

APPENDIX D

Paper I - 08/272/CP

Third Party Representations

Cairngorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
COUNCIL POWER 01.12.10.

33 Vasart Court
Perth
PH1 5QZ

Cairngorms National
Park Authority
21 DEC 2010
PWRS RECEIVED MD

20th December 2010

Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Dear Sirs

08/272/CP Boat of Garten Wood housing proposals

The Cairngorms Campaign maintains its previous objection to this proposed development.

The Cairngorms Campaign further objects to the above proposal as it is in conflict with the founding aims of the National Park and contrary to policies contained within the recently adopted CNPA Local Plan for safeguarding landscape, retaining biodiversity, and protecting and enhancing native woodlands. Policies 3 and 4 of the new Cairngorms National Park Local Plan are inconsistent with this proposal, given existing knowledge on protected species within this wood.

The Scottish Planning Policy 2010 states: (146) "Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement."

Woodland provides an important part of the landscape setting to the village of Boat of Garten. The pinewoods of Strathspey support nationally significant biodiversity interests including, for example, the most important population in Scotland of the endangered capercaillie, the largest member of the grouse family. These woods are home to birds like crossbills and crested tits, mammals like red squirrels, and other special and protected species referred to in the Cairngorms Local Biodiversity Action Plan; they are also on the Scottish Biodiversity List. These pinewoods should be treasured for the benefits they provide and not subject to development detrimental to the interest of future generations.

We consider that tourism in protected areas depends on maintaining a high quality of environmental and cultural conditions: in this case that relates not only to the woodland itself but to the built environment, both of which are recognised as contributing to the special qualities of the National Park. Adding a relatively large housing estate to the periphery of the village in the form of an unsympathetic expansion into native woodland is not consistent with high quality development.

This proposal, if approved, would irreplaceably damage the environmental capital; it is not worthy of the Cairngorms National Park and should be refused.

Yours sincerely

Dr Iain A. Robertson

Acting Convener, Cairngorms Campaign



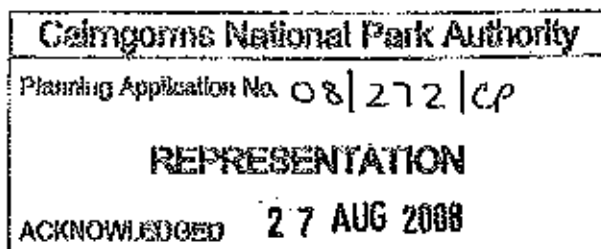
for birds
for people
for ever

RSPB Scotland

Neil Stewart
Planning and Development Control
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire

North Regional Office
Etive House
Beechwood Park
Inverness IV2 3BW
Tel: 01463 715000
Fax: 01463 715315
www.rspb.org.uk/scotland

26 August 2008



Dear Mr Stewart

Planning Application 08/272/CP - Erection of 73 Houses, etc, Boat of Garten

RSPB Scotland wishes to object to the above application for the reasons set out below.

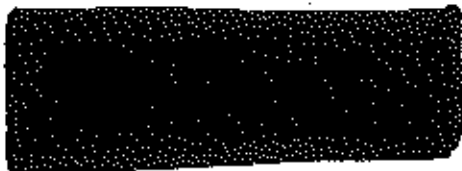
- 1 This application is the latest of several housing proposals in the last 15 years or so on the ground to the south and west of Boat of Garten. Consistently, the concerns of RSPB Scotland have centred upon the effect of these various proposals upon capercaillie. This species is listed under Annex 1 of the EU Birds Directive and, as such, Member States are required to take "special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution" (Article 4).
- 2 The Boat of Garten woods hold an important population of capercaillie - perhaps 1% of the UK population. In addition, the woods also occupy a strategic position between the Special Protection Areas of Kinveachy, Abernethy and Craignore and, as such, help to facilitate movements between these larger populations. Accordingly, any proposal in the woods having a significant adverse effect upon capercaillie is likely to be felt both locally and within Strathspey as a whole.
- 3 Several recent studies in Abernethy, Glenmore, Anagach and Boat of Garten woods have shown a clear negative correlation between the presence of tracks/recreation and capercaillie. Housing developments in woods on the edge of settlements are particularly worrying as they increase disturbance in two ways. Firstly, by displacing existing recreation from the footprint of the new development itself and, secondly, by introducing more people and dogs into the area thereby increasing the total amount of recreation. Both these effects are likely to push recreation pressure further into the woods and, accordingly, without mitigation, this current proposal would have an adverse impact upon the capercaillie in Boat of Garten woods.
- 4 Both the currently adopted Badenoch & Strathspey Local Plan (September 1997) and the latest draft of the Cairngorms Local Plan (August 2008) recognise the natural heritage value of the Boat of Garten woods and, whilst both allocate some areas for development, they do so with the proviso that sufficient measures are taken to safeguard these interests from recreational pressure. This

current proposal does not have any accompanying mitigation and we therefore conclude that capercaillie will be adversely affected.

- 5 In addition, this proposal does not conform to the area zoned for housing in either the currently adopted local plan or the draft Cairngorms Local Plan.
- 6 Consequently, we object to this proposal since it would be damaging to capercaillie and does not conform to the local plan.

I hope that you find these comments of value and please get back to me if you wish to discuss any of this response in more detail.

Yours sincerely



Stuart Benn
Senior Conservation Officer, South Highland

Our ref:

Matthew Hawkins
Senior Heritage Officer
Cairngorms National Park Authority
14 The Square
Grantown on Spey
PH26 3HG

17 March 2010

Dear Matthew

Planning application Ref: 08/272/CP – Housing at Boat of Garten

Many thanks for your letter of 12 March regarding the above application.

For many years there have been a number of planning applications for houses in this general area and RSPB Scotland has objected to all of them (the last being in August 2008) because of the potential impact upon capercaillie. However, in our response to the Cairngorms Local Plan Deposit Draft (September 2008) we did not make an 'in principle' objection to development here as long as it was accompanied by suitable mitigation to ensure no impact upon capercaillie.

However, this decision was based upon the information available at the time and, as you point out, since then new information has come to light all of which points towards Boat of Garten Wood being more important for capercaillie than was previously thought. Accordingly, due to the number of lekking birds, their proportion of the national population and the recent breeding records, we now believe that Boat of Garten Wood is of major importance both by itself and within the context of the surrounding SPAs. In addition, given this importance, and the proximity of the capercaillie interest to any housing proposal, we no longer feel that it is possible to mitigate the adverse effects arising from this development proposal sufficiently to meet the tests of the Habitats Regulations which apply here.

There does seem to have been some confusion about the position of RSPB Scotland given the number of different planning applications and our response to the Local Plan Deposit Draft. However, for the avoidance of doubt, we object to the above application.

Yours sincerely

Stuart Benn
Conservation Officer, South Highland

Our ref:

Neil Stewart
Planning and Development Control
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire

26 August 2008

Dear Mr Stewart

Planning Application 08/272/CP – Erection of 73 Houses, etc, Boat of Garten

RSPB Scotland wishes to object to the above application for the reasons set out below.

- 1 This application is the latest of several housing proposals in the last 15 years or so on the ground to the south and west of Boat of Garten. Consistently, the concerns of RSPB Scotland have centred upon the effect of these various proposals upon capercaillie. This species is listed under Annex 1 of the EU Birds Directive and, as such, Member States are required to take "special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution" (Article 4).
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- 3 Several recent studies in Abernethy, Glenmore, Anagach and Boat of Garten woods have shown a clear negative correlation between the presence of tracks/recreation and capercaillie. Housing developments in woods on the edge of settlements are particularly worrying as they increase disturbance in two ways. Firstly, by displacing existing recreation from the footprint of the new development itself and, secondly, by introducing more people and dogs into the area thereby increasing the total amount of recreation. Both these effects are likely to push recreation pressure further into the woods and, accordingly, without mitigation, this current proposal would have an adverse impact upon the capercaillie in Boat of Garten woods.
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current proposal does not have any accompanying mitigation and we therefore conclude that capercaillie will be adversely affected.

- 5 In addition, this proposal does not conform to the area zoned for housing in either the currently adopted local plan or the draft Cairngorms Local Plan.
- 6 Consequently, we object to this proposal since it would be damaging to capercaillie and does not conform to the local plan.

I hope that you find these comments of value and please get back to me if you wish to discuss any of this response in more detail.

Yours sincerely

Stuart Benn
Senior Conservation Officer, South Highland

Our ref:

Pip Mackie

From: Neil Stewart
Sent: 19 August 2008 12:29
To: Pip Mackie
Subject: FW: boat of garten objections

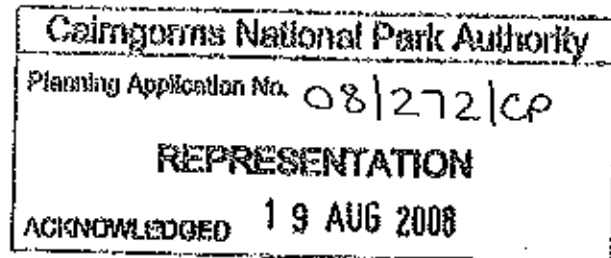
Pip

Could you acknowledge/process this as a rep. for 08/272/CP etc.

Ta

N.

Neil Stewart
Planning Officer - Development Management



Cairngorms National Park Authority
Ground Floor, Albert Memorial Hall, Station Square, BALLATER, Aberdeenshire, AB35 5QB

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-----Original Message-----

From: Drennan Watson [mailto:rdw@onetel.com]
Sent: 15 August 2008 16:51
To: Neil Stewart
Subject: boat of garten objections

Dear Neil Stewart,

Highland Council Ref:- 08/00188 FULBS

OBJECTION TO DAVALL DEVELOPMENTS - PLANNING APPLICATION FOR DEVELOPMENT OF HOUSING ETC AT BOAT OF GARTEN

We have been in detailed discussion with Badenoch and Strathspey Conservation Group over the above development for some time and are concerned that this development proposal has reappeared in a somewhat altered form despite previous refusal. The grounds for objection by BSCG we find to be well founded and based on skilled and careful observation on the ground and sound knowledge of the issues regarding habitat and species protection. To their reasoning, we would also point to the social damage that is done to small communities by this kind and scale of development, as demonstrated by experience and research in areas like the Alps.

We are therefore writing to register our **OBJECTION** to this development and will be happy to elaborate on our reasons.

Yours sincerely,

R Drennan Watson,
(Convenor)

Cairngorms National Park Authority

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Scottish Council for National Parks

IUCN
Member of IUCN The World Conservation Union

Honorary President
John Foster CBE FRSBGS

Chairman
Robert G Maund BSc Dip TP FRSP (110)

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Tel. 01505 682447
email rjmaund@thebarony.com.co.uk

Scottish Charity no. SC 01003

Head of Planning
Cairngorms National Park Authority
Ground Floor
Albert Memorial Hall
Station Square
Ballater
AB35 5QE

14 August 2008

Dear Sir,

Planning Application for Housing Development at Boat of Garten

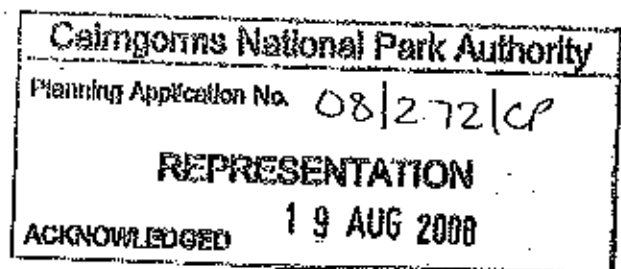
I refer to the current planning application for housing development at Boat of Garten, Inverness-shire.

SCNP previously objected to a similar application on 17 September 2005 when determination was the responsibility of the Badenoch and Strathspey Area Planning Committee of Highland Council.

Given that the current application gives rise *inter alia* to similar concerns over affects on Schedule 1 bird species, albeit there is a small reduction in housing units from previously, we wish to object strongly to this application.

Yours sincerely

Robert Maund
Chairman





SONP

Scottish Campaign for National Parks

IUCN
Member of IUCN The World Conservation Union

Honorary Vice Presidents
Michael Dwyer CBE FRICS MRSPH Hon FLI
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IV63 6LJ

tel. 01456 450397
email info@scnp.org.uk

Scottish Charity no. SC31800

21 December 2010

Andrew Tait Esq
Cairngorms National Park
Planning Department
Ground Floor
Albert Memorial Hall
Station Square
Ballater
AB35 5QE

Cairngorms National Park Authority	
Planning Application No. 08/272/CP.	
REPRESENTATION	
ACCOMMODATED	21.12.10-by email
21 DEC 2010	
S	RECEIVED Jm

Dear Mr Tait,

DAVALL DEVELOPMENTS - PLANNING APPLICATION FOR DEVELOPMENT OF HOUSING ETC, BOAT OF GARTEN

We have previously objected to large housing development in Boat of Garten on 27 September 2005 and 15 August 2008 for natural and cultural heritage reasons. Now with the Reporters' findings from the Local Inquiry supporting our previous concerns that large parcels of land should not be allocated for new housing in these sensitive rural locations we feel doubly concerned about the whole nature of the above proposal in this rural village setting. We therefore wish to sustain our objection and would be pleased for you to record this fact.

Yours sincerely

Bill McDermott



BOAT OF GARTEN COMMUNITY HALL

Please reply to:

Drumullie Mill
Boat of Garten
Inverness-shire
PH24 3BG

Calvinogona National Park Authority

Planning Application No. 08/272/CP

REPRESENTATION

12 AUG 2008

ACKNOWLEDGED

Highland Council
Bodenoch and Strathpey
Planning and Building Standards

23 JUL 2008

Received

21/07/2008

Highland Council Planning Service
100 High Street
Kingussie
PH21 1HY

Dear Sir,

Application by Davall Developments for erection of 73 Houses etc on Land adjoining Boat of Garten to the South West

I write on behalf of the Directors of Boat of Garten Community Hall in response to our Neighbour Notification dated 11 July 2008.

We object strongly to one aspect of the proposed scheme:

When the CNPA Planning Committee granted planning consent for the new Community Hall it made it a condition that, should housing development take place on the site now proposed, vehicular access should be provided to the Hall from this site and the existing vehicular access via Craigie Avenue should be used for pedestrian traffic only.

Previous plans for development on the site satisfied this condition and showed the provision of a road entering the Hall car park from the west on the north side of the hall.

The latest plans have removed this road and now show a road terminating on the east side of the applicants' site, to the south of the Hall, and outside the Hall's boundary.

In order to gain access to the Hall car park from this direction it would be necessary to put in a road (presumably made up to HC standards) along the line of the present path running East/West outside our boundary and somehow enter the carpark on the East side of the Hall.

This was the suggestion made by the Applicants at their public presentation on 9th July.

This would be quite unacceptable for the following reasons:

- This would be a roundabout, wasteful and extremely inconvenient way of accessing the Hall.
- The proposed road does not terminate against the Hall's boundary. The Community Hall does not own or control the land on which the road would have to be built.
- The Community Hall could not fund the cost of putting in such a road and should not be expected to do so.
- Such a road would destroy the present well-used present pedestrian/cycle track which the Hall was required by CNPA to supply as a connection between the Village and the woodland.
- It would also destroy the existing pedestrian/cycle track running East/West between the Playing Field and the woodland.

- It would adversely affect the amenity of the Hall Lounge to have traffic passing outside the windows.

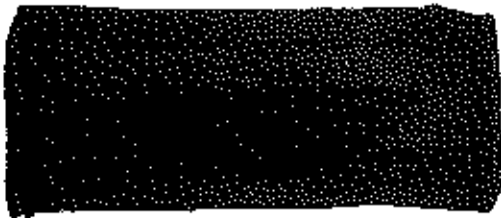
The only acceptable way of providing the access to the Hall car park, as required by CNPA, is via a road terminating at the Hall's West boundary on the North of the Hall as indicated in the Applicant's previous submission.

Please note that the maps lodged by the applicants and dated January 2008 are considerably out of date. They fail completely to show the position of the Community Hall (completed August 2007) or the new Children's Playpark. Instead they indicate the position of the old play area and also some extension of Craigie Avenue which doesn't exist.

It is possibly for this reason that the applicants are confused about ownership of land and believe that their proposed road terminates at the Community Hall boundary. It does not. It terminates against land owned by the Estate.

It will be impossible to understand the plans properly unless these maps are updated.

Yours sincerely,

A large, solid black rectangular redaction box covering the signature area of the letter.

Iain C Murray (Chairman)

Cairngorms National Park Authority

Planning Application No. 08/272/cp

REPRESENTATION

ACKNOWLEDGED 19 AUG 2008

Roy Turnbull
Torniscar
Nethy Bridge
Inverness-shire PII25 3ED
Scotland

Area Planning and Building Standards Manager,
Badenoch and Strathspey
Highland Council
100 High Street
Kingussie
PII21 3HY

12th August 2008

Dear Sir

08/00188/FULBS

Application for Full Planning Permission: Erection of 73 Houses, Land 200m west of football field, Craigie Avenue, Boat of Garten.

Object to the above planning application for the following reasons:

Destruction of and increased disturbance to pinewood habitat.

The proposed development would require the destruction of an area of native Scots pinewood habitat that has a rich understorey of dwarf shrubs. It would also further encroach the zone of disturbance into the remaining woodland.

This habitat in this area has an important function in supporting the viability of the population of capercaillie, which use the network of woodlands in the locality, including the neighbouring SPAs of Kinveachy, Abernethy and Craigmore. The loss of woodland and the introduction of more disturbance, not only from people, but by their associated dogs and cats, is likely to have a significant effect upon the integrity of the habitat for and the population of capercaillie in the area.

- The proposed development is therefore contrary to the first aim of the Cairngorms National Park, namely, "To conserve and enhance the natural and cultural heritage of the area".
- The proposed development is also contrary to the Wild Birds Directive (79/409/EEC), which states that the maintenance of habitats shall include "upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones" (Article 3). The Directive also states that Annex I species (like capercaillie) "must be subject to particularly stringent scrutiny" and require "special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution" (Article 4).
- The proposed development is also contrary to a commitment given within the UK Forest Partnership for Action, which was signed by the Scottish Executive at the World Summit on Sustainable Development in Johannesburg in 2002.

The Commitment, given in the fifth area of activity, namely Forest Restoration and Protection states:

"The continuing deforestation and degradation of the world's forest resource remains a major concern, and increased fragmentation jeopardises the survival of forests and the services they provide. Historic degradation of our woodland resource has left us with little natural forest cover... This remaining area is threatened by further changes in land use, and the potential impacts of climate change. The quality and area of native woodland needs to be increased in the UK, with a focus on improving the levels of biodiversity and other benefits."

"The Partnership is committed to the restoration, protection and expansion of native woodlands in the UK ..."

- The proposed development is also contrary to "Sustainable Forestry. The UK Programme." (Presented to Parliament January 1994)

Specifically:

Page 8, 3.11. "Our woodlands and forests are subject to a number of pressures which threaten their health and survival....development pressure for housing and other needs would lead to further losses if not regulated. For this reason the Government operates a general presumption against conversion of woodlands and forests to other uses."

Page 10, 3.20. "Against this background, the Government's current policies are: To operate a general presumption against the conversion of woodlands and forests to other uses."

- The proposed development is also contrary to the advice contained within NPPG 14 para 51, namely, "Planning authorities should seek to protect ... areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality." Those values are present in the woodland on the application site.
- The proposed development is also contrary to Policy 5 Protected Species of the CNPA Deposit Local Plan, which is a material consideration. This states, "Development should avoid causing any harm to any European Protected Species" which includes the capercaillie ... unless "imperative reasons of overriding public interest" apply and "there is no alternative solution".

In this case, there is no imperative reason to provide 41 market value houses, indeed there are compelling reasons concerned with excessive rates of growth, inappropriate cramming and distortion of the community, as well as the environmental reasons outlined above, not to provide such a large number of such houses. Nor is it the case that "there is no alternative solution" for the entire development. The pinewoods at Boat of Garten are targeted for development because that is the wish of the landowner, in contradistinction to those areas allocated for housing within the CNPA Consultative Draft Local Plan. Should this application be granted consent, it will be because the wishes of the landowner have prevailed over that of the planning authority and environmental concerns and policies.

Yours sincerely

Roy Turabull

Roy Turnbull
Torniscar
Nethy Bridge
Inverness-shire PH25 3ED
Scotland

REPRESENTATION

ACKNOWLEDGED 20.12.10

Andrew Tait
Cairngorms National Park Authority
Station Square
Ballater

Cairngorms National
Park Authority
20 DEC 2010

18th December 2010

Dear Andrew

PSW RECEIVED JM

Boat of Garten 08/272CP (formerly 08/00188/FULBS)

Application for Full Planning Permission: Erection of 73 Houses and six plots, provision of primary school site; associated amenity ground, roads and footways. Land 200m west of football field, Craigie Avenue, Boat of Garten.

I refer you to my previous objections, dated 12th August 2008, ref. 08/00188/FULBS, which I wish to maintain.

I make the following **additional** objections to this planning application:

1. The proposal is contrary to the provisions of the adopted CNPA Local Plan.

The findings of the Local Plan Inquiry, published December 2009, [reference PLI para. 56.1 – 56.34] and the CNPA response to the PLI with respect to this site led to the allocation for housing on this site being removed from the Local Plan.

The CNPA stated, [para. 1.5 p.244/5] "the CNPA can accept that the allocation of a large housing site at this location would not follow the advice given in the Landscape Capacity Study and can therefore agree that the site should be removed" and [para. 1.7 p.245] "In summary, in light of the landscape capacity constraints and the need to adopt the precautionary principle, CNPA can accept that the site does not meet the tests of effectiveness set out in SPP3. CNPA therefore accept that the site should be removed from the Local Plan."

The Town and Country Planning (Scotland) Act 1997, section 37 (2) states, "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

It is noted that the reasons given by the CNPA to accept the recommendations of the reporters include considerations of landscape as well as application of the precautionary principle with respect to impacts on capercaillie.

The application relates to a "dwellings major" development type and determination is being made just a few months after the adoption of the Local Plan. The requirement provided for in Section 37 (2) of the Town and Country Planning (Scotland) Act 1997 could, therefore, hardly have greater force. The approval of this application in such circumstances would represent a wholesale disregard for good planning practice.

2. The application is contrary to the provisions of the adopted Cairngorms National Park Plan 2007

The Cairngorms National Park Plan identifies "6.1 Conserving and Enhancing Biodiversity and Landscapes" as one of seven "Priorities for Action for 2007-2012" [CNPP p91].

This Priority 6.1 includes

iii) The location, scale, layout, and design of all new development will make a positive contribution to the natural, cultural and built landscapes of the Park ... [CNPP p91].

The CNPA has accepted "the allocation of a large housing site at this location would not follow the advice given in the Landscape Capacity Study" and that therefore this site would not make a positive contribution to the natural, cultural and built landscapes of the Park... . Hence, this application is contrary to the provisions of the adopted Cairngorms National Park Plan with respect to iii) landscape.

This Priority 6.1 also includes,

iv) Species and habitats identified as the highest priorities in the Cairngorms Local Biodiversity Action Plan, the UK and Scottish Species Framework will be protected and under active conservation management. [CNPP p91].

Such species include a) capercaillie (very high) b) red squirrel (very high) and c) crested tit (high and locally important), all of which either occur upon or will be adversely affected by the proposed development (for evidence see, for example, BSCG response). Hence, this application is contrary to the provisions of the adopted Cairngorms National Park Plan with respect to iv) Cairngorms LBAP etc.

Also, within the CNPP, the "Action Programme 2007-2012" for "6.1 Conserving and Enhancing Biodiversity and Landscapes" includes [page 94]"3d The Local Plan and development control procedures will ensure that all approved developments protect the park's special qualities and site design plans for development will make a positive contribution to biodiversity as appropriate to their location."

Those "special qualities" indubitably include native pine woodlands and their associated biodiversity. This proposal requires the destruction of these special qualities and clearly therefore does not protect them. This proposal also requires the destruction of the proposed development site's biodiversity and the increased disturbance of it in the remaining woodland. The development therefore clearly cannot in any way make a positive contribution to biodiversity, being severally and cumulatively negative in that respect.

3. The proposed development is contrary to Section 9(4) of the Wildlife and Countryside Act, 1981

The Scottish Government, July 2008, stated,

"Red squirrels ... are protected under Schedule 5 of the Wildlife and Countryside Act 1981. Section 9(4) of the Act makes it an offence to intentionally or recklessly damage a red squirrel drey." "any advice to developers will need to be clear that neither we nor SNH are in a position to grant a licence that would allow the disturbance of the dwelling place of a Schedule 5 species for the purposes of development."

The CNPA has been informed of the location of red squirrel dreys on the development site, several of which this proposed development would disturb, damage or destroy. Granting of planning permission for this development would therefore be unlawful.

See also Scottish Planning Policy, February 2010, para. 144:

"144. Planning permission must not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 unless the development is required for preserving public health or public safety."

4. Scottish Planning Policy, February 2010

I refer you to para. 146

"146. Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process."

5. Social and Economic Considerations

The 2001 Census records for Boat of Garten the following information:

75.5% of the Boat population said their health was "good". In Highland the figure was 70.8% and Scotland 67.9%.

89.1% of Boat households had one or more cars. In Highland the figure was 74.9% and Scotland 65.8%.

The population of Boat of Garten was 665, an increase of 16.5% on the 1991 figure. In contrast, Highland region population grew by 2.5% and Scotland by 1.3% during the same time.

17.7% of the Boat population was 14 or younger. In Highland the figure was 18.3% and Scotland 17.9%.

In short, Boat of Garten's population in 2001 was healthier, wealthier, was growing much faster and had about the same proportion of young folk as the rest of the Highlands or the rest of Scotland. I know of no reason to suggest that matters have substantially changed in these regards since 2001. In other words, Boat of Garten is an exceptionally fortunate community compared with the rest of Highland or Scotland.

Further, Highland Council's housing completion figures for Badnoch and Strathspey record that, in the 31 years between 1976 and 2006, 176 houses were built in the Boat of Garten settlement area. That is, over half of the 300 households in the Boat area (recorded in the 2001 census) were built during this time. It is not the case that Boat of Garten has been starved of housing development in recent decades.

However, the 2001 Census also shows:

Number of second/holiday homes: Boat 27.7%, Highland 6.2%, Scotland 1.3%.

In as much as there is a housing constraint in Boat of Garten, the large number of second/holiday homes is largely the cause. However, the CNPA has done nothing to ameliorate this situation and this present proposal for a far larger number of houses than is required to furnish the needs of the community of Boat of Garten is a direct result of that lack of action and is likely further to exacerbate it.

Further, the **Consultative Draft of the CNPA Local Plan (October 2005)** identified potential areas for development to the north of the settlement, outwith the woodlands. The old community centre may also provide some potential for housing for the relatively small number of social housing units required to serve the community of Boat of Garten.

I draw your attention to these facts about the Boat of Garten settlement since you will be aware of the situation with respect to capercaillie interests (which I will not repeat here) and of the requirements of the Habitats and Birds Directive for Annex I species such as capercaillie.

The Directive requires that **"A development that would have an adverse effect on the conservation interests for which a Natura 2000 site has been designated"** (in this case capercaillie) **"should only be permitted where:"**

- **"there is no alternative solution, and"**
- **"there are imperative reasons of over-riding public interest, including those of a social or economic nature"**

In this case, were the CNPA to be minded to grant planning permission, it would be required to show how such "imperative reasons ..." existed when this application is to a large extent concerned with the provision of far more dwellings than the settlement of Boat of Garten requires for its own community, particularly when that settlement was already one of the most favoured in Scotland and alternative sites exist that could provide for those community interests. Accommodating the economic constraints of the developer and landowner cannot be equated with "imperative reasons of over-riding public interest".

In short, there are no "imperative reasons of over-riding public interest" related to this application and it follows from the Directive that it should not be granted permission.

Yours sincerely, Roy Turnbull

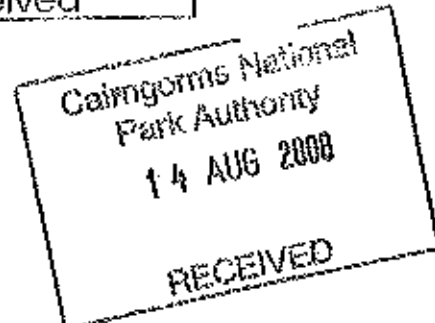
Andy Nisbet
20 Craigie Avenue
Boat of Garten
Inverness-shire
PH24 3BL

Caingorms National Park Authority 08/137
Planning Application No. 08/272/CP
REPRESENTATION
ACKNOWLEDGED 14 AUG 2008

Highland Council
Badenoch and Strathspey
Planning and Building Standards
12 AUG 2008
Received

11th August 2008

Mr. Andrew McCracken
Principal Planner
100 High Street
Kingussie
PH21 1HY



Dear Mr. McCracken,

I write to object to the latest Planning Application for Residential Development at Boat of Garten Wood, Boat of Garten. My objection is on two grounds, that such a large residential development is unsuitable for a small village, particularly one which thrives on tourism, and for the loss of a beautiful piece of wood which serves as recreation for the village as well as being an important habitat for our wildlife.

I run a mountaineering business in Boat of Garten. My clients obviously come here because of the fine mountains, but also because Strathspey is a beautiful venue. And in the evening they often go for a gentle stroll on the footpaths in the woods behind my house. They are hardly going to walk through a housing scheme. Not only my clients, but many other visitors and locals walk in the woods. I usually see folk out walking in the wood, young families, folk with dogs, kids on bikes, and in winter, the paths and tracks are very commonly used for cross country skiing. This facility is an important part of the attraction of Boat of Garten. We want to attract sensitive tourism; so I object to this application because it will directly harm my business.

There are Capercaillie in these woods. I haven't seen them in the designated area but this is not surprising as it is too close to current housing and the road. But I have often seen them just a little further away (between Castle Hill and the main path south), and that area will become too close to housing for them to remain. So the numbers in the forest are bound to decline, a serious reason for refusal on its own. There is no evidence that Capercaillie mind folk walking on the paths.

Boat of Garten is the flagship village in Strathspey for wildlife tourism. In my work around the Scottish hills, I'm often asked where I come from and when I say Boat of Garten, folk have always heard of it, despite its small size. Of course it's famous for ospreys, but it's surprising how many folk know about Capercaillies, Crested Tits, Slavonian Grebes too. And even Herons at the other end of the village. For bird watching holidays, Boat of Garten is one of Scotland's premier venues. So why do these birds like it here? For the same reason I do, and the tourists. Because its landscape is natural.

While I understand that affordable housing is urgently needed in Strathspey, this is too big a price to pay. Affordable housing is needed because the tourist industry provides jobs, especially in Boat of Garten. Destroying this wood will damage the very reason for its requirement. Surely let's keep Strathspey attractive to tourists, wildlife and residents.

In summary, here are my reasons for objection:

1. My tourist business depends on accommodation in an attractive village; 79 new houses outside my back door are hardly that.
2. Boat of Garton in general depends on the tourist industry, particularly birdwatchers, and destruction of one of the main birdwatching sites will seriously damage it.
3. Our best wood is being decimated.
4. Now that we have National Park status, the natural condition of our area should be maintained. Development should be carefully phased and limited, so as to protect the area.

Yours aye,

Andy Nisbet

Cairngorms National Park Authority	
Planning Application No.	08/272/CP
REPRESENTATION	
ACKNOWLEDGED	12 AUG 2008

08/188

15 July 2008

**Birchens
Kinchurdy Road
Boat of Garten
PH24 3BP**

The Highland Council Planning Service
100 High Street
Kingussie
PH21 1HY

Highland Council Baderoch and Strathpey Planning and Building Standards
21 JUL 2008
Received

Dear Sirs

I have recently received details of a proposed development of 73 houses and 6 building plots near the football ground and Craigie Avenue in Boat of Garten.

My concerns about such a development are as follows:-

1. The development would seem an unduly high percentage increase over the existing number of houses in the village.
2. It appears that a sizeable amount of scarce native Scots pine would be destroyed with consequent loss of habitat to already rare wildlife.
3. It is questionable how many local people will be able to afford to buy these houses with the probability that many properties would become merely holiday homes and therefore of not much benefit to the village community.
4. No mention is made of "affordable" properties being included in this scheme. If, in fact, local people could afford to buy these houses the question arises of the ability of the existing local school to accommodate the resulting numbers of children.

Following on from this point a Primary School "site" is included in the proposal. If a school were to be built here it would indeed benefit the village, but no detail of size or capacity of school or indeed when it would be built is provided. There seems to be no firm commitment on this part of the proposal, which is worrying. Surely the building of the school should be a condition of the permission if this development is to go ahead.

5. The development would place a large extra load on the existing infrastructure. I was given to understand that water supply, sewage and electricity facilities are already stretched and without improvement their ability to cope is questionable. Has this been accounted for in the proposal?
6. The plan supplied shows that access to the site from Deshar Road actually **crosses** the cycle path that runs along Deshar Road to the existing school. Deshar Road is the main road in and out of Boat of Garten (well used) and the cycle path, during term time, is, at peak hours, is also busy. The thought of the traffic generated by up to 79 houses crossing this cycle path raises major safety concerns.
7. Having watched over the last few years the development of the dreadful urban sprawl that is now Aviemore, what safeguards are in place to prevent the same happening to other villages in the Spey valley? After all, we do live in what is now the largest National Park in Britain, containing some unique scenery, plant and wildlife. Let us please preserve what we have for the enjoyment of all who live and work in the area and also for the benefit of visitors who generate the major economic input to the area.

For the reasons above I am opposed to this development going ahead.

Yours faithfully,



Martin Young

 Cairngorms National Park Authority 	
Planning Application No. 08/272/CP	29 Craigie Avenue Boat-of-Garten Inverness-shire PH24 3BL
 REPRESENTATION 	
 12 AUG 2008 	
 ACKNOWLEDGED 	

Sunday, July 20, 2008

RE: Land adjoining Boat-of-Garten to the South West and partly adjacent to the football ground at Craigie Avenue.

Badenoch and Strathspey Planning and Building Standards Office,
 Andrew McCracken
 Principal Planner
 100 High Street
 Kingussie
 PH21 1HY

Highland Council Badenoch and Strathspey Planning and Building Standards
 23 JUL 2008
 Received

Dear Andrew McCracken,

Concerning the planning application, recently lodged with you, by Davall Developments of Myrtlefield House Grampian Road, Aviemore per A.D. Rennie, Bracewell Stirling Architects, 38 Walker Terrace, Tillicoultry FK13 6EF to erect 73 houses, form 6 house plots and amenity ground, plus roads, footways and a site for a primary school on the land detailed above, I wish to object most vehemently against any such permission ever being granted.

In 2002 the very same people (albeit under a different Co. name), applied to build on this land at a far lower density of properties; (This application is for approx 230% more dense a concentration of houses), that application was rejected following the recommendation by the Scottish Executive's Reporter, Philip Hutchinson. He cited the need to protect the natural woodland within any National Park (NP) and the necessity to consider the disturbance that would be caused to Capercaillie present within the woodland, as detailed in the aims of the National Park and the EU Bird Directive respectively, both of which had to be taken into account.

Just 6 years later, these conditions still apply, indeed are even more relevant today so I see no reason whatsoever why this proposed development should be allowed. With the rapid acceleration in the rate of climate change and global warming that we are now far more aware of, we should not be felling any trees, anywhere on the globe. We are pumping far too much Carbon dioxide (CO²) into our atmosphere and trees are one of the best ways of helping to reverse that trend, since they remove CO² and add oxygen. Hence the very last thing we should be doing is to fell the woodland and especially not to erect houses that during their building process, via the use and manufacture of concrete and other building materials plus the burning of fossil fuels in the plant and machinery will considerably add to the CO² concentration in the atmosphere; and that is before the pollution that will come from the houses' heating systems and the residents' cars is even considered.

As cited by Philip Hutchinson, the aims of the NP have to be taken into account. Amongst those aims are 'the responsibility to promote sustainable use of the natural heritage', to conserve and enhance the natural heritage and its enjoyment by the public, and to promote sustainable social and economic development of communities within the NP; but they should be pursued collectively so that the achievement of one will not undermine the achievement of another. If there seems to be irreconcilable conflict between the aims then priority should be given to the protection of the areas natural and cultural heritage. Felling the woodland does not 'enable sustainable use', neither does it 'conserve or enhance public enjoyment' and if this planning application is seen as representing an 'irreconcilable conflict' then you must protect the natural and cultural heritage. I do not see it as irreconcilable however, because this development could be built elsewhere. If it was built on the North side of Deshar road, either to the East or West of the caravan park, the woodland could be left intact and any necessary houses built on open fields. This would also keep the housing within the existing boundary of the village rather than beginning what could become the initial stage of ribbon development, with the associated light pollution, westwards all along Deshar road. If the houses are really necessary then the Council should/could become involved to enable compulsory purchase of that land adjacent to the caravan park, thus enabling the culture of business to be upheld whilst simultaneously protecting the natural heritage of the woodland and its wildlife.

The disturbance of Capercaillie in the wood has already been mentioned but in addition there are other species present that are on the World Conservation Union (IUCN) Red List of Endangered Species and are also

protected under the Wildlife and Countryside Act 1981 (WCA), including the pine marten, red squirrel, crested tit and crossbills. Section 1 to 8 of the WCA relates to protection of birds and their habitats, at all times, which are listed on Schedule 1; the capercaillie, crested tit and Scottish crossbill are all Schedule 1 listed. Section 9 of the WCA safeguards places used for shelter and protection, by wild animals listed in Schedule 5, against intentional damage, destruction and obstruction, plus animals protected under section 9 must not intentionally be disturbed. Red squirrel and Pine marten are both Schedule 5 listed and are present in the area of the proposed house building. Felling any trees and/or building work in that wood would constitute intentional disturbance and intentional damage, destruction and obstruction of their place of shelter and protection. Davall say they will leave certain trees containing squirrel dreys but the animals need the buffer zone around their dreys not just the isolated stand of a few trees. Destroying any part of their habitat will lead to reduction in numbers of this protected species and they have a tough enough survival battle without us needlessly adding to it.

Previously when I worked as a countryside ranger the top 3 species visitors to the area enquired about seeing were capercaillie, red squirrel and crested tits, many friends and family return to this area because of the wilderness aspect, with habitats they cannot see elsewhere in the UK, yet the planning department appears to be intent on concreting over that very habitat at every opportunity. It seems every time developers apply to build in woodland then the woodland loses out e.g. developments in Aviemore and Carbridge. This is totally the wrong message to be passing on to our young people and as in this case it cannot be the only option for building. According to the IUCN the largest threat to plants and animals on our planet is human activity causing loss of habitat through deforestation, urbanisation and agriculture, combined with climate change. Apart from agriculture the remainder of those causes would all result from this planning application being granted! Please do not let that happen?

The other point re the woodland is that I understood there is an active plan to re-establish the ancient Caledonian pine forest across the Highlands, via a programme of planting and encouraging regeneration. To me then, it seems counterproductive to clear a well established Scots Pine *vaccinium* habitat, when any planting/regeneration could take maybe 30 years to get to the stage of this woodland.

Personally I do not agree that we even need this volume of houses in the village when we already have a high number of houses empty for the majority of the year as second homes, we do not need a development in which the majority of houses will not be affordable to local people. We need houses that local people can afford but of all the developments being built in Badenoch and Strathspey even the 'affordable homes' are outwith the reach of local people on the low local salaries! Advertised in this week's Strathy is a Stakeholder 1 bedroom flat in Kingussie, at £60K for the minimum 60% stake. Someone on minimum wage, which can be all that is paid in low wage service industry jobs, would have to work a 70 hour week to earn sufficient even to be considered for a mortgage for that sum (assuming 3 x salary, which many companies are reverting to now), and that does not include the 40% rent payable too, hence how is a young family needing a home larger than a 1 bedroom flat ever going to get on the property ladder here. Developments of houses outwith the finances of local young people is certainly of no help, hence I do not agree that this development will help local people or 'safeguard' the school as claimed.

By law, local people cannot be given preference for tenancies of any of the 16 proposed homes for rent, so homeless folk from anywhere in the country will have first choice on them. I'm sure within Highland region alone there are more than 16 registered homeless, maybe even within Badenoch and Strathspey. So that leaves the 16 stakeholder properties and from the indication of the Kingussie stakeholder option not many locals will be able to afford them. If they can, realistically the cautious financial climate and considerable lack of available credit will be a prohibiting factor. Also the developers cannot guarantee that any family with primary age children will purchase any of those 16 properties or any of the other 41; the trend is that they are far more likely to be bought by people retiring to the area or for 2nd homes, so their claim to safeguard the school is complete fabrication. The only potential for local people is if they are able to obtain one of the few house plots within the narrow 3-month window. The High Burnside development in Aviemore having sold only 2 properties, is a good indication of the lack of need for such properties, so please do not allow the destruction of a valuable woodland habitat for an unnecessary development?

The plan of the proposed development shows a road accessing the SW corner of the football field/village hall. Why! If Craigie Avenue was sufficient access, to grant planning permission for the hall to be built, for the vehicular/plant access during construction and the past year of the hall's use then it is sufficient for access now and there is no need to tarmac over yet more land to create another road. If anything the car park area should be

reduced to encourage people to walk or cycle to the hall from within the village, not create more/alternate access whereby they will have to effectively drive out of the village and U turn back in again

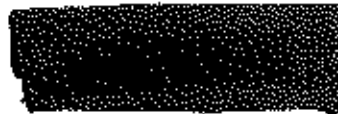
The other aspect of this application, which greatly concerns me, is the appearance that the community is being blackmailed. Seemingly Scottish Water will not provide a required new wastewater treatment plant and pumping station unless this Davall development is granted planning permission! What sort of impartial planning system is this? What are we paying our Water bills for if it is not to have a service providing, amongst other things an adequate waste water/sewage management system! It is Scottish Water's (SW) responsibility to provide such a service and they have a monopoly anyway, it is not as if we can choose to go elsewhere for the service. No way should SW be able to collude with Davall developers and impose conditions that the community must accept before SW will fulfil their responsibility for maintaining a system sufficient to meet the communities needs, i.e. by providing a new treatment plant! What does the community get from this collusion; destruction of a natural habitat, pollution and 79 houses, the majority of which, will not meet the needs of local people! Additionally, if the plant is not built no one can build further homes, but since, during its lifetime, the local plan sets a build limit of 70 houses and this single development is already 13% above that limit, then effectively no one else can build if this development does get planning permission! What sort of choice is that? This situation deeply disturbs me!

I'm also concerned that if this planning application is successful then it will simply be setting a precedent and be the thin end of the wedge to further development into the area of woodland originally requested to build on in 2002. The area of land that was refused permission for 103 homes could potentially end up with close to 250 homes if built at the same density as those proposed in this current application. Something the community neither wants nor needs!

Finally for medical and disability reasons I am most concern about the noise and disturbance I will have to endure if this building is allowed. It was difficult enough with the year that it took for the Village Hall to be completed, this development would be in a totally different league re noise and air pollution and the its resultant effect upon my health. I accepted this property as my home 14 years ago primarily because it was so unpolluted, quiet and peaceful, I seriously fear the prospect of loosing those factors if the area adjacent to my back fence and a mere 8 metres from my window, becomes a building site!

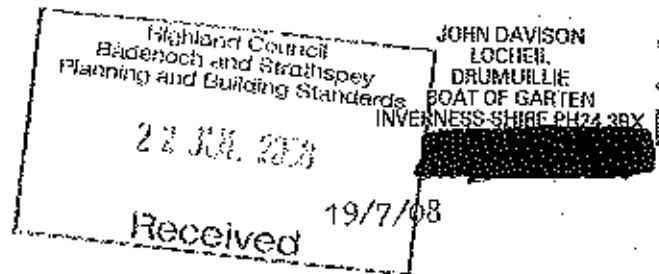
For all of these reasons please do not allow this development to go ahead. The need/desire for homes in the village, according to Highlands Small Communities Housing Trust data, is for approx 30 properties for rent, and low cost housing, predominantly for local young people, not almost 80 properties far too expensive for those very people. An attitude presented to me is that to get the former we must put up with the latter, but if other regions can build just the former, then there is nothing to prevent the same happening in Boat of Garten. This proposed development is completely the wrong type/mix of housing that the village needs or wants, it is most definitely on the wrong site; so I implore you to protect the valuable resource of this woodland please, (with the resultant contribution to the protection of our environment and planet), by refusing the requested planning application.

Yours sincerely

A large black rectangular redaction box covering the signature of Dawn Smith.

Dawn Smith.

To: Mr McCracken,
Planning & Building Control,
100 High Street,
Kingussie. PH21.



Dear Sir,

Re. Davall Developments Boat of Garten Application.

Comment:

Here we go again! Here's yet another example of the inexorable advance of those giant industrial housing estates desecrating Highland villages. This time by dumping their lumpy legacy on the edge of Boat of Garten village, thereby creating another identikit suburbia like north Aviemore.

Inappropriate on account of its sheer size.
Davall aka Cameron-Munro Plan A. 2005: 103 houses, shot down, deemed BAD.
Plan B. 2008: 79 houses, now GOOD ?

Inappropriate because of its uniform suburban design. No difference here to what is going on in Inverness or anywhere else. Yet this is supposed to be a national PARK, the land of Simon King, albeit mainly a titular one. Which surely implies that the land and heritage should be protected and treated differently to non-park land. Otherwise what point is there in having a park ?

Who really wants the invasion of these huge housing estates attaching themselves to villages? A local poll held? No!
The drivers are only (1) the developers. Their single motive : to make money.
(2) the landowners, eagerly selling the family furniture.

The familiar cries go up:-

"It'll create employment"

"It'll fill the school roll; we must have another teacher"

"It'll provide affordable housing for young local people"

"It'll bring water & sewerage into the village"

"It complies with the local plan"...

Yeah, yeah..

And it'll bring in a population of retirees and holiday-home owners;
It'll destroy the character and attractiveness of the village.

Which of the toytown houses is going to be painted yellow or green?

Will there be more than 6ft between them for occupants to enjoy their 'rural' location?

The village entrance along Deshar road will become a permanent building site for 5 years.

What was wrong with the set-up of housebuilding to order by truly local builders - Laing, McLeod, Lawson - in bit-by-bit natural evolution instead of revolution, spec. building by these invasive juggernaut outfits.

What's to be left of genuine Highland villages in the Strath for visitors to come and see? - just Insh and Drumguish ?

J.L.Davison

Cairngorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
12 AUG 2008
ACKNOWLEDGED



Highland Council
Badenoch and Strathspey
Planning and Building Standards
24 JUL 2008
Received

Blackwood
North Kessock
Inverness
IV1 3XD

23/07/2008

Badenoch and Strathspey Planning and
Building Standards Office,
Andrew McCracken
Principal Planner
100 High Street
Kingussie
PH21 1HY

Cairngorms National Park Authority
Planning Application No. 08/272/1ce
REPRESENTATION
ACKNOWLEDGED 12 AUG 2008

Dear Mr McCracken

Land adjoining Boat-of-Garten to the South West and partly adjacent to the football ground at Craigie Avenue.

I am writing to object to the planning application, recently lodged with you, by Davall Developments of Myrtlefield House Granpian Road, Aviemore per AD Rennie, Bracewell Stirling Architects, 38 Walker Terrace, Tillicoultry FK13 6EH to erect 73 houses, form 6 house plots and amenity ground, plus roads, footways and a site for a primary school on the land detailed above.


I am most concerned that there is a large number of second and holiday homes already in Boat-of- Garten. This development would only increase that trend. In no way does it principally address the need for affordable housing for local people.

There are species of birds & mammals present in the Caledonian pine wood that are on the World Conservation Union Red List of Endangered Species and are also protected under the Wildlife and Countryside Act 1981 (WCA), capercaillie, red squirrel, crested tit and crossbills. Section 1 to 3 of the WCA relates to protection of birds and their habitats, at all times, which are listed on Schedule 1; the capercaillie, crested tit and Scottish crossbill are all Schedule I listed.

I am at a loss to understand why Caledonian pine should be felled for housing when there is open ground adjacent to the village centre.

The Highland Council should make the needs of the local inhabitants its priority. The proposed development does not.

Yours sincerely


Pamela Clark

Julie Millman

From: tim ranson [REDACTED]
 Sent: 17 December 2010 13:12
 To: Planning
 Subject: Objection to Planning application Ref: 08/272/CP at Boat of Garten

PWSR REPRESENTATION
 17.12.10 by emantacke

Cairngorms National
 Park Authority

17 DEC 2010

RECEIVED

Dear Sir/Madam,

Ref: 08/272/CP

I would like to express my opposition to the above proposed housing development application in Boat of Garten Wood.

As a very regular visitor to Strathspey and as an entomologist who undertakes ad hoc field surveying for the Badenoch and Strathspey Conservation Group (BCSG) of which I am also a committee member, I feel I have a good knowledge of this particular woodland and would like to highlight some of the important wildlife living there and to object strongly to this development proposal to partly fell this woodland.

This woodland is undoubtedly of value to Capercaillie, a UK Priority species. As accepted by the developers this woodland as a whole is important and used by this highly threatened species and any mitigation will not guarantee lessening impact on the breeding/feeding/lekking of this species and therefore the only way to protect this important habitat for this protected bird is to not further encroach into the woodland and encourage more dogs and walkers to use new proposed paths further into the woodland.

Red squirrels are another important species that use this woodland and are again under considerable threat from many quarters and need careful consideration and protection. While no quantitative survey on red squirrel numbers appears to have been carried out the number of droys within the proposed development site indicates that use of the Precautionary Principle should be employed. As it appears that no quantitative survey has been done then it should not be taken that no squirrels live or use this part of the woodland. The issue that a licensing regime for red squirrels re development is being considered should be ignored as it would be wrong to pre-empt any decision on this issue. Similarly the comment by the developer that squirrels are mobile and able to co-exist with people does not show a good understanding of this species or the reality of the situation as they prefer to be in undisturbed woodland but are increasingly having to co-exist due to the pressures being put on their habitat and not that they prefer it or are perfectly okay with that situation. Indeed forcing squirrels to co-exist will increase their vulnerability to predation by domestic cats and contracting the parapox virus from congregating at feeding stations in gardens.

Four species of invertebrate that are UK Priority species have been recorded on site or on grassland edge of the site namely the Small Heath butterfly, the Northern Brown Argus butterfly, the Cousin German moth and the Grey Mountain Carpet moth. The first three will suffer from the loss of woodland edge grasslands and the latter from loss of heather and blaeberry all of which are important breeding/feeding habitats for these species.

In addition for these species are other species that need consideration: the Narrow-headed Wood Ant (a UK Priority species) which the wider woodland represents a somewhat isolated and vulnerable population and any encroachment could be detrimental; and the Slender Groundhopper which has been confirmed as being found on the development site and was the first record for Scotland should not be, as the developer attempts to suggest, ignored as not being found in optimum habitat as while that may be the case as far as records from southern England go further recent finds in similar habitat in Strathspey indicate that this woodland may well be optimum for this species in Scotland but only further surveying will confirm that and again the Precautionary Principle should apply as should this record be indeed part of a larger colony then this would represent a very important conservation find and a disjunct population living within the woodlands and heathlands of Strathspey.

The find of a nesting colony of the mining bee *Andrena lapponica* within the development site represents the only known such multiple nesting site within the Cairngorm National Park and the developers

statement that "the more one looks the more one finds" and that under-recording is an issue are statements that should clearly point to the fact that the invertebrate knowledge of this woodland is poorly understood and to allow it to be destroyed without that knowledge would be very poor conservation practice and certainly not something that should occur in a National Park.

Indeed under-recording is an important issue in this woodland and that is exactly why this application should be refused or at the very least no decision should be made, and the Precautionary Principle adhered to, until the woodland has been fully surveyed to be sure that no loss of important biodiversity will result from this application.

The developers themselves accept that this woodland is under-recorded in terms of biodiversity and most of their arguments on species presence or absence are based on conjecture rather than good science.

Therefore to allow this application to proceed without that knowledge of biodiversity would be very poor conservation practice as well as be failing to uphold the first aim of the National Park.

Mr Tim Ransom
Flat 8
1 St Saviours Crescent
St Saviour
Jersey CI
JE2 7XN

Colin Ormston

32 Craigie Avenue, Boat of Garten, PH24 3BL

Colingorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
ACKNOWLEDGED 20.12.10 by email

Colingorms National Park Authority
20 DEC 2010
RECEIVED

Andrew Tait, CNPA Planning Officer
Albert Memorial Hall, Station Square
Ballater, Aberdeenshire, AB35 5BQ

OBJECTION TO PROPOSED HOUSING DEVELOPMENT IN CRAIGIE WOOD, BOAT OF GARTEN

Planning ref: 08/272/CP

Dear Sir,

I am writing to you to object to the proposed housing development in Craigie Wood, Boat of Garten. I previously understood that the Reporter had concluded that this was a totally unsuitable site for housing development in the village, and have only discovered that the application is still ongoing. Indeed, as a nearest neighbour I have not received any details regarding the planning application from the developer since July 2008.

Please note that I am a practicing ecologist at a senior level, and have worked in both private practices on behalf of developers and as an ecological scientist for DEFRA. Having viewed the ecological report produced by MBEC Associates on behalf of the developer, I present my objections as follows, and I consider the MBEC document falls far short of current best practice guidelines produced by the Institute of Ecology and Environmental Management for carrying out ecological assessment of the effects of development.

1. The development presents an unacceptable risk of increased levels of disturbance to capercaillie, a species protected by both national and international law as I am sure you are aware. Craigie woods forms an integral part of the metapopulation that is made up of Kinveachy and Abernethy SPA's as well as individuals in Craigie wood. The MBEC document goes to great length in showing how capercaillie will not be impacted on by this development, but until they have carried out a full survey this cannot be determined. Indeed, they failed to initiate any coherent survey schedule or methodology, relying instead on casual records whilst carrying out surveys for other species (a practice that inevitably leads to under recording of both the target and non target species), and within a totally inadequate survey area encompassing a buffer zone of just 50m. Given the absolute certainty that residents of the new development will range wider than 50m into the remaining woodland this is totally inadequate.

Furthermore, the proposed mitigation measures are also totally inadequate. Several key footpaths have been omitted from the map showing the mitigation measures. The current network of footpaths allows for dog walkers to exercise their animals sufficiently whilst still remaining close to the village, avoiding disturbance further into the woodland. The

development would obliterate these footpaths, forcing dog walkers further into the woodland.

Blocking of paths is not an efficient method of controlling access (some could argue that this is stopping access in direct contravention to the Land Reform Act) as people will simply walk around felled trees or remove the obstruction themselves as happened last winter when fallen trees blocked paths.

I have a number of records of capercaillie signs and sighting throughout Craigie wood, that can be made available and I suggest that the most effective way of minimising disturbance to the capercaillie population is not to allow the development to go ahead.

2. The complete lack of any ornithological survey work within a suitable survey area around the development. Both crested tit and crossbill are present within Craigie wood as breeding species (the closest recorded crested tit nest this year that I am aware of is within 300m of the proposed development), and the MBEC document presents no survey baseline data on which they base their conclusion of minimal or no impact to these species, which goes against accepted IEM assessment methodology.

In addition, no survey or assessment was made on the impacts to the breeding wader population found on the open moorland to the north of the site. If an area of a 500m buffer around the development had been surveyed, then parts of the moorland would have been covered. The main impact to the oystercatcher, lapwing, redshank and snipe that breed on this moorland would be increased predation from domestic cats. Given the national importance of the wider strath area to breeding waders I consider this a significant omission in MBEC's work.

3. MBEC's work on red squirrel surveying is clear and well documented, although having had extensive experience of thermal imaging for ecological surveys the use of thermal imaging to determine drey occupancy is questionable in terms of the time of year it was carried out, as ambient temperatures would reduce the efficacy of the equipment.

Furthermore, the impact that domestic cats will have on the remaining population is not made explicit.

Given that the law, as it currently stands, protects squirrels and their dreys regardless of use, there can be no doubt that to approve a development which will clearly destroy dreys is in direct contravention of those laws, and could have serious ramifications to the CNPA.

4. The MBEC document states that no evidence of badger was recorded, and therefore there will be no impact to this species. I completely challenge this statement insofar as having badgers visit my garden on a nightly basis throughout late 2008 and early 2009, through a badger gate installed in my back fence to enable them access. I should point out that my property lies immediately adjacent to the development boundary. Furthermore, I have recorded further evidence, namely several wasp nests that have been dug out by badgers, the most recent of which was in August 2010.

Colin Ormston

32 Craigie Avenue, Boat of Garten, PH24 3BL

[REDACTED]

[REDACTED]

MBEC's surveyors completely missed these rather obvious features when carrying out their surveys that raises the question of what else they have missed – were they too busy trying to record capercaillie signs and badger signs at the same time?

5. MBEC carried out no reptile or amphibian surveys. Once again, I have evidence of common lizard, young frogs, toads and young newts within the proposed development area. Young amphibians can range some distance when dispersing from breeding pools, and it is likely that the habitat within the proposed development provides important refugia in late summer to the following spring.

Furthermore, I have recorded slowworm within 300m of the proposed development, a record that I can make available if required, and being a mobile if cryptic species, it is likely that they use some areas of the proposed development.

6. MBEC states that the development area does not present any suitable roosting opportunities for bats. However, the proposed development holds several trees that present potential as suitable bat roosts, for which I can provide locations if required. I have regularly observed Pipistrelle 45 / 55 species within and around the proposed development early in the evening (indicating the presence of roosts in very close proximity), particularly in spring (indicating a possible hibernation roost) and again in the autumn (indicating mating roosts).

In conclusion, I reiterate my objection to this proposal. Although I appreciate the need for affordable housing in the strath, I do not consider this a suitable location for a housing development of any size.

Indeed, given the plans for a significant housing development at An Camus Mor, I do not consider there be a need for any further large scale housing development between Aviemore and Grantown.

Yours

Colin Ormston BSc MIEEM

08/272/CP

Gowanlea
Woodside Avenue,
Grantown-on-Spey
Morayshire
PH26 5JR.

RECEIVED
17 DEC 2010
Cairngorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION

CONCLUDED 20.12.10

Cairngorms National Park Authority
20 DEC 2010

Dear Sirs,

I wish to ~~record~~ ^{state} my opposition to the proposed housing development in the forest.

My primary objection concerns the ~~proposed~~ ^{loss} of Scots Pinewoods for such projects throughout the area controlled by the C.N.P.A.

Most of the various surveys relating to the origin of these woodlands & whether they should be regarded as "Ancient Pinewoods" always disregard the 3-dimensional aspect of such habitats. Virtually all these pinewoods have been subject to management including clear-felling of some areas eg. within the Abernethy & Rothiemurchus woods. Natural regeneration in such areas has often been supplemented by planting, and as long as this operation has been by 'spading-in' (as was the case in pre-war & immediate post-war years) the 3-dimensional integrity of the ecosystem has been maintained.

Ploughing by any means & harvesting by 'forwarder' machines destroy the highly specific sequence of soil horizons which characterise the main soil types of these areas, viz: Humus-Iron and Iron Podzols. The Iron Podzol, in particular, is a relatively rare soil type within Scotland &

2

is largely associated with the excessively drained & acidic fluvi-glacial sands & gravels of the Baydick & local Soil Associations and low annual rainfall. They are virtually confined to Decide, Strathpey & Baskinich & parts of Morayshire & Avonshire e.g. Calmoral, Darnaway & Clippa Estates.

It is perplexing why the C.N.P.A. has not recognised the national importance of this soil type - apparently only regarding the Alpine Podzol as being worthy of mention. In fact this latter soil is much more widespread in the Scottish context as compared with the Iron Podzol.

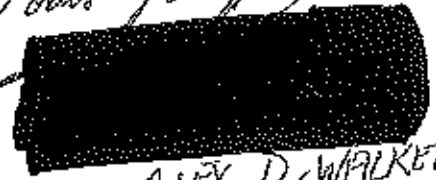
Both Iron Podzols & Humus Iron Podzols have distinctive sets of soil horizons which are accompanied by a specific soil chemistry and are entirely related to the plant & animal flora that characterise the pine-wood habitat.

Because regeneration under the closed canopy of these woodlands is virtually non-existent, the national "moving Scots Fir" legend readily explains why the expansion of woodland onto adjacent ^{heath} moorland has always been present. Proving estate management, particularly deer burning, has allowed such expansion.

In summary, the C.N.P.A. should not be constrained by reference to "Ancient Woodland" historical maps & should become much more aware of the unique 3-dimensional nature of the Scots Pine habitat & associated scarce Iron Podzol soil type within the Park under present-day conditions. Expansion into & exploitation of Scots Pine-woods for development,

especially housing, should be rigorously re-examined. The extant proposals for housing at Avenmore, Boat of Garten, Redybridge & Lambridge merit further consideration. If the C.N.P.A. really appreciate the unique nature of the Scots Pine ecosystem on the western periphery of the Northern Coniferous Forest & the distinctive 3-dimensional attributes of this particular habitat then I'm sure that such projects will be severely curtailed, preferably abandoned.

Yours faithfully,



ALEX. D. WALKER

Julie Millman

From: Gus Jones [REDACTED]
Sent: 20 December 2010 10:13
To: Andrew Tait; Planning
Subject: Ref: 08/272/CP Objection

Badenoch & Strathspey Conservation Group
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

[REDACTED]
Scottish Charity No. SC003846

Cairngorms National Park Authority	
Planning Application No.	08/272/CP
REPRESENTATION	
ACKNOWLEDGED	20.12.10 by email

Dear Andrew

Objection Boat of Garten Davall Developments Housing etc Proposal **Ref: 08/272/CP**

I am writing on behalf of BSCG to object to the above application. This objection is in addition to the letter of objection BSCG wrote to Highland Council and some other recent representations and further information we hope to collate for the CNPA in the very near future.

BSCG objected to the allocation of the proposed development site in the CNPA Local Plan and provided evidence about this site in writing and in person to the Reporters.

At this stage we would like to give notice that we may wish to request an opportunity to speak as an objector on the 7th.

BSCG's reasons for objection include the following:

The proposal conflicts with all 4 aims of the CNP.

1st aim: The proposal conflicts with conserving and enhancing natural heritage.

2nd aim: the proposal represents unsustainable, rather than sustainable, use of the Park's natural resources.

3rd aim: the proposal does not promote recreational enjoyment of the area, but seeks to restrict recreational opportunities through the mitigation measures.

4th aim: the proposal represents environmentally unsustainable, rather than sustainable, development.

The present proposals clearly conflict with the 1st aim of the NP. As is enshrined in law and is stated in the CNPLP (para 1.4), in the event of conflict between the 1st and any other aim, the 1st aim takes precedence.

The proposal conflicts with Policies 5 and 6 of the CNPLP

The CNPLP states that all proposals must comply with all relevant Policies (see e.g. box 'How to use the Local Plan' p15).

Policy 5 Biodiversity.

The proposals would have an adverse effect on species identified in the Cairngorms I.BAP, UKBAP and on the SBL. There is no over-riding need or justification for the development (Policy 5 a), and the Local Plan Inquiry Reporters concluded that "we cannot conclude that it [the housing allocation of BG/H1, which is the present site] is essential". Significant harm or disturbance to species cannot be avoided (Policy 5 b). No compensatory or management measures are provided (Policy 5 b). In relation to management, BSCG does not consider that the "possible" proposed management measure of forest thinning would necessarily enhance the existing habitat for capercaillie. On the contrary, thinning could reduce habitat quality for both sexes. The Game Conservancy Trust undertook a 2 day survey of capercaillie in Boat of Garten wood for Seafield Estates in July 1994. In their report they state (Baines and Leckie 1994):

"Much of the crop within this area [the area subject to planning application in 1994] remains unthinned and at first sight appears less suitable to capercaillie, but denser stands of trees are sometimes preferred during the winter months, especially by hens. At this time of year, the additional shelter provided by thicker stands may be more important". In a study of capercaillie in plantations in Scotland it was observed that during moult (which takes place in the summer) cocks often frequented thicker stands (Jones 1982). No new habitat is to be created (Policy 5 b). Therefore the proposals do not comply with this relevant Policy.

Policy 6 Landscape

The Local Plan Inquiry Reporters considered that the allocation of this proposed development site would significantly impact on landscape, concluding that "the development of the site [BG/H1] would have a significantly negative impact on the landscape character of Boat of Garten". The CNPA concur with this view, stating in their response that the "CNPA can accept that the allocation of a large housing site at this location would not follow the advice given in the Landscape Capacity Study". There is no nationally important social or economic benefit of the proposal (Policy 6 a). All the adverse effects on the setting of the proposals have not been minimised or mitigated (Policy 6 b). Therefore the proposals do not comply with this relevant Policy.

The proposal conflicts with the CNP Plan

This proposal conflicts with 3 of the 'Outcomes for 2012' relating to 'Conserving and enhancing biodiversity and landscapes'.

Outcome iii states that "...all new development will make a positive contribution to the natural ... landscapes of the Park". The CNPA deleted the allocation of housing on the proposal site from the adopted

Local plan due to adverse impact on landscape, following the Local Plan Inquiry Reporters recommendation.

Outcome iv states that "Species and habitats identified as the highest priorities ... will be protected and under active conservation management". All parties agree that the proposals would impact negatively on the nearby SPAs through disturbance impacts on capercaillie.

Outcome v states that "There will be enhanced connectivity within habitat networks ... with early emphasis on ... forest networks". The proposals would reduce forest habitat connectivity.

The proposal further conflicts with the 'Actions' (in the 'Priorities for Action') pertaining to the above outcomes, e.g. 1d and 3d.

The CNPLP should comply, not conflict, with the CNP Plan, as is clarified in, for example, paragraph 1.6 of the CNPLP.

The mitigation measures are ineffective, unreliable and require many years before becoming operational.

We have no confidence that the proposed mitigation measures would alter people's behaviour sufficiently to have any significant effect on caper disturbance.

In response to the mitigation proposed for the earlier application, which was partly on the same site as the present proposal, SNH raised serious concerns about the effectiveness of mitigation, stating that "The effectiveness of mitigation is, however, impossible to predict and quantify with any certainty" (SNH Operations Manager, East Highland, in Annex to letter to P.Ratcliffe 28.2.05).

BSCG agrees with the conclusion that the effectiveness of mitigation cannot be predicted or quantified, and we consider it reckless and irresponsible to place weight and confidence on these untested mitigation proposals.

Mitigation Signage Proposals: For every person who may respond to the proposed signage in the desired way, there can be another who may respond to it in exactly the opposite way. The problem of people who wish to see capercaillie going off paths to actively look for them is established, and the proposed signage can simply encourage them to do so in the woodland at Boat of Garten. It is worth noting that the Boat of Garten woodland is a relatively small forest area in which to search for caper, compared for example to Abernethy, Rothiemurchus or Glenmore. Therefore people wishing to see caper might consider it advantageous to search in this wood, where their chances of success would be relatively high for a relatively low search effort.

The mitigation proposals that rely on encouraging natural regeneration (or planting) will take many years to become operational; these years could be critical to capercaillie conservation.

The mitigation proposals involving pushing over trees to obstruct paths and discourage people from leaving paths are simply unrealistic. People may remove such trees, or walk around such obstacles, or create alternative desire paths that avoid them altogether.

Omissions in the Mitigation Proposals Map.

The map only shows a proportion of the paths in the forest. Two particularly significant paths that are omitted extend disturbance into the 'Potential Low Disturbance Capercaillie Habitat' shown on the Draft Offsite Capercaillie Mitigation Proposals map. One of these runs for about 1km and lies to the west and south west of the proposed development site, within the wood. This path lies to the east of the fence line that forms part of the boundary of the 'Potential Low Disturbance Capercaillie Habitat' shown on the Draft Offsite Capercaillie Mitigation Proposals map. The presence of this path effectively reduces the area of the Potential Low Disturbance Capercaillie Habitat, due to disturbance.

In addition a further path that is omitted extends into the Low Disturbance area, further reducing its size. This path lies to the west and south west of the proposed development, and is south east of the 1km omitted path.

The size of the Potential Low Disturbance Capercaillie Habitat as shown on the mitigation map is too small to fulfil its purpose, and in reality it is considerably smaller due to disturbance from these additional paths.

It is noteworthy that the disturbance effect of the smallest of the 4 categories of paths described in Moss 2010 ('Distribution of capercaillie droppings in relation to sources of disturbance Part II'), referred to as 'desire lines', has the most impact in terms of disturbance to capcr. Capercaillie avoid all paths, but they avoid these desire line paths significantly more than larger tracks (category 1-3). Both these omitted paths are category 4 paths.

The mitigation proposals map omits a total of over 4 km of paths used regularly by people within the area delimited in the mitigation map. As the map shows approximately 7km of paths, this over 4km omitted represents a substantial proportion of the total.

Path proliferation associated with housing.

It is well established that desire lines multiply near houses, and there are numerous examples of this in Badenoch & Strathspey (e.g. Nethybridge School Wood and Dell Wood, Carrbridge, Boat of Garten). It can be predicted with complete certainty that additional paths will proliferate into the wood from the proposed housing.

Cumulative disturbance impacts on SPAs and other woodlands supporting capercaillie

There are a number of housing allocations in the CNPLP, other proposed development that is already approved, and development under construction that will add to recreational disturbance in the SPAs and woodlands supporting capercaillie. These developments all impact on the same meta population of capercaillie. It is established that no single forest in Strathspey (e.g. Abernethy, Rothiemurchus, Kinveachy, etc) supports a self-sustaining capercaillie population. This means that the capercaillie population is wholly dependant on birds moving between forests. Connectivity is therefore critical.

Examples include the following: School Wood, Nethybridge (40 houses); Carrbridge (117 houses); High Burnside, Aviemore (which currently has houses still under construction as well as completed houses in use); An Camas Mor (up to 1500 houses).

Inadequate scope and quality of supporting environmental information

Even a cursory inspection of the MBEC 2010 gives us a wide range of concerns. Some of these of a detailed and site specific nature (for example the validity of evidence to dismiss the possible presence bat roosts within the site) could be drawn to attention on a site visit. Considering that for example we have provided the CNPA with some of our own information on for example herpetological interest of the site (two species of newt), botanical interest (an example of a surprisingly overlooked characteristic pinewood plant) and that the CNPA has itself access to eg information on toothed fungi in the genera *Sarcodon*, *Hydnellum* and *Bankera* referred to in the Cairngorms JBAP some of the deficiencies should already be painfully obvious. We can find for example no report of any credible dedicated survey work having been undertaken on reptiles or amphibians, breeding birds, lower plants, mycological interest or invertebrates other than an unverifiable wood ant survey reported on when the site is covered in snow, and there are a number of claims that conflict very starkly with published evidence (for example that the schedule 1 species the crested tit, considered usually to be a sedentary species, is highly mobile).

Yours sincerely

Gus Jones

Convener

Julie Millman

From: Andrew Tait
Sent: 20 December 2010 11:19
To: Julie Millman
Subject: FW: BSCG objection further submission CI
Attachments: BSCG objection CI BOG.docx

Cairngorms National Park Authority
Planning Application No. 08/272/CP.
REPRESENTATION
ACKNOWLEDGED 20/12/10

From: Gus Jones
Sent: 20 December 2010 11:18
To: Andrew Tait; CNPA
Subject: BSCG objection further submission CI

Badnoch & Strathspey Conservation Group
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Cairngorms National
Park Authority
20 DEC 2010
PSW RECEIVED JM

Scottish Charity No. SC003846

20.12.10

Ili Andrew

BSCG objection 19.12.10 08/272/CP Boat of Garten Wood

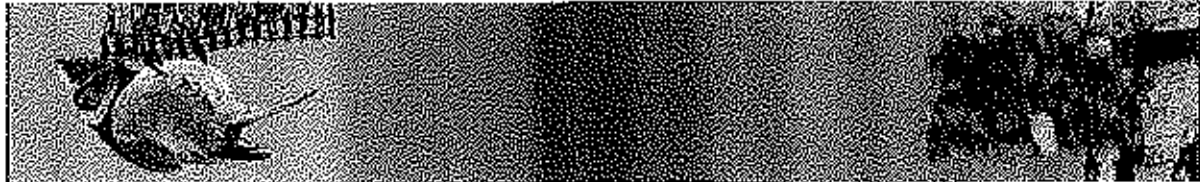
Please find attached a further submission providing some up to date information supporting our objection that we wish to be included.

Best wishes

Gus

(Convener)

A protected species of note- the crested Tit *Lophophanes cristatus scoticus* (Prazak) at Boat of Garten Wood.



Crested tit at feeding station at the edge of the wood near the new Village Hall 18 December 2010

According to the MBEC 2010 report (see para 1.3.2 p3) National Planning Policy Guidance NPPG 14 Natural Heritage (Scottish Executive, 1999) states: "The presence of a protected species or habitat is a material consideration in the assessment of development proposals."

Current (2010) Scottish government planning policy (SPP) states:

"Many species are legally protected and their presence or potential presence is an important consideration in decisions on planning applications".

The crested tit is a Species of European Concern and on the UK amber list of Birds of Medium Conservation Concern. It is a schedule 1 and IV species under the Wildlife and Countryside Act 1981. It is referred to in the Cairngorms LBAP as having "a very local UK distribution concentrated in Strathspey..." with a distribution that it is likely "once matched that of Caledonian pine woodland" that once "extended over much of the Highlands". This habitat is a European Priority Habitat. The Cairngorms LBAP gives the UK importance of the Cairngorms population as "High" and also rates the crested tit as a "Locally important species". It is protected under the Berne Convention (Appendix III).

MBEC 2010 (4.6.1) quotes a BSCG representation (in 2002) as having reported a number of bird species using the woodland at Boat "including crested tit (*Lophophanes cristatus*) crossbill (*Loxia* sp) and siskin (*Carduelis* sp)." BSCG however can report again these birds used the woodland on the site and not just the "wider" woodland. The MBEC report in the context of assessing the impact of habitat loss for such species claims them to be "Highly mobile". Evidence for this claim that strongly conflicts with scientific literature for crested tits is not provided by MBEC. We note that referring to the "small isolated Scottish population" belonging to the race *scoticus* Thom (1986) reported crested tits are usually sedentary with young birds seldom dispersing further than 2km from their nest site. In Badenoch and Strathspey the crested tit has been shown to be extremely sedentary (Summers 1988 quoted in Cook 2007). It is also reported that "the few ringing recoveries of adults and birds trapped in late winter show maximum movements of 2km, which was true even of a

bird retrapped nearly eight years after ringing.” (Cook 2007).

Policy 5 Biodiversity of the 2010 adopted CNPIP covers habitats or species identified in the Cairngorms I.BAP, UK BAP, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact. This policy states “Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area’s natural environment to assess the effect of the development on it.” BSCG notes that the developer has not undertaken a comprehensive survey of crested tits or crossbills both birds that BSCG (and others) have advised use the site and is inclined to the view that officials ignoring this shortcoming are showing disregard of their biodiversity duty.. We would also draw to attention that crossbills have long breeding seasons (with implications for mitigation during any potentially disturbing operations).

The crested tit is arguably an economic asset to the economy of Strathspey. It is well known for example from the national television programme ‘Springwatch’ to be present in the woodlands at Boat of Garten (see also Photo).



Crested tit at feeding station at the edge of the wood near the new Village Hall 18 December 2010

The Scottish population *Lophophanes cristatus scoticus* is associated with high quality pinewoods and being a small bird it is potentially vulnerable to high mortality in harsh winters. It is reported that “Numbers fluctuate markedly as the species suffers badly in hard winters (Thom 1986 citing Campbell 1974). Taylor and Summers (in prep) in a ten year study found a negative relationships between numbers of pairs and frost days for crested tit (although this was not significant). Dennis who noted that in our district crested tits are found principally in the Strathspey forests wrote “population subject to crashes after severe winters like 1947, 1951 and 1981.” Currently crested tits are suffering a second consecutive cold winter with considerable snow lie. In a survey of 324 nest sites Nethersole-Thompson & Watson 1974 found 74% in pine stumps and 2.5% in living pines; in Culbin forest (Moray & Naim) Denny & Summers 1996 found areas of high tree density are preferred for nesting and it has been suggested “this may reflect the optimum nesting habitat in Scotland” (Cook 2007). BSCG has supplied in confidence the location of a 2010 nesting stump at which young were noted just prior to fledging in Boat of Garten woodland that was noted by an ecologist and resident of Boat of Garten. Given that the population is currently likely to be extremely hard hit (none of 22 nest boxes in Boat of Garten wood were occupied in 2010 after the extreme 2009-2010 winter) this find can be viewed as very compelling evidence of the importance of this site for this charismatic species.

The crested tit is a Species of European Concern and on the UK amber list of Birds of Medium Conservation Concern. It is a schedule 1 and IV species under the Wildlife and

Countryside Act 1981. It is referred to in the Cairngorms LBAP as having "a very local UK distribution concentrated in Strathspey..." with a distribution that it is likely "once matched that of Caledonian pine woodland" that once "extended over much of the Highlands". This habitat is a European Priority Habitat. The Cairngorms LBAP gives the UK importance of the Cairngorms population as "High" and also rates the crested tit as a "Locally important species". There are grounds for growing concern for the future of crested tits with some forecasts of a higher frequency of severe winters (see selected refs below) and some evidence that like the western capercaillie the crested tit and Eurasian Treecreeper crested tits have experienced a downward trend in Strathspey (Taylor and Summers in prep).

The crested tit (gaelic name Gulpag-staic) is one of Scotland's iconic bird species according to Dennis "so very Scottish that it is the emblem of the Scottish Ornithologist' Club. It features on the cover of the Birds of Scotland. In the introduction to the classic book on the Birds of Badenoch and Strathspey (Dennis 1995) observes that "Badenoch and Strathspey has always been a special venue for people interested in birds". Referring "within this relatively small area" to "the best remnants of the Caledonian Forest" And "the lovely River Spey" Dennis noted that the combination of habitats in the district "means that there is a rich diversity of bird life including many rare species such as crested tit, osprey and capercaillie."

Relevant to the issue of any cumulative impact (see policy 5 in the 2101 CNPLP) it is noteworthy that crested tits have been recorded at a number of sites threatened by allocations in the newly adopted Cairngorms National Park Local Plan. These include for example pine woodlands at Carrbridge (as reported in the local press) and School Wood Nethybridge. In a report to SNH (BSCG 2001) that was also provided to Highland Councillors for example BSCG stated with respect to School Wood: "Crested tits are known to breed in this wood, and individuals were seen at 4 separate sites on one visit in June."

Selected References

BSCG 2001 New Observations on the Natural Heritage Interest of School Wood An unpublished report to SNH dated June 2001.

Cook M Crested tit p1296-1299 in Forrester & Andrew eds 2007 Birds of Scotland Vol 2 Scottish Ornithologist Club

Cosgrove P ed 2002 The Cairngorms Local Biodiversity Action Plan

Dennis R 1995 The Birds of Badenoch & Strathspey . Colin Baxter Photography Grantown-on-Spey

International Polar Year, Oslo Science Conference 11th June 2010.Link:

<http://ipy-osc.no/article/2010/1276176306.8>

MBEC 2010 Boat of Garten Proposed Housing Development Supporting Information: Ecology and Nature Conservation November 2010

Petoukhov, V., and V. A. Semenov (2010), "A link between reduced Barents-Kara sea ice and cold winter extremes over northern continents", *Journal Geophysical Research*, 115, D21111 [doi:10.1029/2009JD013568] Link:

<http://www.agu.org/journals/jd/jd1021/2009JD013568/>

Potsdam Institute for Climate Impact Research, 16th November 2010.. "Global Warming could cool down temperatures in winter" Link:

<http://www.pik-potsdam.de/news/press-releases/global-warming-could-cool-down-temperatures-in-winter>

Taylor S & Summers R W (in prep) Numbers of breeding birds in old Scots Pine wood at Abernethy Forest from 1977 to 1987 (Scottish Birds)

Thom V 1986 p307-308 in *Birds in Scotland*, Scottish Ornithologists Club. T & D Poyser, Calton

From: Gus Jones [REDACTED]
Sent: 21 December 2010 09:53
To: Andrew Tait
Subject: Objection by BSCG additional material

Andrew Tait
CNPA Ballater

Cairngorms National
Park Authority
21 DEC 2010
PWS RECEIVED JM

Cairngorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
ACKNOWLEDGED 21.12.10.

Dear Andrew
Please find attached two documents material to the subject of invertebrate interest of the proposal site. The British wildlife article BSCG has already sent to the CNPA ecologist and may therefore be referred to by Karen in her report that we have not yet seen. The newspaper feature is referred to in the MBEC November 2010 'Supporting Information': Although recorded recently as indicated in the British Wildlife article the current status of the slender ground hopper is unknown and so far from looking at the MBEC report we have not found whether they searched for it or refound it.

Best wishes
Gus

found several hundred individuals by hand-searching and pitfall-trapping in 2006. This was followed by more good news when Adrian Colston confirmed that this species was still present at Branscombe Beach, in Devon, after the *Mazoli* disaster of January 2007; it should be noted that the report in the February 2008 issue of *BW* (19: 207) was an error on my part, born of second-hand information. It was good to see that Adrian's efforts to re-find this species after such a potentially disastrous marine-pollution event culminated in extensive coverage of his success by the national media.

Andy Phillips has reported that, in spite of the poor weather this season, the Sickle-bearing Bush-cricket *Phaneroptera falcata* was again found at its known site near Hastings, on the south coast, when two adults were recorded by Ralph Hobbs on 30th August. Three more specimens were subsequently found, by Mike Edwards and Ted Benton on 17th September. Between these dates, the species had apparently gone to ground, perhaps on account of weather conditions, and Roger Hawkins, a highly reliable campaigner, could not find it when he visited the site. It will be interesting to see if the appalling summer of 2008 will have curtailed this bush-cricket's ability to extend its successful colonisation into a fourth year in 2009.

The presence of the Southern Oak Bush-cricket *Meconema meridionale* in Essex was confirmed by Ted Benton and Tim Gardiner when they visited a site by the River Lea. An adult male and several females were beaten from oak which was growing in a mature hedgerow. This species continues to consolidate its naturalised status: there is another Bristol record from Roger Edmondson; the first Somerset records, in residential gardens at Burnham-on-Sea, by Somerset recorder Robert Cropper; a south-coast record from Eastbourne, by Roger Haggart; and the finding of an adult female by pupils of the St Saviours Bug Club at their school in Ealing, west London (W5). Robert Cropper, incidentally, has reported that, despite intense searching by a

number of workers, the Somerset site where a single Large Marsh Grasshopper *Stethophyma grossum* was found in September 2006 has failed to yield any further evidence of this species' presence there.

Two extraordinary records have come from Scotland recently, both of which have been positively identified from photographs. Jon Hammerman reported that he found a Great Green Bush-cricket *Tettigonia viridissima* on 25th September while jogging near Glasgow; he returned to photograph it. Whereas this specimen was clearly introduced by some means, a record of a Slender Groundhopper *Tetrix subulata* (per Craig Macadam) from the Boat of Garten region, in the Cairngorms, is somewhat more intriguing. It seems unlikely that this species would be present so far from its most northerly known colonies, in Yorkshire, that it could have been missed for so long when other species have been recorded from the area, and that it should exist in an isolated colony when it remains absent from so many more suitable habitats between the two lochs. It is, however, found at more northerly latitudes in Scandinavia, and it would be premature to dismiss the record out of hand. We look forward to hearing any news of a resident colony next year.

On the literature front, I recently came across an interesting book, *The Somerset Wetlands, an Ever Changing Environment*, which has a remarkable and optimistic prognosis for our orthopteran fauna in the 21st century. Points of interest include the following: '...most of our Orthoptera will suddenly sport long-winged forms'; 'for locusts, (which are "just unreasonably big grasshoppers") this change to long wings is at least partly controlled by the weather'; 'if you look for the Mole Cricket *Gryllotalpa gryllotalpa* you will most likely find it north-west of previous records.... Quarter the ground between Creech St. Michael and Bridgwater and I'll wager that you will see this beast on the move in the next ten years'; the Lesser Marsh Grasshopper *Chorthippus albomarginatus* may not have increased its range as a result of climate change, because it is 'more

likely to have been badly identified, or just plain missed, in the past'; and finally, Southern Field Crickets *Gryllus bimaculatus* 'will be making their way, indeed they are already doing so, on to village land on and around the Levels and Moors', because this species 'breeds like a rabbit when conditions are right'.

This publication contains contributions from some capable entomologists, and since it purports to be a 'research-based' work, 'with accurate and informative material', I am now quite excited by the prospect of these new possibilities and shall also be taking the wager offered.

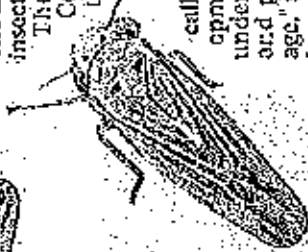
As usual, computerised records (Excel files are particularly useful) will be gratefully received, and I should like to take this opportunity sincerely to thank all those who have contributed records and information to the scheme for their considerable efforts.

Dr Peter Sutton, Orthoptera
Recording Scheme:
Petersutton@freeuk.com



Butterflies

A summer that was widely regarded – even outside the ranks of warmth-loving, sun-seeking butterfly aficionados – as dull and cool was transformed into a slightly more agreeable autumn. Longer spells of relatively light winds and sunshine brightened the days but, sadly, the numbers of almost all species of butterfly seemed well down on what we would hope to find. Temperatures in September continued to reach the high teens and remained almost identical to those of the lacklustre August. Warmer days were at more of a premium in October, but there were many hours of sunshine. Consequently, despite decreasing hours of daylight, prospects for



Developers bugged by discovery of rare insects at housing sites

BY ROB EDWARDS
ENVIRONMENT EDITOR

A STARTLING array of rare and colourful bugs have been discovered at two sites in the Cairngorms National Park earmarked for major housing developments.

The findings, including several Scottish firsts for insects, will put a major new conservation strategy being launched by ministers this week to the test. Experts fear that some of the species risk being lost for ever.

Among the insects uncovered is a small bee previously thought extinct, plus three little hoppers and a thin green bug with long antennae never before recorded in Scotland. The gnarled-looking Slender Groundhopper has also been found much further north than ever before.

On Tuesday, environment minister Michael Russell will help to unveil a strategy for saving Scotland's bugs. Drawn up by conservation groups, it will set out a framework for protecting

Scotland's endangered invertebrates - animals without backbones such as insects, snails and shellfish.

The discovery of a series of endangered bugs in the path of developments in the Cairngorms highlights the problems the new strategy will have to tackle. The animals' future could be jeopardised by demands to build new houses in sensitive areas.

"More rare and threatened invertebrate species are found in the Cairngorms area than anywhere else in Scotland, or perhaps the UK," said Craig Macadam, the Scottish conservation office for Buglife, which campaigns to protect invertebrates.

"The area's natural habitats were 'incredibly important', he argued.

"Current development plans are putting increasing pressure on these habitats and their wildlife, and there is a real risk that rare invertebrates could be lost for ever."

Macadam revealed that one strand of the new strategy would be the identification of the most important areas for invertebrates. "It will then be up to the planning authorities to do whatever

they can to protect these areas, and the species that live there, for future generations," he said.

The Eife building company, Muir Homes, has applied for permission to build 198 homes at the Mossie in Granttown-on-Spey, not far from the headquarters of the Cairngorms National Park Authority.

But local conservationists have photographed a mining bee, known as *Andrena marginata*, at the site. Until a few years ago, it was feared extinct in Scotland and is listed as endangered in seven European countries.

Four other bugs not previously recorded in Scotland have been seen at the Mossie, along with more than 30 species of hoverfly. Other endangered insects, including the blueberry bumblebee and five species of butterfly are also present in the area.

At the same time an Aviemore developer, Davall Developments, has submitted an application to build 79 houses, plus land for a primary school, in Boat of Garten. There, too, however, there are bugs in need of saving.

Conservationists have visited the site

and photographed a Slender Groundhopper, which before now has not been spotted in the UK north of Yorkshire. The areas also important for protected insects such as the narrow-headed ant.

The Badenoch and Strathspey Conservation Group is alarmed that the Cairngorms National Park Authority has zoned areas like these for development.

"We will be renewing our call to the authority to refuse development here in line with government undertakings to halt biodiversity loss and protect priceless natural heritage," said the group's convener, Dr Gus Jones.

The park authority has called in the applications for Granttown-on-Spey and Boat of Garten so that their environmental impacts can be properly considered.

"No dates have been set for determination in either case," a park spokeswoman told the Sunday Herald. She promised that the potential impact of the proposed developments on wildlife would be taken into account. Invertebrates were one of the Cairngorms' special qualities and an indicator of the park's environmental health, she said.

The spokeswoman added: "The park authority and its partners are involved in a number of projects aimed at conserving, enhancing and raising awareness of invertebrates.

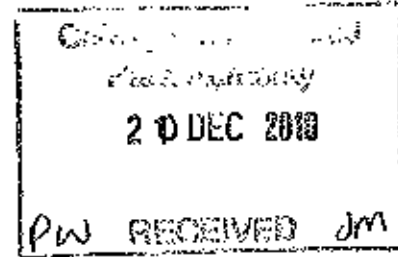
"We welcome Buglife's national strategy and the contribution it will make to the work already taking place in the park."



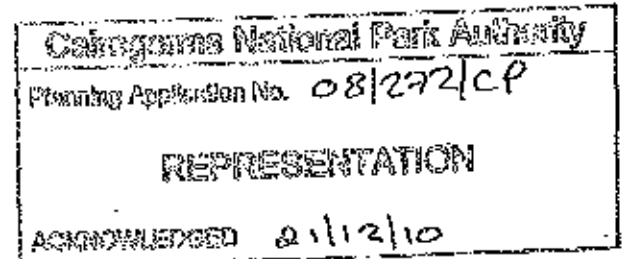
One of the species of hopper found

Julie Millman

From: Andrew Tait
Sent: 20 December 2010 11:24
To: Julie Millman
Subject: FW: 08/272/CP Letter of Objection
Attachments: Letter_of_Objection_Re_08_272_CP.doc



From: neil mackenzie [REDACTED]
Sent: 20 December 2010 09:44
To: Andrew Tait
Subject: Ref: 08/272/CP Letter of Objection



Andrew Tait (androwtait@cairngorms.co.uk)

CNPA Planning Office

Albert Memorial Hall

Station Square

Ballater

Aberdeenshire, AB35 5QB

Objection to Proposed Housing Development in Craigie Wood, Boat of Garten. Ref: 08/272/CP

Dear Mr. Tait,

I would like to object to the proposed housing development in Craigie Wood on the following grounds:

Loss of native woodland. Increasing fragmentation of natural habitats is one of the main causes of biodiversity loss, resulting in isolation and possible local extinction of woodland-dependent species such as capercaillie and red squirrel.

Impact on the local landscape. The replacement of the pinewood with a large number of houses

on the outskirts of Boat of Garten will be hugely detrimental to the woodland setting that the village currently enjoys.

Overdevelopment in the Cairngorms National Park. Large housing developments are becoming commonplace in the rural hinterland of the Park. There are already very large-scale developments, built and pending, in the Aviemore area. When there is a conflict of interest between development and conservation in a National Park then it is surely landscape and conservation interests that should prevail.

Yours sincerely

Neil MacKenzie

Neil A. MacKenzie, Norbu, Lochgarthside, Gorthleck, Inverness-shire IV2 6YP. [REDACTED]
[REDACTED]

Norbu, Lochgarthside, Gorthleck, Inverness_shire, IV2 6YP

20 December 2010

Andrew Tait (andrewtait@cairngorms.co.uk)
CNPA Planning Office
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire, AB35 5QB

**Objection to Proposed Housing Development in Craigie Wood,
Boat of Garten. Ref: 08/272/CP**

Dear Mr. Tait,

I would like to object to the proposed housing development in Craigie Wood on the following grounds:

Loss of native woodland. Increasing fragmentation of natural habitats is one of the main causes of biodiversity loss, resulting in isolation and possible local extinction of woodland-dependent species such as capercaillie and red squirrel.

Impact on the local landscape. The replacement of the pinewood with a large number of houses on the outskirts of Boat of Garten will be hugely detrimental to the woodland setting that the village currently enjoys.

Overdevelopment in the Cairngorms National Park. Large housing developments are becoming commonplace in the rural hinterland of the Park. There are already very large-scale developments, built and pending, in the Aviemore area. When there is a conflict of interest between development and conservation in a National Park then it is surely landscape and conservation interests that should prevail.

Yours sincerely

Neil MacKenzie

Julie Millman

From: Andrew Tait
 Sent: 21 December 2010 14:08
 To: Julie Millman
 Subject: FW: Boat of Garten proposed development and fungi

REPRESENTATION

ACKNOWLEDGED 21.12.10 by email

From: Liz Holden
 Sent: 21 December 2010 12:36
 To: Andrew Tait; Karen Couper
 Subject: Boat of Garten proposed development and fungi

Cairngorms National
Park Authority

21 DEC 2010

PWS

RECEIVED

JM

Dear Andrew and Karen, I am emailing you in relation to a development plan for an area of pine plantation adjacent to Boat of Garten on Speyside.

My specialism is fungi, and I have been actively foraging, surveying and teaching about fungi in Scotland for the last 15 years. The following comment about the fungi in this woodland, has been brought to my attention and its inaccuracy concerns me as it is very misleading with regard to the fungal significance of this piece of woodland.

" MBEC have not carried out specific fungal surveys of the site but have noted the presence of common fungi while surveying on the site (eg oyster mushroom fly agaric hedgehog fungus and common chanterelle-most of which were outside 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 and it[sic] ploughed and drained soil and disturbed recent past"

I, and a number of other members of the Grampian Fungus Group held a foray weekend on Speyside in 2009, and during that time visited the wood in question. We were there on Sept. 26th 2009 (I understand that MBEC were there on Sept 11th) and found the following 5 UKBAP species (all stiptate tooth fungi):

Bankera fuliginosa (Drab Tooth) NH93278 19003

Hydrellium peckii (Devil's Tooth) NH 93468 18982, NH 93475 18983

Sarcodon squamosus (Scaly Tooth) NH93381 18971, NH93440 18954, NH 93383 18964, NH 93465 18962

Hydrellium caeruleum (Blue Tooth) NH93559 18959 Listed as 'near threatened' on the preliminary assessment red list

Sarcodon glaucopus (Greenfoot Tooth) NH93559 18959 Listed as 'vulnerable' on the preliminary assessment red list

These particular fungi have long lived fruit bodies and I am surprised that the MBEC missed them. The last two are the most interesting of the tooth fungi present on site - *Sarcodon glaucopus* is unknown in the UK outside of Speyside / Upper Deeside / Strathfarrar / Glen Affric. It is considered rare across its European range. *Hydrellium caeruleum* has a similar although slightly wider range in the UK and in addition, one record from England and another from Northern Ireland. In a European context this latter species is not always considered rare.

When a woodland, even plantation, is so close to old semi-natural woodland, the chances of rare species occurring are high (supporting papers by Humphreys et al available). What MBEC suggest about the lack of value of plantation woods for fungi would be truer if this area of plantation were a long way from old woodland. Presumably it is the proximity of fungal inculum (in the form of spores and mycorrhizas) that enables peripheral plantation woods to be of considerable conservation interest for fungi.

Mycologists have no idea how robust or secure these short management cycle sites are for the fungi, but the continued presence of woodlands around the edge of the core woodland is undoubtedly important for these organisms so rarely found in other parts of the UK. I would not be in favour of any development that would remove the potential of this woodland to support these rare species.

Yours sincerely, Liz Holden

Liz Holden
Allanaquoich
Mar Lodge Estate
Braemar
Ballater
Aberdeenshire AB35 5YJ



Allan Bantick Naturalist
23 Craigie Avenue, Boat of Garten, Inverness-shire PH24 3BL

Calngorms National
Park Authority

20 DEC 2010

PW RECEIVED dm

To: Andrew Tait, CNPA Planning Office
Albert Memorial Hall, Station Square
Ballater, Aberdeenshire, AB35 5QB

13th December 2010

OBJECTION TO PROPOSED HOUSING DEVELOPMENT IN CRAIGIE WOOD, BOAT OF GARTEN

REFERENCE 08/272/CP

Dear Sir,

I am writing to express my strong objection to the proposed housing development in Craigie Wood mainly, but not exclusively, on the grounds of unacceptable levels of disturbance to protected species of wildlife.

Calngorms National Park Authority

Planning Application No. 08/272/CP

REPRESENTATION

21.12.10.

Wildlife

My objection to an earlier version of this proposed development included the following text:
"The capercaillie is in dire trouble in Scotland. The area of woodland which is threatened by this estate is at present a buffer zone between the village and the area of woodland frequented by the capercaillies. If these houses are built the capercaillie will be driven further into the forest and what is at present a strip of usable capercaillie habitat will become their new buffer zone."

I am aware that the new proposed development is smaller than that to which the above text referred, but that does not significantly change anything. Capercaillies will still be driven deeper into the shrinking forest in exactly the same way and, due to the position of the proposed houses in relation to the heart of the forest, almost to the same extent. In my opinion we should not be harassing important wildlife species in this way. To make matters worse, dogs on the loose are a significant problem and it is inevitable that some of the proposed new houses will be occupied by dog owners, whose animals will simply add to the existing pack. I note the mitigation map provided by Bracewell Stirling and consider the suggested measures to be utterly inadequate. Trees felled across paths have never stopped walkers, with or without dogs, from navigating the woods; walkers either create a detour around the obstruction or, as happened last winter when the snow brought down lots of trees, they will drag the trees out of the way or saw them up if they are too big to be dragged. I should also point out that several of the most popular paths walked by dog owners are not shown on the map at all.

The red squirrel, like the capercaillie, enjoys the protection of the law. This protection includes a presumption against felling any tree in which squirrels have a drey, regardless of whether the drey is for raising a family or just a resting place. The patch of woodland in which the proposed housing development is sited has several trees containing dreys and the woodland in general has a dense population; enough to have been chosen two years ago as one of the sources of adult red squirrels to be used for a reintroduction project at Dundonnell.

The crested tit is a scarce bird and is listed on Schedule 1 of protected birds along with eagles, capercaillies and ospreys. There is a stable population of crested tits in Craigie Wood for which I can supply nest records for the past several years if you wish to see them.

Other Factors

Tourism is the major industry in this area and interest by the public in wildlife is the biggest single attraction. Boat of Garten is famous for its wildlife so it is madness to do anything which harms wild creatures here.

Planners have been telling us for years that we should avoid the kind of ribbon development that has produced strings of houses along the side of roads leading to and from communities. In some case these strings have actually become the communities - see Street of Kincardine for example. To place these proposed houses alongside Deshar Road would be a clear contravention of this policy.

To allow houses to encroach into the wood in this way creates a dangerous precedent. It will surely only be a matter of time before the next wave of planning applications will use the presence of these proposed new houses as a lever to justify more of the same and the process is likely to continue until there is little left of this lovely place. I believe we must make a stand now or risk creating conditions which will lead to the slow death of this forest.

Conclusion

In my opinion this development is in the wrong place. If houses are needed here, and I am not at all convinced that they are, they should be placed in the spaces that still exist around the main block of the village. Two such spaces are the gap beside the caravan park (map ref NH9404-1919) and the empty angle between the back of the houses in Kinchurdy road and Deshar Road (map ref NH9410-1877).

I have heard there are difficulties with both of these sites and that is why the Craigie Wood option was chosen. If that is the case then expediency has yet again ruled the day. If these houses really are necessary then they must go where they will do the least damage, but to build houses in a beautiful piece of woodland just because you can is shameful. With modern technology most practical difficulties can be overcome and even if this means incurring extra expense it will be money well spent if it results in doing the right thing by our precious wildlife.



Allan Bantick
Local Resident

17 DEC 2010

Planning Application No. 08/222/CP

-----Original Message-----

From: Helen Geddes [redacted]
Sent: Fri 17/12/2010 16:28
To: Andrew Tait
Subject: Boat Housing: Capercaillie Mitigation Plan

REPRESENTATION

ACKNOWLEDGED 21.12.10

Dear Andrew,

I am struggling to find reference to the current consultation on the capercaillie damage / mitigation management plans on the CNPA web site. I understand there is a consultation wrt Davall Developments plans for a major housing development, but this is not posted on the Planning sections of the CNPA web site.

I have however seen the map indicating the proposed mitigation measures and would like to make the following comments. Please can you lodge these at the meeting for 7th January and in the planning approval/refusal process.

I object to the proposed mitigation measures for the following reasons:-

1- The perimeter dog exercising path (shown in orange on the plan) is wholly inadequate for purpose. My reasons for stating this are that the dogs I meet being exercised (responsibly) around the village tend to be active gundog and collie types. These dogs require at least 40-60 minutes exercise per day which equates to a walk of some 4-5 km. If the owners of these dogs are to be encouraged to keep such dogs on leads at all times rather than free ranging (whilst still under control) fetching balls etc then these distances and times should be considered as minima.

2- The current loop to the north west is walked less at present than in the past, and I note that the paths to Loch Vaa are walked more frequently - closure of this path (shown as green on the plan) will have the effect of displacing more people to the Loch Vaa paths. I object to this closure.

3- The plan does not show the full range and number of paths and tracks within this woodland: consequently it can be of very limited assistance in assessing mitigation measures. This means the mitigation measures will not be competent. Any path closures are likely to be inadequate as given the nature of the terrain it is easy to walk around and form new desire lines.

4- In a village that relies heavily on solid fuel for domestic heating and in a climate of encouraging use of wood fuel, and with many residents competent users of chain saws etc the blocking of paths with felled trees will be a extremely limited duration!

5- The offer by Seafield Estate to open up areas of woodland remote from the paths is welcomed. However for the mitigation measures to be assessed for competence the extent and locations of these areas must be given. In the current draft they are omitted, again demonstrating this as an inadequate mitigation plan.

As a resident I find myself caught in a dilemma. I do support the provision of limited "social" housing for Boat of Garten village to meet the existing demand within the community council area (ie 6-10 units) and would like to see this retained as "social" housing.

I OBJECT to the over provision of such accommodation (ie more than 8-10 units), and object to the proposed total number of private houses in the proposed development. This development, if approved, changes Boat from being a tight nucleated settlement into a "lumpy" ribbon development that does not meet current housing policies (CNPA & Highland Council). I do not see an equivalent increase in local employment opportunities to support such an increase in residents. Boat already has close to 30% unoccupied houses and I object to the provision of more.

Your sincerely,
Helen Geddes

Cairngorms National Park Authority	
Planning Application No.	08/272/CP
REPRESENTATION	
S	ACKNOWLEDGED 20.12.10. JM

Firwood
Nethybridge
Inverness-shire
PH25 3DF

20 DEC 2010	
S PW	RECEIVED JM

Andrew Tait,
CNPA
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB

19 December 2010

Dear Sir,

**OBJECTION TO PROPOSED HOUSING DEVELOPMENT IN CRAIGIE WOOD
BOAT OF GARTEN - REFERENCE 08/272/CP.**

I write to record my objection to the proposed housing development in Craigie Wood, Boat of Garten for the reasons stated below.

My objections are based on 30+ years of involvement in managing the nearby Abernethy NNR as warden and Senior Site Manager during which time I developed an intimate knowledge of the ecology and natural history importance of the reserve including the native Scots pine woodland. I retired from the reserve in March 2010, but during my employment I was instrumental in setting up a methodology to record as many aspects of the natural history of the site to a) find out what was there and b) to ensure management of the site didn't damage any of the natural history importance. From recording my first bird on the reserve in 1976 through to finding a resupinate fungus which was new to the reserve just a few weeks ago I have continually added new species to the reserve database. I was also keen to involve experts in visiting the reserve to record species with which they were familiar, adding many species, over many years, to the reserve lists. I would therefore suggest that short surveys of a few days will not adequately inform CNPA of the importance of a site, particularly on the scale

of housing proposal in Craigie Wood. I would like to expand on this inadequacy below. Having seen the ecological report produced on behalf of the developer, I present my objections as follows.

Capercaillie

Despite the assertion by the developers that the woodland is "a plantation" it is good for capercaillie, and despite the current level of visits by walkers, dog walkers etc, the birds survive. However, to build houses actually within the woodland where they lek and breed, albeit on the "edge", the level of disturbance will increase with an inevitable impact on the capercaillie. When RSPB bought the Loch Garten area in 1975 there was a lek close to Loch Mallachie and females regularly nested in the adjacent woodland (Common Bird Census survey Stewart Taylor 1977 to 1987) both the lek and breeding birds disappeared when this became the main area frequented by visitors following the establishment of the reserve. Sadly, this is what will happen in the woodland close to the proposed development despite management aimed at keeping visitors on the tracks. The survey period to monitor this decline took 10 years at Loch Garten by which time it was too late to rectify the situation. A similar irreversible situation will develop once the houses are built. The creation of "new" paths from the development hasn't been addressed particularly when the Bracewell Stirling mitigation map doesn't show those that already exist. As a minimum, a full, longer-term survey of the distribution of this important capercaillie population should be undertaken, by suitably qualified surveyors.

Crested tit and crossbill

Neither species seems to have been surveyed properly. Crested tits are resident and would need to be surveyed for a number of breeding seasons to identify regular nesting areas within or adjacent to the proposed development site. Winter surveys would also be needed to establish whether the development site is important as a feeding or roosting area during the harshest time of the year. Crossbills on the other hand come and go depending on the crop of Scots pine cones. In a good cone year numbers increase and in poor cone years birds may be absent, therefore a single years survey will provide very little information on the importance of the proposed development site and surrounding woodland to Britain's only endemic bird species.

Mollusc species


I notice in the MBEC report a comment about "it is unlikely that either of these species is present" referring to the slugs *Limax cinereoniger* and *Malacolimax tenellus*. I know little about *L. cinereoniger* but have recorded many sites for *M.*

tenellus in Abernethy Forest. To find *M. tenellus* easily you would need to visit potential sites in the autumn fungi fruiting season when it can be found feeding on white coral fungus (*Clavulina cristata*). At other times you need to work hard to find the slug as it hides away under sections of deadwood lying on the forest floor. Before dismissing the slugs as not being present did the surveyors spend time searching suitable deadwood habitats which are well represented on the proposed development site?

Stipitate hydroid fungi

I think the MBEC statement in their report regarding "fungal surveys" shows a total lack of understanding of the importance of the Scots pine woodland (semi-natural and planted) in Strathspey for a group of rare fungi – the stipitate hydroids or tooth fungi. I am not a mycologist but I have developed a specialist skill in searching for and identifying fungi within this group, mainly in Abernethy Forest where 13 of the approximate 18 species which occur in the UK have been recorded. The main location for these fungi is along track-sides or in small borrow-pits (quarries) by the forest tracks these two habitats accounting for approximately 80% of all sites. Plough-lines have also proved suitable for fruiting. One of the biggest populations (currently known) of tooth fungi in the UK are to be found on a section of track in plantation woodland in Abernethy, details can be supplied if necessary. The annual survey involves walking each side of the track being surveyed. The survey has been carried out annually for the last 5 years, the minimum time I would suggest that is required to record some of the less regular fruiting species. These fungi are nitrogen sensitive and would be badly impacted in areas where dogs regularly relieve themselves. An increase in dog walkers will be an inevitable consequence of the proposed development. The British Mycological Society would also welcome details from MBEC Associates of the location of the oyster mushroom, a species which only has one record in the Strathspey area on the NBN Gateway map. I assume what was seen was *Pleurotellus porrigens*, casting a little doubt on the competence of the surveyors involved. It took 18 years of September visits by an expert mycologist to compile a reasonable list of the fungi within Abernethy Forest many of which occur away from tracks. Considering the proposed development would destroy a large area of established Scots pine woodland, a minimum requirement should be a full mycological survey of the woodland involved.

Whilst I agree that more affordable housing is needed in the local area to meet a limited, local need, destroying woodland to build them is not the right way to progress. Neither does it seem to be sensible to allow these destructive developments to progress without some element of independent survey work



covering at least a full growing and breeding season. I will be happy to provide additional information regarding my objections if you require it.

Yours sincerely

Stewart Taylor

Copy of letter in post.

Julie Millman

From: Guassa Gelada Research Project [REDACTED]
Sent: 20 December 2010 02:10
To: Andrew Tait; Planning
Subject: 08/272/CP Proposed Housing, Boat of Garten Wood

08/272/CP Proposed Housing, Boat of Garten Wood

08/272/CP Proposed Housing, Boat of Garten Wood	Cairngorms National Park Authority Planning Application No. 08/272/CP 20 DEC 2010 REPRESENTATION ACKNOWLEDGED 20.12.10
---	--

Dear Sir

08/272/CP Proposed Housing, Boat of Garten Wood

I strongly object to the above proposal for the reasons set out below.

It is inappropriate to put housing in high quality native woodland. As a graduate ecologist who grew up in the area, I am very familiar with Boat of Garten wood and the native wildlife it supports. I consider it to be a natural treasure which supports a great wealth of native pine wood species. The proposed development would irreversibly degrade the wood, and have severe consequences for the wildlife it supports and the landscape setting it provides. The Capercaillie population would be inevitably harmed both from increased disturbance and loss of the valuable buffer zone that protects its core habitat in the wood. The Capercaillie of this wood are of national value. They form a key component of the Strathspey population which is the most important population for Capercaillie conservation in Scotland. The impact of this development on the Capercaillie of Boat of Garten Wood will have negative consequences for conservation of the species in the nearby Special Protected Areas that were designated specifically for their value to Capercaillie. Capercaillie are a primary attraction for visitors to the area, including to the RSPB's caper hide watch, and their presence in Boat of Garten wood enhances the intrinsic value and uniqueness of the place. The proposed development would also impact on other charismatic native species that are of conservation significance.

Red squirrels and crested tits are frequently to be found in and around the proposed development site. The cairngorms population for these species is of national importance, as is recognised by the LBAP which cites the UK importance of the cairngorms populations as "High" for crested tits and "Very High" for red squirrels. This development site also provides excellent habitat for pinewood invertebrates and boasts a characteristic community of fungi and plants. Keystone species such as wood ants occur within the site. The lack of surveying for groups such as fungi is an inexcusable oversight, since this site provides habitat for a number of UK priority species that are known to occur there. The proposed development would inevitably lead to loss of habitat, as well as degradation of the forest surrounding the proposal site.

I do not perceive that there are benefits from the proposed development which in any way justify irreversibly damaging an asset as precious as Boat of Garten Wood. As a young person hoping some day to return to work in the Strath, I am as keen as any that there should be affordable housing available. However, this should be provided in an environmentally friendly and genuinely sustainable manner. The proposal is a far cry from how local housing needs should be met within the National Park and conspicuously lacks forward thinking. The addition of more second homes to the village is highly inappropriate and residency criteria should be applied. The location of the proposal in native pine wood permanently degrades the area's natural heritage and flies in the face of national conservation efforts for Capercaillie. The proposed mitigation is weak, ineffective and utterly unreliable. As such this proposal is an example of highly unsustainable development that has no place in the environmentally aware society we live in, much less within a National Park.

Yours sincerely

Sorrel Jones

Current address

c/o California State College, Fullerton

Guassa Gelada Research Project

Guassa

Ethiopia



Home address

Fiodhag, Nethybridge

Cairngorms National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
01.12.10

33 Vasart Court
Perth
PH1 5QZ

Cairngorms National
Park Authority
21 DEC 2010
RECEIVED

20th December 2010

Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Dear Sirs

08/272/CP Boat of Garten Wood housing proposals

The Cairngorms Campaign maintains its previous objection to this proposed development.

The Cairngorms Campaign further objects to the above proposal as it is in conflict with the founding aims of the National Park and contrary to policies contained within the recently adopted CNPA Local Plan for safeguarding landscape, retaining biodiversity, and protecting and enhancing native woodlands. Policies 3 and 4 of the new Cairngorms National Park Local Plan are inconsistent with this proposal, given existing knowledge on protected species within this wood.

The Scottish Planning Policy 2010 states: (146) "Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement."

Woodland provides an important part of the landscape setting to the village of Boat of Garten. The pinewoods of Strathspey support nationally significant biodiversity interests including, for example, the most important population in Scotland of the endangered capercaillie, the largest member of the grouse family. These woods are home to birds like crossbills and crested tits, mammals like red squirrels, and other special and protected species referred to in the Cairngorms Local Biodiversity Action Plan; they are also on the Scottish Biodiversity List. These pinewoods should be treasured for the benefits they provide and not subject to development detrimental to the interest of future generations.

We consider that tourism in protected areas depends on maintaining a high quality of environmental and cultural conditions: in this case that relates not only to the woodland itself but to the built environment, both of which are recognised as contributing to the special qualities of the National Park. Adding a relatively large housing estate to the periphery of the village in the form of an unsympathetic expansion into native woodland is not consistent with high quality development.

This proposal, if approved, would irreplaceably damage the environmental capital; it is not worthy of the Cairngorms National Park and should be refused.

Yours sincerely

Dr Iain A. Robertson

Acting Convener, Cairngorms Campaign

Julie Millman

From: Andrew Tait
Sent: 22 December 2010 08:37
To: Julie Millman
Subject: FW: BOat of Garten Development
Attachments: Boat of Garten Buglife Objection.pdf

Scottish Planning Authority
Planning Application No. 08/272/CP
REPRESENTATION
ACKNOWLEDGED 22.12.10 by email

From: Matt Shardlow
Sent: 21 December 2010 18:13
To: Andrew Tait
Subject: BOat of Garten Development

Scottish Planning Authority
22 DEC 2010
PWS RECEIVED JM

Dear Andrew

Please find attached our objection to the planning application relating to Boat of Garten. Please consider this in your current deliberations.

Yours sincerely

Matt

Matt Shardlow
Chief Executive

Buglife - The Invertebrate Conservation Trust
First Floor
90 Bridge Street
Peterborough
PE1 1DY

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Caledonians National Park Authority
Planning Application No. 08/272/CP
REPRESENTATION
ACKNOWLEDGED 22.12.10 by email



Andrew Tait
CNPA Planning Office
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire,
AB35 5QB

Caledonians National
Park Authority
22 DEC 2010
PWS RECEIVED JM

Balholm House, 24 Allan Park
Stirling, FK8 2QG

21 December 2010

Dear Mr. Tait,

**Objection to Proposed Housing Development In Craigie Wood, Boat of Garten.
Ref: 08/272/CP**

We object to the proposed development in Craigie Wood on the following grounds:

Loss of native woodland. The proposal affects a significant area of Caledonian pine forest. This is a rare habitat of incredible importance for the conservation of biodiversity.

Slender ground hopper. This is the only confirmed site for the Slender ground hopper (*Tetrix subulata*) in Scotland. To lose it would be an environmental tragedy, there seems to be uncertainty about the potential impacts of the development on this species, making a decision in light of this uncertainty would be neglectful.

Inadequate information. The presence of the Slender ground hopper and records from nearby woodland of a range of endangered and UK BAP Priority species including the Pine hoverfly (*Blera fallax*), Cousin German (*Protolampra sobrina*) and the Caledonian sac-spider (*Clubiona subsultans*) indicate that the site has the potential to support many endangered animals. However there have not been sufficient surveys done to establish the level of significance of the site. Given the likely very high significance to biodiversity this lack of data is unacceptable, as is the suggestion that further surveys could be done after granting planning permission. This would be against all the principles of impact assessment.

In summary under the Nature Conservation (Scotland) Act 2004 the planning authority has a duty to further the conservation of biodiversity. All the indications are that granting permission would be contrary to this duty, and in any case granting permission on the basis of the data presented would indicate a disregard for the natural heritage of the region.

Yours sincerely



Craig Macadam
Conservation Officer (Scotland)

President - Germaine Greer Vice-Presidents - Nick Baker and Edward O Wilson Chairmen - Alan Stubbs Director - Matt Shardlow
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