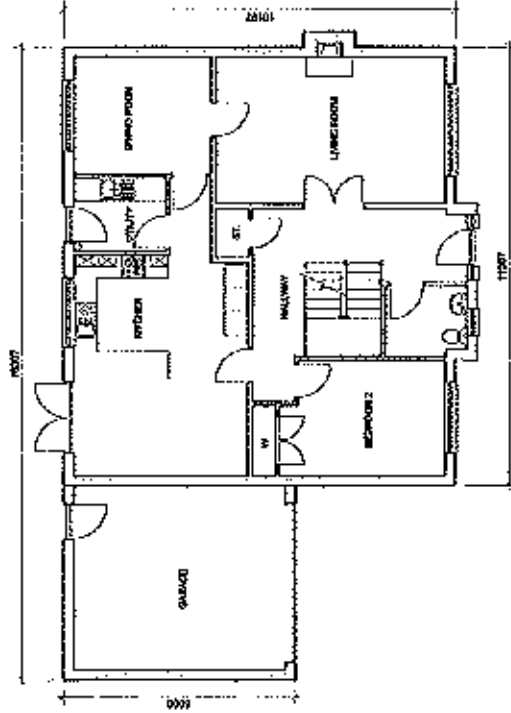
FRONT ELEVATION



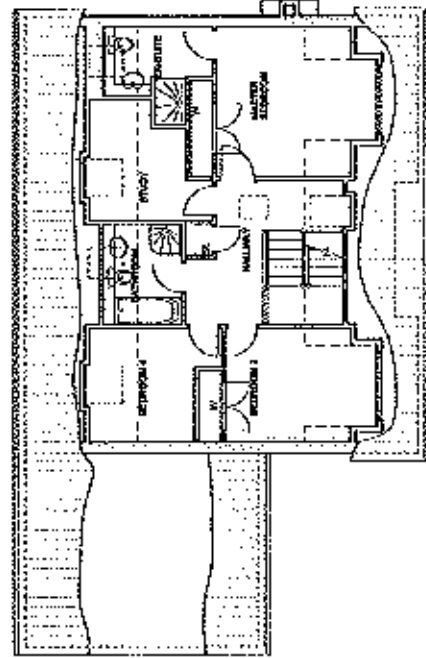
GABLE ELEVATION



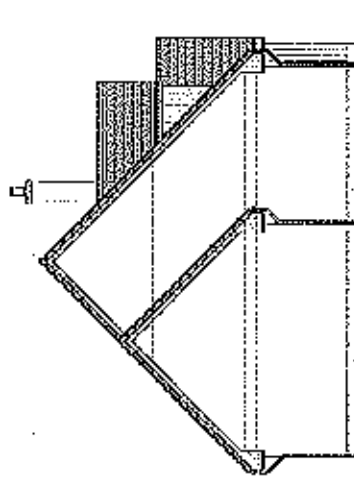
REAR ELEVATION



GROUND FLOOR PLAN  
105 sq.m  
Total Floor Area 178 sq.m



FIRST FLOOR PLAN  
73 sq.m (Excluding Garage)



GABLE ELEVATION

Consulting Architectural Practice  
 08121214  
 25 JUL 2009  
 RECORDS

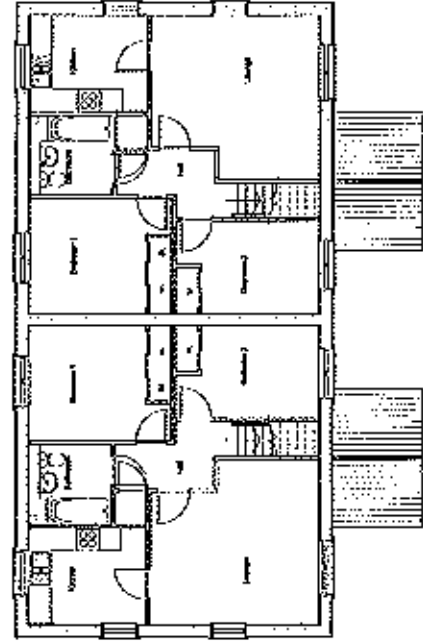
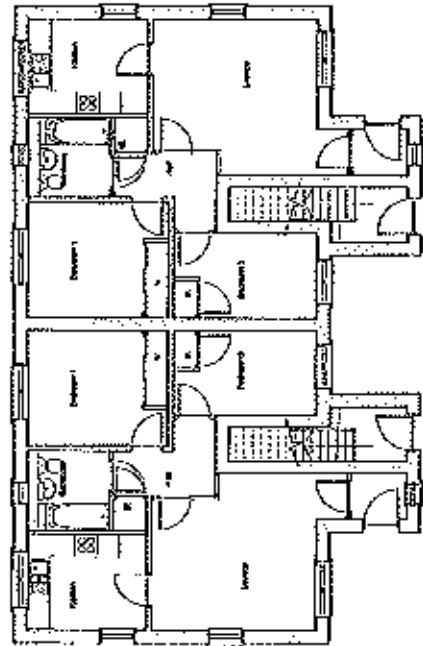
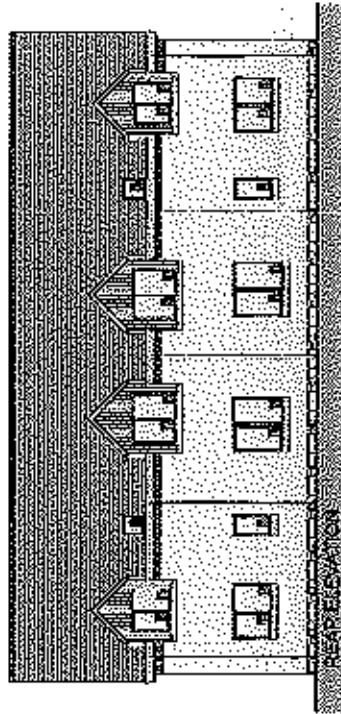
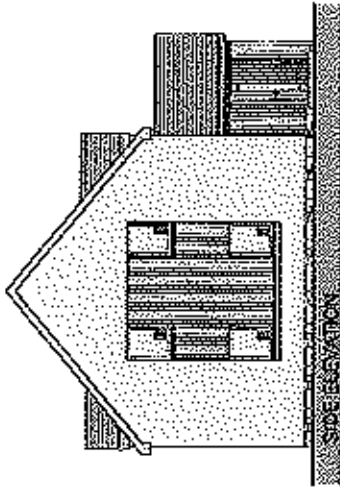
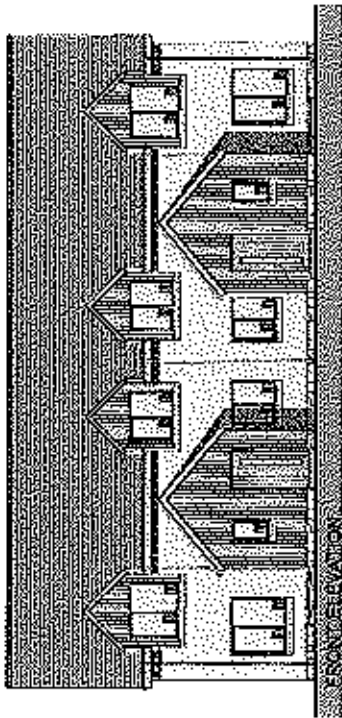
- Bracewell Strirling Architects**
- NEEDS BANK, WINDRICE, 154 487
  - NEEDS BANK, WINDRICE, 154 487
  - NEEDS BANK, WINDRICE, 154 487
  - NEEDS BANK, WINDRICE, 154 487

BOAT OF GARTEN	AVIEMORE
DAVALL DEVELOPMENTS	
House Type H - 178 sq.m	
4 Bed Villa with Integral Garage	
2009	1:100 DATE: JUL 08 BY: [signature]
2532	2532-TYPE H

RECEIVED  
 ALL OF THE ABOVE INFORMATION RECEIVED  
 08/08/09  
 RECEIVED [signature]

## HOUSE TYPE H

# BOAT OF GARTEN, AVEMORE



## HOUSE TYPE J

CLACKAMASH REGIONAL PARK AUTHORITY  
 Planning Application No. 05/21210/01  
 25 JUL 2008  
 REGISTERED

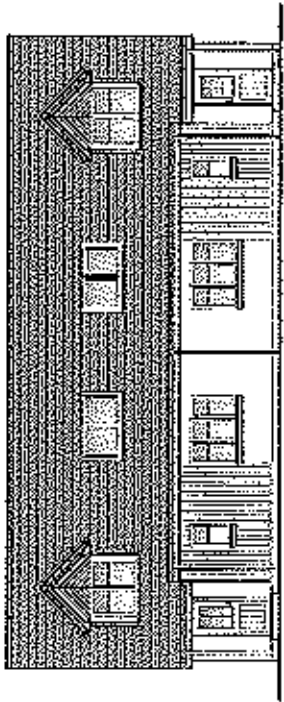
THE PROPOSED DEVELOPMENT  
 PLAN NO. 11 OF APPLICATION NUMBER  
 05/21210/01  
 RECEIVED 14 JAN 2008

**Bracewell Spirling Architects**

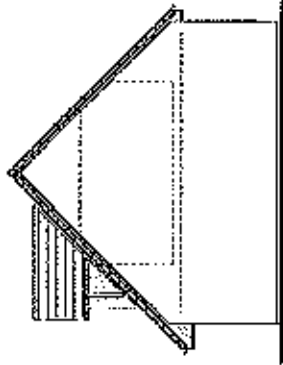
- 11 THE SQUARE, UNIVERSITY AVENUE, BIRMINGHAM, B15 2TT
- 0121 717 1111
- 0121 717 1111

BOAT OF GARTEN AVEMORE  
 DAVALL DEVELOPMENTS  
 Plot Type J  
 2 Bed Cottage Plot  
 SCALE 1:100 DATE JUL 08 BY  
 DRAWING 2502-TYPE J

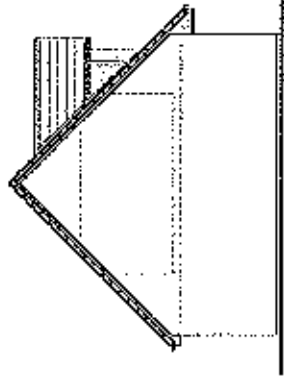
# BOAT OF GARTEN, AVIEMORE



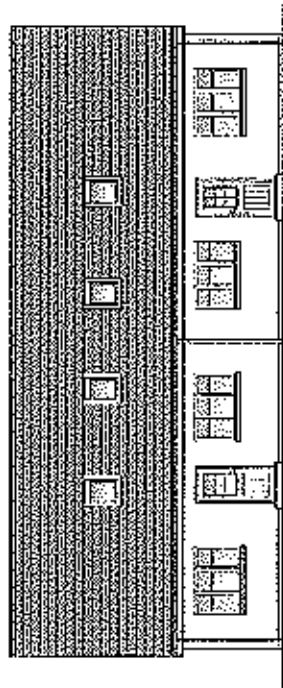
FRONT ELEVATION



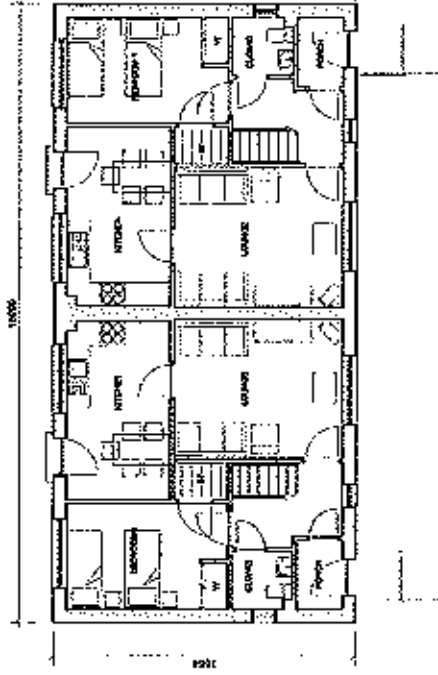
GABLE ELEVATION



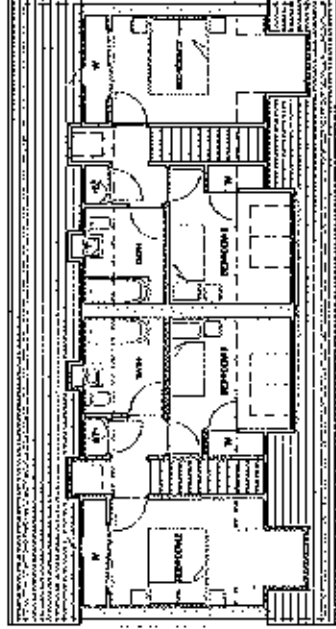
GABLE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN  
54 sq.m  
Total Floor Area 92 sq.m



FIRST FLOOR PLAN  
88 sq.m

THE DESIGN AND CONSTRUCTION OF THIS PLAN IS OF REFERENCE ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S PERMISSION.

25 JUL 2015

RESTRICTED

**Bracewell Scirling Architects**

1000 BANK STREET, AVIEMORE, PERTH AND KINROSS, PERTH AND KINROSS, PERTH AND KINROSS

BOAT OF GARTEN, AVIEMORE

DAVALL DEVELOPMENTS

House Type M - 92 sq.m

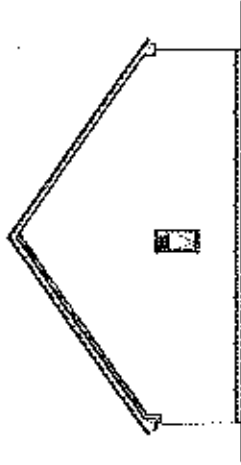
3, Red Sand Detached Chalet

SCALE: 1:100 DATE: JUNE 08 BY: [Signature]

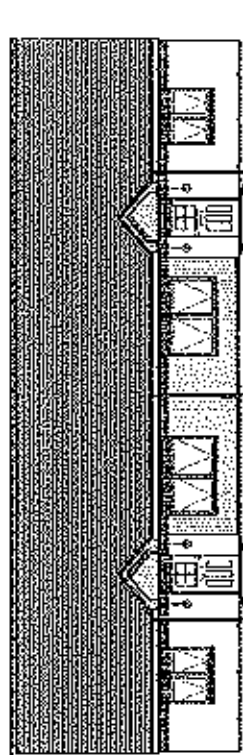
090040 25882 - TYPE M

# HOUSE TYPE M

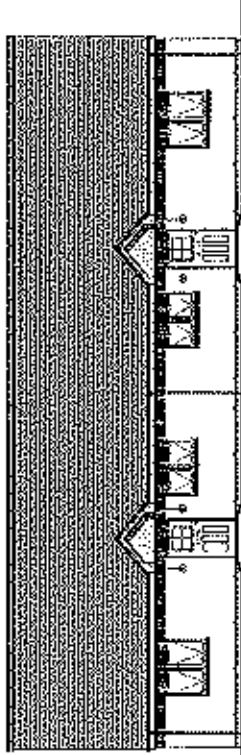
# BOAT OF GARTEN, AVIEMORE



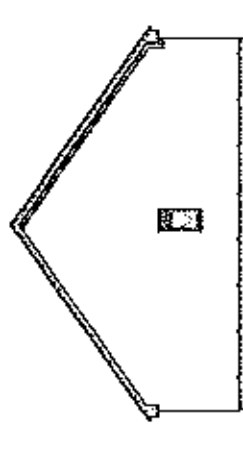
SIDE ELEVATION



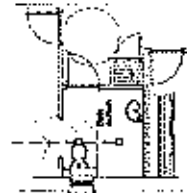
FRONT ELEVATION



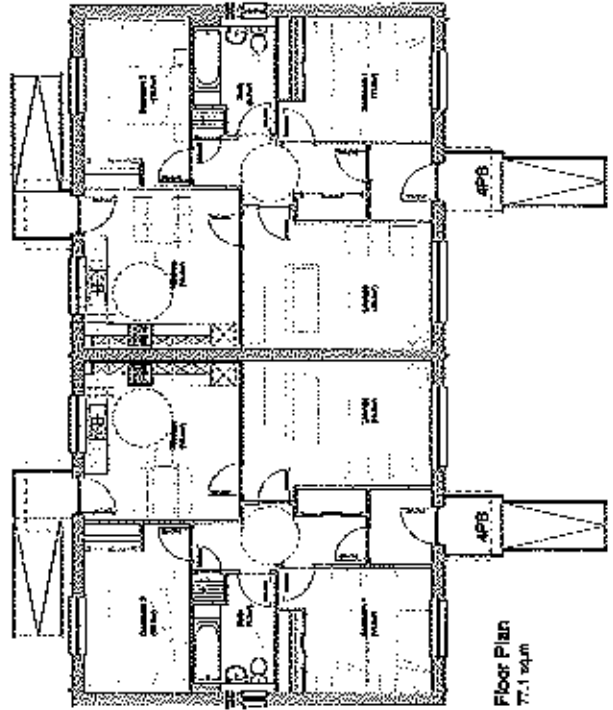
REAR ELEVATION



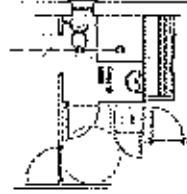
SIDE ELEVATION



Alternative Bathroom Layout (APB)



Floor Plan  
77.1 sqm



Alternative Bedroom Layout (APB)

25 JUL 2008  
REGISTERED

PLAN NO. OF APPLICATION REFERENCE  
RECEIVED 16/7/08

## Bracewell Sairling Architects

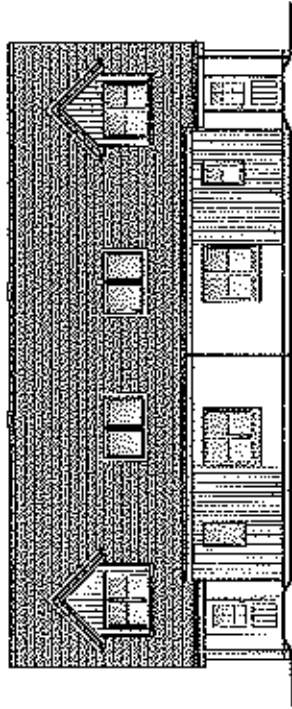
- ARCHITECTS
- REGISTERED ARCHITECTS
- REGISTERED ARCHITECTS

BOAT OF GARTEN AVIEMORE
DAVALL DEVELOPMENTS
House Type 2BB - 77.1 sqm 2 Bed 4 Person Bungalow
Scale 1:100 Date July 08
DRAWN 2532- TYPE 2BB

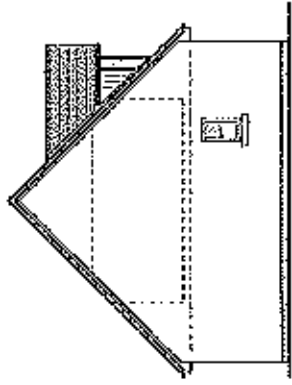
# HOUSE TYPE 2BB



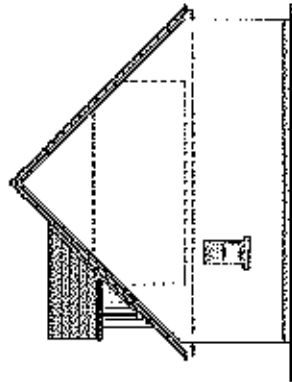
# BOAT OF GARTEN, AVEMORE



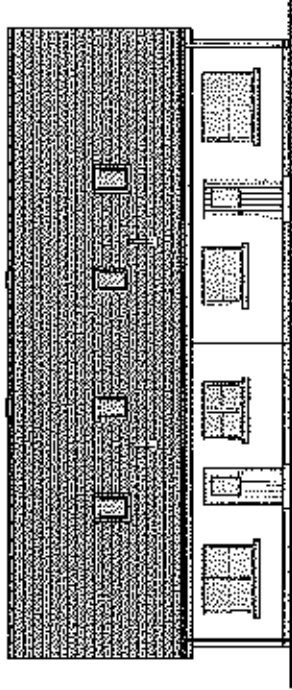
FRONT ELEVATION



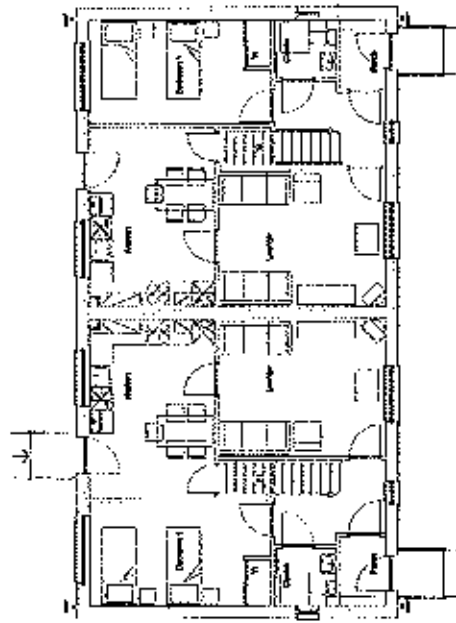
CABLE ELEVATION



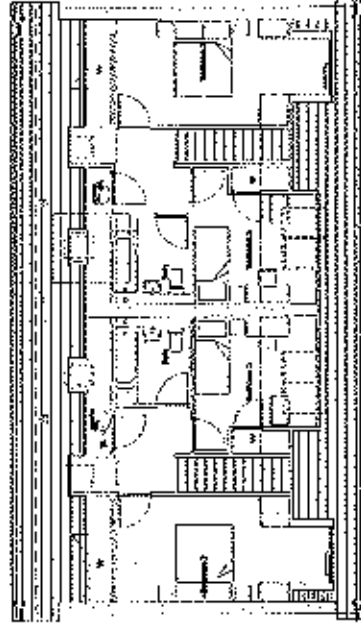
CABLE ELEVATION



REAR ELEVATION



GROUND FLOOR PLANS  
58.5 sq.m  
Total Floor Area 102 sq.m



FIRST FLOOR PLANS  
43.5 sq.m

HOUSE TYPE 3B5PC

0712/2/2/10/2  
25 JUL 2005  
REGISTERED

THE ARCHITECTS' COUNCIL  
PLAN 15 OF 15 OF APPLICATION REFERENCE  
0181 4455  
RECEIVED  
14/7/05

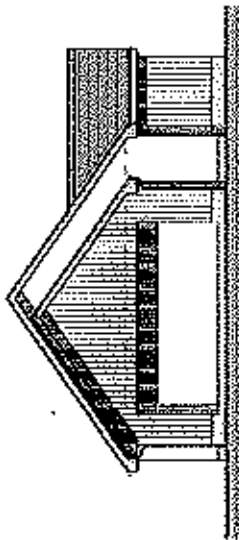
**Bracewell Stirling Architects**

- 0181 4455
- 0181 4455

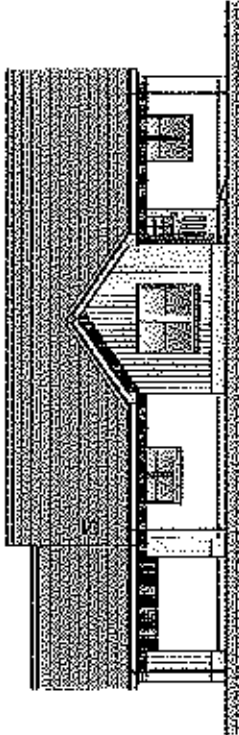
BOAT OF GARTEN AVEMORE	REV
DAVALL DEVELOPMENTS	
House Type 3B5PC - 102 sq.m	
3 Bed Semi Detached Chalet	
Scale 1:100	DATE: JUL 05
Project 2532 - 3B5PC	REV



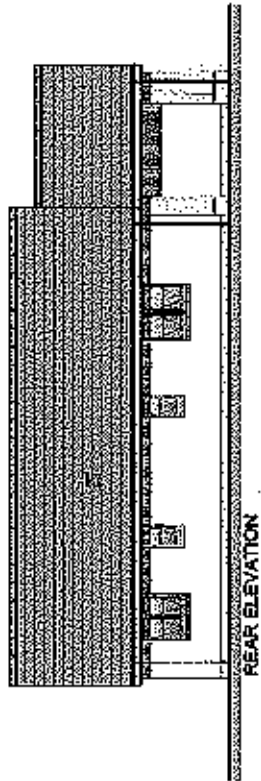
# BOAT OF GARTEN, AVIEMORE



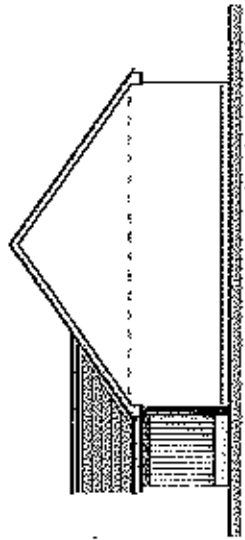
GABLE ELEVATION



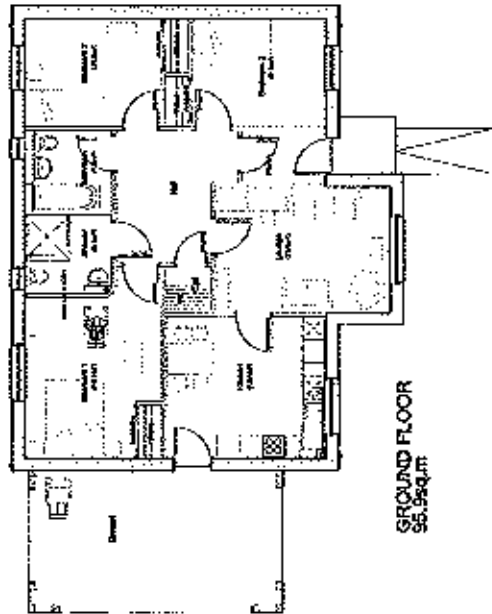
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



GROUND FLOOR  
55.94sq.m

# HOUSE TYPE 3BWCB

Comptroller General's Office  
Revenue Division No. 01/2017/1  
25 JUL 2018  
REGISTERED

THE ARCHITECTURE  
PLAN... OF... OF APPLICATION REFERENCE  
RECEIVED  
01/2017/1  
14/11/17

**Bracewell Seirling Architects**

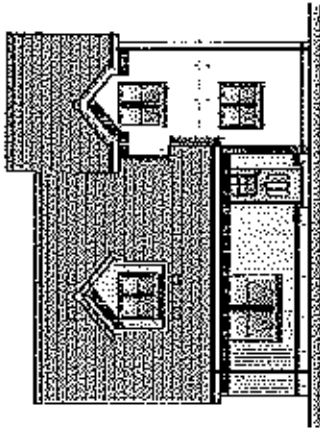
REGISTERED ARCHITECTS IN SCOTLAND  
 TEL: 01843 222000 FAX: 01843 222001  
 C 20 REGISTRY TERRACE, TILLCOMBE, PERT, PERTH AND KINROSS  
 TEL: 01795 759000 FAX: 01795 759001

BOAT OF GARTEN  
 AVIEMORE  
 DAVALL DEVELOPMENTS

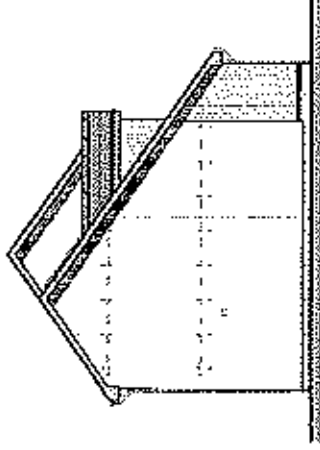
House Type 3BWCB - 95 sq.m  
 3 Bed 4 Person Wheel Chair Bungalow

Scale 1:100 Date: Jun 08 07  
 Plan No: 2532- TYPE 3BWCB 007

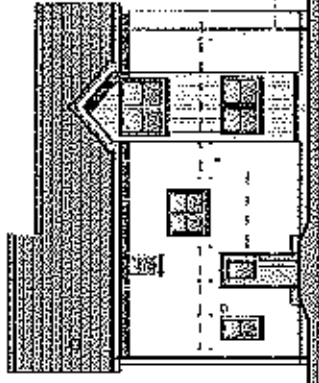
# BOAT OF GARTEN, AVIEMORE



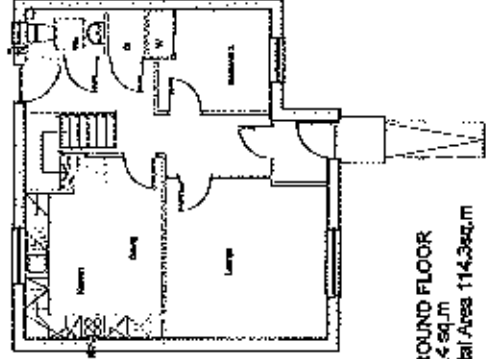
FRONT ELEVATION



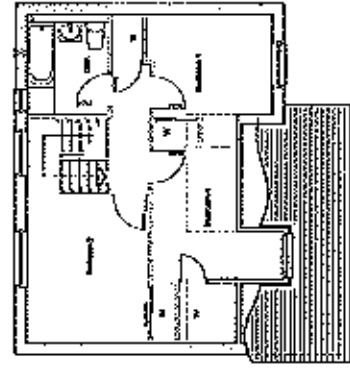
GABLE ELEVATION



REAR ELEVATION



GROUND FLOOR  
83.4 sq.m  
Total Area 114.3sq.m



UPPER FLOOR  
80.9 sq.m

Collingtree & Partners, Perth, Australia  
 Planning Application No. 07/10/20/104  
 25 JUL 2008  
 REGISTERED

THE HIGH LAND COUNCIL  
 PLAN NO. 13 OF APPLICATION REFERENCE:  
 RESERVATION 08/10/13/0008  
 14/7/08

10/0004

**Biracevell Stirling Architects**

- ◆ 3 BEDD BUNK HOUSES 10/0004
- 10/0004 10/0004 10/0004 10/0004
- 10/0004 10/0004 10/0004 10/0004
- 10/0004 10/0004 10/0004 10/0004

BOAT OF GARTEN AVIEMORE	
DAVALL DEVELOPMENTS	
House Type 4BV - 114 sq.m 4 Bed 6 Person V&P	
SCALE	1:100
DATE	JULY 08
DRAWN BY	2532-TYPE 4BV
CHECKED BY	MB

# HOUSE TYPE 4BV