AGENDA ITEM 7

APPENDIX 2

2021/0112/DET

HABITATS REGULATIONS APPRAISAL

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2021/0112/DET, reconfiguration of existing car park and provision of infrastructure for camper van overnight facility including perimeter fencing, gating, rubbish collection point, fresh water supply and chemical toilet/waste water collection point in undergrounded sealed tank that will be regularly emptied and disposed of off-site.			
Appraised by	Nina Caudrey, Planning Officer			
Date	29 April 2021			
Checked by	Sally Mackenzie, Conservation Officer			
Date	29th April 2021			

INFORMATION

European site details

Name of European site(s) potentially affected

Cairngorms SPA

Qualifying interest(s)

Breeding: capercaillie

dotterel

golden eagle

merlin

osprey

peregrine

Scottish crossbill

Conservation objectives for qualifying interests

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

Population of the species as a viable component of the site

Distribution of the species within site

Distribution and extent of habitats supporting the species

Structure, function and supporting processes of habitats supporting the species

No significant disturbance of the species

APPRAISAL

STAGE I:

What is the plan or project?

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

Reconfiguration of existing car park and provision of infrastructure for camper van* overnight facility including perimeter fencing, gating, rubbish collection point, fresh water supply and chemical toilet/waste water collection point in undergrounded sealed tank that will be regularly emptied and disposed of off-site.

*Although the application title refers to "camper van" overnight facility, the supporting documents clarify that this refers to motorhome users and campervans with cassette toilets. Campervans without toilets, caravans and tents will not be permitted. Therefore in this HRA the term 'motorhome' is used to describe the proposed use by motorhomes and campervans with cassette toilets

The proposed overnight motorhome parking facility will be situated on an existing surfaced car park. Parking there is unrestricted and so is already used by people in motorhomes, campervans and other vehicles, parking both during the day and overnight.

Cairngorm Mountain have collected data on overnight usage of their car parks over 6 years, presented in the visitor management plan accompanying the planning application. This has helped inform the HRA.

STAGE 2:

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

No.

STAGE 3:

Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?

Capercaillie: YI	ES there is a risk of LSE from long term disturbance effects arising during use
of the overnight p	parking, through the potential for a small proportion of the people to recreate
along the route	

into and through woods known to be used by capercaillie for lekking and breeding. This route is however indistinct,

crossing rough and wet terrain, so is unlikely to appeal to many people looking to explore the area surrounding the motorhome overnight parking area, particularly as there are other, more accessible and appealing routes leading directly from the existing car park/proposed motorhome overnight facility.

The route is known to be used by hillwalkers (Forestry and Land Scotland advice, pers comm 21 April 2021). Strava data from 2018 confirms that it is regularly used for recreation, as shown by the 'heat' map of routes recorded by Strava users in 2018 in and around the Glenmore and Cairngorm area (the route is shown in purple on the below figure, with Strava route data shown in varying shades of purple, the brighter and more obvious the purple line indicating the more times that route has been recorded by Strava users during that year). Nonetheless, further consideration of the potential risk of additional or different disturbance occurring on the route through use of the overnight motorhome parking facility is required.



In relation to other routes in capercaillie forests in the wider area, it can be seen from the Strava 'heat' map figure that there is a significant level of existing use, focussed around promoted paths and locations. While people using the proposed overnight motorhome parking may add to this, they are unlikely to all go to the same place to recreate at the same time. There is no reason to believe that overnight motorhome facility users would undertake different types or timings of activities to existing users either. So the addition of some extra people visiting areas of existing use doing what existing users are doing should not add significantly to existing levels of disturbance to capercaillie. Therefore, the formalisation of the overnight use of the existing Ciste car park into a restricted numbers overnight motorhome facility would not significantly add to or change the level of human activity or patterns of recreation already associated with use of the existing path networks accessed from the Glenmore and surrounding area. As a result, recreation activity undertaken in the wider area is not considered further, as it is not likely to have a significant effect on capercaillie.

Dotterel, golden eagle, merlin, osprey, per	egrine, Scottish crossbill: NO LSE as the
habitats used by these species are not directly affo	ected by the proposed development. Only
Scottish crossbill are likely to rely on the woods	, however they are a tree
canopy nesting species so would not be disturbed	by people using the route described above.

STAGE 4:

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

Distribution of the species within site

The distribution of the species within the site is unlikely to be affected as no off-path activity is expected to arise as a result of the proposed development. Therefore this conservation objective will be met.

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

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

No significant disturbance of the species

See **Annex I** for assessment. Provided the below mitigation measures are implemented, then there should not be significant additional disturbance to capercaillie over and above what is already occurring through use of the route. Therefore this conservation objective can be met. The mitigation measures are:

- Perimeter post and rail fence as marked on the site layout plan to be in place prior to the car park being used for booked overnight motorhome stays, and maintained in perpetuity while the motorhome overnight parking is in operation. The specification and location of the fencing to be agreed with CNPA prior to installation.
- Interpretation panels with information about the sensitive ecology of the area and
 promoting walking routes that can be accessed from the proposed motorhome overnight
 parking area to be in place prior to the car park being used for booked overnight
 motorhome stays, with the location and information on the panels to be agreed with CNPA
 prior to installation.
- Signage within the motorhome parking area to existing walking routes to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the signs to be agreed with CNPA prior to installation.
- Online information to be in place on the booking site and Cairngorm Mountain website about the sensitive ecology of the area and promoting walking routes that can be accessed from the proposed motorhome overnight parking area to be in place prior to the car park being used for booked overnight motorhome stays, with the content to be agreed with CNPA prior to uploading (it should be possible to use the same information as agreed for the interpretation panels).

Population of the species as a viable component of the site

As the other conservation objectives can be met with the mitigation included in the proposal supplemented as described above, the population of capercaillie should not be affected and so this conservation objective will be met.

In conclusion, the mitigation measures identified above (perimeter fencing, interpretation panels, signage, online information) reduce the risk of additional disturbance from people from the proposed motorhome overnight parking facility using the route to a minimal level, so that all the conservation objectives can be met.

STAGE 5:

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

- I) Provided the mitigation measures below are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity for the Cairngorms SPA. The mitigation measures to minimise the potential for effects caused by disturbance to capercaillie are:
 - Perimeter post and rail fence as marked on the site layout plan to be in place prior to the car park being used for booked overnight motorhome stays, and maintained in perpetuity while the motorhome overnight parking is in operation. The specification and location of the fencing to be agreed with CNPA prior to installation. [Reason: To discourage people from undertaking off path activities or increasing use of routes connected to sensitive habitat, therefore minimising the potential for disturbance likely significant effects on capercaillie in the Cairngorms SPA.]
 - Interpretation panels with information about the sensitive ecology of the area and promoting walking routes that can be accessed from the proposed motorhome overnight parking area to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the panels to be agreed with CNPA prior to installation. [To raise awareness and encourage responsible behaviour by users of the overnight parking, and to promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for disturbance likely significant effects on capercaillie in the Cairngorms SPA.]
 - Signage within the motorhome parking area to existing walking routes to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the signs to be agreed with CNPA prior to installation. [To raise awareness of and promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for disturbance likely significant effects on capercaillie in the Cairngorms SPA.]
 - Online information to be in place on the booking site and Cairngorm Mountain website about the sensitive ecology of the area and promoting walking routes that can be accessed from the proposed motorhome overnight parking area to be in place prior to the car park being used for booked overnight motorhome stays, with the content to be agreed with CNPA prior to uploading (it should be possible to use the same information as agreed for the interpretation panels). [To raise awareness and encourage responsible behaviour by users of the overnight parking, and to promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for disturbance likely significant effects on capercaillie in the Cairngorms SPA.]

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

Q1: This and Q2 are included as screening questions to filter out any developments that aren't likely to have changed levels or patterns of recreation.

Yes. It would result in a **reduction** in the numbers of motorhomes and campervans that currently use the area overnight in an **uncontrolled** way during the opening months of May to October. Such users have been increasing in number over recent years, as shown by the table below (numbers of overnight stays per car park taken from the applicant's visitor management plan, with percentage usage by car park information added).

[Note that 2020 data is not considered to be completely representative due to the effects of the covid-19 restrictions changing patterns of use, so 2020 data is not used in further calculations for that reason. In the below table however, it does demonstrate a continued demand for overnight stays and preference for people to use the Ciste car park over other car parks.]

Year	Coire Cas (upper)			Coire Cas (lower)		na Ciste	Sugar	bowl	totals
2015	185	22%	87	10%	492	58%	87	10%	854
2016	305	21%	283	19%	754	52%	116	8%	1463
2017	385	23%	315	19%	736	45%	209	13%	1645
2018	541	27%	378	19%	806	40%	293	14%	2023
2019	531	27%	95	5%	1119	56%	237	12%	1987
2020	766	28%	17	1%	1659	61%	212	8%	2739

Using data from the visitor management plan, the number of overnight stays per month for all the car parks can be calculated as a percentage per month over a year by averaging it over 5 years of data (2015 - 2019). This works out which months are the peak months of overnight activity. The data shows that June to September are the busiest months, with May also being one of the busier months on two occasions.

% of total	vearly	overnights	hv	month	over 5	vears
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Month	2015	2016	2017	2018	2019	5 year average % per month
January	3%	5%	2%	4%	6%	4%
February	6%	8%	2%	2%	5%	5%
March	2%	7%	6%	2%	4%	4%
April	5%	7%	5%	5%	8%	6%
May	9%	8%	13%	13%	5%	9%

June	9%	10%	7%	13%	11%	10%
July	20%	20%	17%	18%	18%	19%
August	22%	15%	28%	22%	21%	22%
September	13%	10%	10%	7%	10%	10%
October	9%	7%	5%	8%	4%	7%
November	2%	2%	2%	2%	4%	2%
December	1%	1%	3%	4%	4%	3%

The 5 year average percentage per month can then be applied to the total number of stays recorded in the Ciste car park per year, to estimate the predicted number of stays per month in the Ciste car park. This shows that peak months for the Ciste car park are May to September, with April and October increasing in popularity in more recent years.

Estimated of	number of ove	rnight stave at	Ciste car park	y by month	
			rage % of stays		ta
Month/Year	2015	2016	2017	2018	2019
January	20	31	30	33	45
February	23	35	34	37	52
March	21	32	31	34	48
April	29	44	43	47	65
May	46	71	69	76	105
June	50	77	75	82	114
July	92	141	138	151	209
August	107	163	160	175	243
September	48	74	72	79	110
October	32	49	48	53	73
November	П	17	17	19	26
December	13	20	20	21	30

Currently numbers staying at the Ciste car park are uncontrolled, and anyone staying overnight can park where they like (including anecdotally on vegetated areas outwith the surfaced car park), roam around the surrounding area without any monitoring of their behaviour, awareness of the ecological sensitivities of the area or direction from signage to appropriate routes.

Without the proposed motorhome overnighting facility, this uncontrolled/uninformed use of the wider area would continue, with numbers predicted to increase in future years due to the increasing popularity of motorhoming/campervaning.

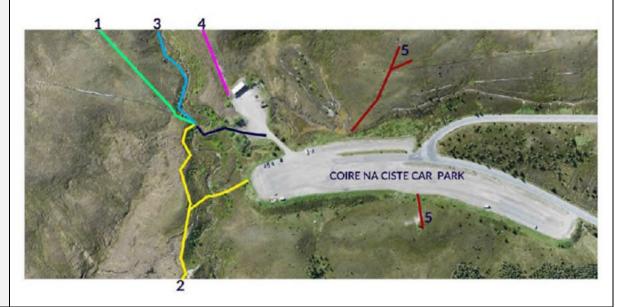
Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?

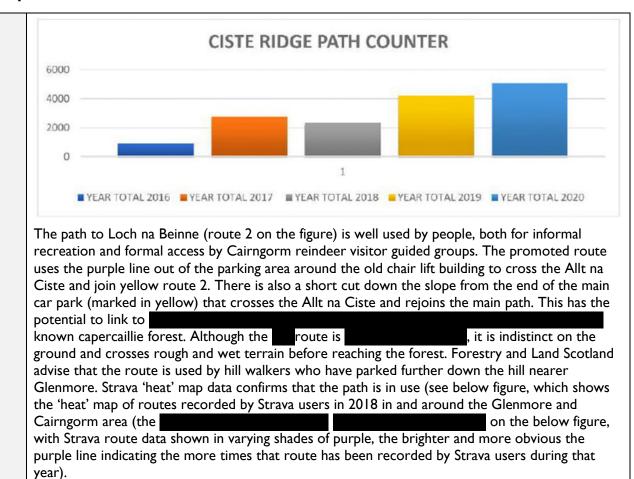
Q2: This is included to ensure the effect of otherwise small-scale development sites particularly close to capercaillie woods are adequately considered. Evidence from settlements in Strathspey where houses are adjacent to woodlands indicates that networks of informal paths and trails have developed within the woods linking back gardens with formal path networks and other popular local destinations (eg primary schools). Such paths are likely to be used by visitors.

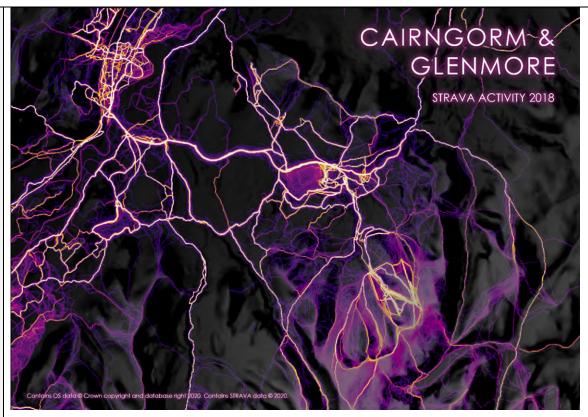
Yes and no. Capercaillie woods are more accessible from the proposed development site than other car parks on the mountain, but not significantly more so. There is a potential link into and through the

capercaillie forest) that requires particular consideration.

Data from the people counter on the Ciste ridge path (monitored by Cairngorm Mountain rangers, marked as route I on the below figure taken from the applicant's visitor management plan) shows a gradual but marked increase in the number of people using the route between 2016 and 2019 – see graph below the figure (but note that 2020 data is not representative due to path works going on in the vicinity triggering the counter). There is no reason why this increase would not continue in future. It is reasonable to assume that this pattern of increased use has occurred on other routes marked on the map, due to the general increase in overnight visits to the car park areas (see table above).







The perimeter fencing proposed for the motorhome parking area would discourage use of the short cut from the car park and so exploration as a sit would funnel people onto the Loch na Beinne path. So they are more likely to continue to follow the easier and more appealing route across the plateaux than go off path to try and find the indistinct and rough route.

Other existing paths head up the hill from the car park, away from the sensitive capercaillie forest, for example the route along the Allt Coire na Ciste (route 3), old Ciste chairlift path (route 4) and the short walks to Ciste car park viewpoints (routes 5). Their continued use would not affect capercaillie as they are sufficiently far away from the forest and heading in the opposite direction. However signage and promotion of them as walks would help divert people away from the OS route along Allt na Ciste that connects to sensitive capercaillie forest.

If Q1 & Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here

If Q1 or Q2 = Yes, continue to Q3

Q3. Which capercaillie woods are likely to be used regularly for recreation by users of the development site at detectable levels? (list all)

Q3: This is included to identify which capercaillie woods are likely to be used for recreation by users of non-housing development sites at levels that would be detectable. The answer will be assessed using professional judgement based on knowledge of existing patterns of recreation around settlements and in the local area, the relative appeal of the capercaillie woods concerned compared to other recreational opportunities in the area, the volume of recreational visits likely to be generated by the development site, and informed by national survey data (eg on the distances people travel for recreational visits).

The woods considered to have connectivity to the proposed development are those between the proposed development site and Glenmore The wood is part of the Cairngorms SPA for capercaillie.

Information from Forestry and Land Scotland confirms the use of the woods for lekking and breeding capercaillie:

increased human use.

So the woods are particularly sensitive to

Continue to Q4

Q4. Are residents / users of this development site predicted to undertake any off path recreational activities in any of the woods identified at Q3 at detectable levels?

Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.

Although unlikely, it is not possible to rule out potential random infrequent use by motorhome people who spot the route and decide to try and follow it.

However, advice from Forestry and Land Scotland is that the route is already used by hill walkers (so there is an existing level of disturbance in the woods), but that the route is fairly wet/rough, so while hill walkers are happy to use it, casual walkers may not want or be equipped to. There are also several alternative, more appealing routes in the vicinity for casual walkers, as shown on the figure in question 2.

There is currently nothing to stop existing users of the car park that is proposed as the gated motorhome overnight parking from wandering onto the route and then into the woods.

Nonetheless, due to the sensitivity of the woods, it would be beneficial to have mitigation in place to minimise the low risk of motorhome people spotting the route and trying to go from the motorhome parking to find it. (Eg the proposed perimeter fencing to reduce the risk of people wandering outwith the parking area to find the route, online information and signage highlighting the sensitivity of the area as well as promoting and directing people to more appealing alternative

routes as shown in the figure in question 2.)

If Q4 = No for any woods, continue to Q5

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

Q5: Are each of the woods identified at Q3 already established locations for recreation?

Q5: This is included because if users of the development site are likely to access previously infrequently-visited capercaillie woods, or parts of these woods, for recreation, significant disturbance is likely and mitigation is needed. This will be answered on the basis of professional knowledge.

Yes. The route is used by hill walkers according the Forestry and Land Scotland. This is confirmed by Strava data shown in question 2. Therefore the route is already an established location for recreation activity. However the wider woods are not, and so it is important to avoid this from occurring by reducing the risk of people staying at the motorhome parking following the route.

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

If Q5 = Yes for any woods, continue to Q6

Q6: For each of the woods identified at Q3, are users of the development site predicted to have different temporal patterns of recreational use to any existing visitors, or to undertake a different profile of activities? (eg. more dog walking, or early morning use)

Q6: This is included because some types of recreation are particularly disturbing to capercaillie; and increased levels of these types of recreation will cause significant disturbance and require mitigation. This will be answered on the basis of professional knowledge on existing patterns of recreational use and whether each location is sufficiently close and/or convenient in relation to the development site and patterns of travel from there, to be used by users of the development for different recreational activities or at different times of day. For example, capercaillie woods with safe routes for dogs that are located close to development sites are

No. The route is already used by hill walkers and others for recreation, which for hillwalking in particular will involve early mornings and evening use to get on and off the hills. People overnighting at the motorhome parking will not change the existing temporal pattern of use.

It is unlikely that people using the motorhome overnight parking will try to find the route for first thing/last thing dog toileting/exercising, when there are closer, more convenient and more easily accessible routes in the vicinity of the parking. Some existing users of the route will be accompanied by dogs. So people overnighting at the motorhome parking will not change the profile of use.

likely to be used for early morning &/or after work dog walking.

If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7

If Q6 = No for any woods, continue to Q7

Q7: For each of the woods identified at Q3, could the predicted level of use by residents / users of the development site significantly increase overall levels of recreational use?

Q7: This is included because a significant increase in recreational use could result in significant disturbance to capercaillie, even in situations where the capercaillie wood is already popular for recreation, and no changes to current recreational patterns / activities or off path activities are predicted. The answer was assessed on the basis of professional judgement of current levels of use and whether the increase is likely to be more than approximately 10%.

No. The route is already in use. There are other alternative, more accessible and appealing routes in the vicinity of the motorhome parking for motorhome people to make use of, so it is highly unlikely that motorhome people will seek out the route. Even accounting for random people doing so, this is unlikely to increase the usage by 10%.

If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here

If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed

Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?

Yes, mitigation is required to discourage use of the route by people overnighting at the motorhome parking.

Some measures proposed in the visitor management plan would help divert people away from the short cut down the slope (the post and rail perimeter fence), ensure people were aware of the sensitive ecology of the area (online information seen at time of booking, as well as onsite interpretation panels), and promotion of alternative existing routes well away from the sensitive capercaillie woods (online information seen at time of booking, as well as onsite interpretation panels). The information on the interpretation panels and online (the same information could be used) should not be specific about the sensitivities to avoid drawing attention to them (which runs the risk of people seeking them out), and should include a map and route information for promoted walks in the area. It will need to be agreed with CNPA and in place before the site is in use.

Additional mitigation is required in the form of signage that relates to route information on the
interpretation panels, such as 'walking route X this way', 'viewpoint walk this way' signs in the
parking area, to direct people from the outset to the promoted routes. Again, to be agreed with
CNPA and in place before the site is in use.

Potential additional mitigation that has been discounted was to close the automatic barriers to the other (Corrie Cas) car parks overnight, to prevent overspill occurring in those car parks from people who either didn't realise they had to book or don't want to pay. However, this has been discounted due to health and safety implications for hillwalkers and rescue services not being able to access or leave the hill overnight. Those car parks are located further away from the sensitive capercaillie woods with no direct route to them, so an increase (additional to the existing increase shown in the data collected since 2015) in use of those car parks by unbooked motorhome users/those unwilling to pay to use the proposed Ciste motorhome overnight facility is unlikely to affect the capercaillie wood. Nonethless, continued monitoring of any change in levels of use of the Corrie Cas car parks is recommended, along with continued ranger monitoring of behaviour. This could help inform management of the wider Cairngorm mountain site as well as future planning applications.

Reasons mitigation needed:

To reduce the risk of increased use of the route as much as possible, to avoid increased activity in sensitive capercaillie woods over and above existing levels of activity.

The mitigation required for HRA purposes, as conditions of any permission granted, is:

- Perimeter post and rail fence as marked on the site layout plan to be in place prior to the car park being used for booked overnight motorhome stays, and maintained in perpetuity while the motorhome overnight parking is in operation. The specification and location of the fencing to be agreed with CNPA prior to installation. [Reason: To discourage people from undertaking off path activities or increasing use of routes connected to sensitive habitat, therefore minimising the potential for likely significant effects on capercaillie habitat in the Cairngorms SPA.]
- Interpretation panels with information about the sensitive ecology of the area and promoting walking routes that can be accessed from the proposed motorhome overnight parking area to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the panels to be agreed with CNPA prior to installation. [To raise awareness and encourage responsible behaviour by users of the overnight parking, and to promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for likely significant effects on capercaillie habitat in the Cairngorms SPA.]

- Signage within the motorhome parking area to existing walking routes to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the signs to be agreed with CNPA prior to installation. [To raise awareness of and promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for likely significant effects on capercaillie habitat in the Cairngorms SPA.]
- Online information to be in place on the booking site and Cairngorm Mountain website about the sensitive ecology of the area and promoting walking routes that can be accessed from the proposed motorhome overnight parking area to be in place prior to the car park being used for booked overnight motorhome stays, with the content to be agreed with CNPA prior to uploading (it should be possible to use the same information as agreed for the interpretation panels). [To raise awareness and encourage responsible behaviour by users of the overnight parking, and to promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for likely significant effects on capercaillie habitat in the Cairngorms SPA.]

While not necessary for HRA purposes of the current application, continuation of the existing monitoring of use of all the car parks (monthly data collection on overnight usage, identification of litter, fire, toileting and other issues, customer engagement by Cairngorm Mountain rangers) would be beneficial to address unexpected issues and inform management of the wider Cairngorm mountain site going forward. This would also need to be conditioned. [Reason: To ensure that unexpected effects do not occur as a result of the creation of the formal motorhome overnight parking facility.]