

# AGENDA ITEM 5

## APPENDIX 2

2014/0390/DET

# HABITATS REGULATION ASSESSMENT

# Cairngorms National Park Authority

## Habitats Regulations Assessment

20/05/2015

2014/0390/DET Delmhor Staff Houses

### Introduction

This is a record of the assessment under regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for the planning application 2014/0390/DET made by Cairngorm Properties Ltd. The development is for the erection of 5 additional houses within the existing development of Staff Houses, Delmhor, Coylumbridge. Staff houses comprises of 7 existing properties, recently refurbished, within the settlement of Coylumbridge on the B970. This proposal is to build an additional 5no 3-4 bedroom houses adjacent to this existing Staff Houses.

The proposal will involve the loss of 20 semi-mature and mature trees which include Scots pine, spruce, cypress and birch. The development has been designed to minimise the loss of trees, and the trees highlighted for removal are those which fall directly under the footprint of proposed houses and gardens. The majority of trees are to be retained, maintaining a corridor of mature trees adjacent to the B970 and woodland edge on the southern side of the development. This level of tree loss is not expected to significantly affect the woodland resource of the area or the connectivity of woodland habitat. Woodland planting is proposed to replace trees loss and provide habitat enhancement by increasing the tree species diversity of the woodland within the proposal area.

### Background to the assessment

The principal documents which have been taken into account for this assessment are:

- Site Plan PL101
- Location Plan PL100
- Design, Access & Sustainability Statement, November 2014
- Confidential reports and surveys on capercaillie distribution in Rotheimurchus, Inshriach, Abernethy and Craigmore Wood. (T.Poole, FCS and RSPB 2013)\*

\* Within this report the details of locations of capercaillie and their Lekking sites is generalised and the surveys above are not within the public domain. This is to protect the birds from possible disturbance that may result from this information being widely distributed. Consultees have been given access to all information.

### Table I. Stages of Assessment

Stages of Assessment	
Stage I	Decide whether proposal is subject to HRA

<b>Stage 2</b>	Identify Natura Sites that should be considered and gather information about the Natura Sites
<b>Stage 3</b>	Consultation on the method and scope of the appraisal with SNH and others. Request additional information from applicant if required.
<b>Stage 4</b>	Screening the proposal for likely significant effects on Natura sites including mitigation measures included within the proposal
<b>Stage 5</b>	Screen for “in combination effects” with other plans or projects
<b>Stage 6</b>	Appropriate Assessment to determine effect upon conservation objectives. Preliminary conclusion about adverse effect upon the integrity of any site.
<b>Stage 7</b>	Consultation with SNH (and others if considered appropriate)
<b>Stage 8</b>	Apply additional mitigation measures, if required, via conditions or agreements to ensure that there is no adverse effect on site integrity
<b>Stage 9</b>	Conclusion on Integrity test
<b>Stage 10</b>	Regulation 49 derogation procedures. This only applies if adverse effects remain and Competent Authority still wishes to approve the application

## **Stages 1-5 describing the Natura sites and Screening**

The proposed development is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to assessment under the terms of Directive 92/43/EEC.

### **Stages 2: Identification of Natura Sites and gathering their details**

The list below is those sites that have been taken forward to screening for likely significant effects. See Appendix I for details on each site and its qualifying features.

Other sites were considered but have not been taken forward. For example, River Spey SAC and Cairngorms SAC.

### **Special Protection Area (SPA)**

Cairngorms SPA  
Abernethy SPA  
Kinveachy SPA  
Craigmore SPA  
Anagach SPA

**Stage 3: Discussions on the method and scope of the appraisal and requests for additional information**

No additional information was deemed necessary.

SNH were consulted for their advice as to the scope of the appraisal on the 20<sup>th</sup> May 2015.

**Stage 4: Screening the proposal for likely significant effects**

No likely significant effects were found.

**Table 3. Screening for LSE from Staff houses, Coylumbridge development**

<b>Cairngorms SPA</b>					
<b>Qualifying Feature Affected</b>	<b>Possible effect of development</b>	<b>Likely significant effect</b>	<b>Duration</b>	<b>Screening assessment</b>	<b>Screening outcome</b>
Capercaillie	Increase in recreational activity within Cairngorm SPA from residents of new development. This is a direct effect.	Disturbance to lekking, brood rearing and feeding habitats from recreational activity	Permanent	<p>A small increase in use of the SPA which lies 160m from the site. This SPA already attracts 500,000 visitors per annum. The area is well managed by FCS and Rothiemurchus to minimise possible effects by visitors through encouraging use of promoted paths which are out with key habitat and lekking sites.</p> <p>Lek sites around SPA are generally remote or in quieter areas away from footpaths. However two are &lt;100m from footpaths. Brood rearing habitats more extensive though generally away from busy areas. Well established footpath network around SPA means that informal paths are unlikely to be developed. River Luineag blocks easy access from Ski road, except at few key points on promoted trails routes. FCS manages woodland to benefit capercaillie. Both FCS and Rothiemurchus manage visitor access through signage, path location and other promotion to avoid key areas for birds.</p> <p>Additional 5 houses in an already developed area (equates to an additional 10-20 people) is unlikely to have an effect over and above the existing</p>	<b>No effect</b>

				levels of recreation, despite proximity to SPA.	
	Increase in recreation in other SPAs that support capercaillie	A reduction in productivity in neighbouring SPAs, reducing the viability of the meta population through decreased migration and increased habitat fragmentation. This could have an effect upon the Cairngorms SPA	Permanent	<p>Abernethy Forest (6.5km away) – potential small increase in occasional use of western side of SPA at weekends including with dogs. This part of the SPA already attracts approximately 40,000 visitors per annum to visitor centre. The area is managed by RSPB to minimise effects by visitors, as far as possible, through encouraging use of promoted paths which are out with key habitat and lekking sites. The RSPB currently deploys Trail Wardens to raise awareness of these issues with a particular emphasis on dog ownership and recreation. Lodge road is closed to vehicular traffic early in mornings during lekking season. The effects are considered to be general and largely on brood rearing habitat. However there are two lekking sites within 100m of main paths. Effect from additional occupants of 5 houses 6.5km away not likely to have an effect.</p> <p>Anagach Woods (20km away) - SPA is already well used from Grantown residents (circa 2,200). Distance from development means this SPA is unlikely to be a significant target destination. Increase in users is very unlikely to be significant. Woodlands already have well used promoted paths with signage about caper requesting responsible access. However this population has low productivity and site is considered a 'sink'. Likely access points to woodlands mostly away from key caper areas. Effect from additional occupants of 5 houses 20km away not likely to have an effect.</p> <p>Craigmore Wood (15km away) - this SPA is not a popular destination with one promoted path</p>	<b>No effect</b>

				<p>which skirts southern edge and no core paths. The proposal unlikely to generate significant increase in users to paths; distance from development means it is unlikely to be a significant target destination. RSPB management strategy is to keep numbers low by promoting other less sensitive areas and not promoting access and car parking. Effect from additional occupants of 5 houses 15km away not likely to have an effect.</p> <p>Kinveachy Forest (3.5km away) – This SPA is relatively close to the proposal, however walking or cycling through Aviemore is less attractive than using adjacent areas and this is likely to limit the overall increase to well below that expected for this distance. There is a well-developed estate path and track network which is used by walkers. Cyclists are largely kept away from the SPA from Aviemore side because of large deer fence that is crossed by stiles rather than gates. Alternative routes through Craigellachie NNR are well promoted and may ‘intercept’ significant proportion of potential walkers from the proposal. NCN7 runs below Kinveachy face outwith of SPA in this area. As above, increase in occupancy from additional 5 houses not likely to have an effect.</p>	
	<p>Increase in recreation within Coylumbridge woods (Non SPA) from residents of new development. This is an indirect</p>	<p>Reduction in productivity within Coylumbridge woodland population reducing the viability of meta-population though decreased migration and in effect increased habitat fragmentation</p>	<p>Permanent</p>	<p>Glenmore/Rothiemurchus – non designated woodland around the settlement is not core habitat frequently used by capercaillie.</p> <p>Pityoulish – recent inspection shows no evidence of use of these woods by capercaillie. Infrequent migratory use may occur.</p>	<p><b>No effect</b></p>

	effect.				
	Loss of trees within the proposal area	Disruption to woodland connectivity between SPA and non-SPA woodland	Permanent	<p>Removal of groups of trees or larger areas of woodland has the potential to reduce habitat connectivity for capercaillie, thus reducing their ability to move between different patches of habitat.</p> <p>The proposed development will require the loss of 20 trees immediately adjacent to existing houses and within a developed area.</p> <p>This loss will have no effect upon the resource and connectivity for capercaillie because they do not use this part of the woodland.</p>	<b>No effect</b>
	Construction activity	Disturbance from construction on site and use of B970 for construction traffic	Temporary	Development taking place 160m from edge of SPA, but is remote from main lekking and brood rearing areas. The development lies within an existing settlement area that also experiences high numbers of visitors and traffic.	<b>No effect</b>
Scottish Crossbill	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that species affected by disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	<b>No effect</b>
Osprey	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by Rothiemurchus Estate. General recreation managed by FCS and Rothiemurchus to encourage recreational access to promoted paths away from nest sites.	<b>No effect</b>



Dotterel	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development of 5 additional houses is not likely to have an effect.	<b>No effect</b>
Golden eagle	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development to the SPA is likely to be very small and restricted to walkers and a few cyclists. Eagle nests are already in view of footpaths so some habituation is likely. The number of visits generated by additional 5 houses not likely to have an effect.	<b>No effect</b>
Merlin	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are in remote upland sites in heather moorland. The number of visits from 5 additional houses is not likely to have an effect.	<b>No effect</b>
Peregrine	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are usually on inaccessible cliff faces away from footpaths, though sometimes within sight. Tolerance to people varies between individual birds but habituation is significant in other sites near to Aviemore. The number of visits from 5 additional houses is not likely to have an effect.	<b>No effect</b>

<b>Kinveachy Forest SPA, Abernethy SPA, Craigmore Wood SPA, Anagach Woods SPA</b>					
<b>Qualifying Feature Affected</b>	<b>Possible effect of development</b>	<b>Likely significant effect</b>	<b>Duration</b>	<b>Screening assessment</b>	<b>Screening outcome</b>
Capercaillie	Increase in recreation in Cairngorm SPA, increased disturbance reducing productivity and subsequently a reduction in dispersal rate to these SPAs.	A reduced dispersal of birds from Cairngorm SPA into these SPAs, thus reducing the viability and productivity in these SPAs.	Permanent	Above screening for the Cairngorms SPA shows no effect, therefore there cannot be an indirect effect on these SPAs from the development.	<b>No effect</b>
Scottish crossbill	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that species affected by disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	<b>No effect</b>
Osprey	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by RSPB. General recreation managed by RSPB to encourage recreational access to promoted paths away from nest sites.	<b>No effect</b>

### **Stage 5: In-combination effects**

There are no Likely Insignificant Effects (Minor Residual Effects) identified during the screening process, therefore there are no in-combination effects.

## **Stages 6–10 Assessment and Conclusions**

### **Stage 6: Appropriate Assessment**

The proposals have been screened in Stages 4 and 5. It was found that there were no likely significant effects upon the qualifying interests of Nature sites. As such, an Appropriate Assessment was not deemed necessary.

### **Stage 7: Consultation**

This is the consultation draft and will be followed up with a final response prior to determination.

### **Stage 8: Additional mitigation**

No likely significant effects and no in-combination effects were found, as such no mitigation was deemed necessary.

### **Stage 9: Conclusion on the integrity test**

This assessment based upon the best available scientific evidence and advice offered from SNH and has shown that there are no likely significant effects from the proposed development upon the qualifying features or the conservation objectives for the following Natura sites:

- Abernethy Forest SPA
- Anagach Woods SPA
- Cairngorms SPA
- Craigmore Wood SPA
- Kinveachy Forest SPA

**We therefore conclude that the proposed development will not adversely affect the integrity of any of these sites.**

### **Stage 10: Section 49 (derogation)**

The conclusion that there is no adverse effect upon the integrity of any of the Natura sites covered in this report means that regulation 49 is not relevant.

## **References**

### **Habitat Regulations process**

Council Directive 92/43/EEC “the Habitats Directive” EEC adopted 1992

Managing Natura 2000 sites – EU communities 2000

Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC - EC 2007

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Welsh Assembly Government TAN 5: Nature Conservation and Planning - 2009

Habitat Regulations Appraisal of Plans – Guidance for Plan Making Bodies in Scotland SNH/DTA August 2012 (Version 2.0)

### **Other sources**

Cairngorms National Park Core Paths Plan 2010 – CNAP – 2010

Cragg Visitor, visitor infrastructure and tourism Audit. Robinson 2013

Cairngorms Outdoor Access Strategy 2007-2012 – CNPA 2007

Scottish Recreation Survey, Annual Summary report 2011. CR No. 535 SNH 2012

**Appendix I**  
**Details of Natura 2000 sites within, or adjacent to, the proposed development site**

Name of European Site	Cairngorms Special Protection Area
Site Type	
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site  Distribution of the species within the site  Distribution and extent of habitats supporting the species  Structure, function and supporting process of habitats supporting the species  No significant disturbance of the species</p>
Qualifying Species	Capercaillie, Scottish crossbill, Peregrine, Dotterel, Merlin Golden eagle, Osprey.
Site Condition	<p>Capercaillie: Favourable Maintained  Peregrine: Favourable Maintained  Dotterel: Unfavourable Declining  Golden eagle: Favourable Maintained  Osprey: Favourable Maintained</p> <p>From SNH SiteLink, 20/05/2015</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities</p> <p>Wind farms could impact on young golden eagles, given their mobility</p>

Name of European Site	Kinveachy Forest Special Protection Area
<b>Site Type</b>	
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site  Distribution of the species within the site  Distribution and extent of habitats supporting the species  Structure, function and supporting process of habitats supporting the species  No significant disturbance of the species</p>
Qualifying Species	Capercaillie, Scottish crossbill
Site Condition	<p>Capercaillie: Favourable Maintained</p> <p>From SNH SiteLink, 03/06/2015</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.</p>

Name of European Site	Abernethy Forest Special Protection Area
<b>Site Type</b>	
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site  Distribution of the species within the site  Distribution and extent of habitats supporting the species  Structure, function and supporting process of habitats</p>

	supporting the species No significant disturbance of the species
Qualifying Species	Capercaillie, Scottish crossbill, Osprey.
Site Condition	Capercaillie: Favourable Maintained Osprey: Favourable Maintained  From SNH SiteLink, 03/06/2015
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	Craigmore Wood Special Protection Area
<b>Site Type</b>	
Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (listed below) 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 the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species
Qualifying Species	Capercaillie
Site Condition	Capercaillie: Unfavourable No change  From SNH SiteLink, 03/06/2015
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential	Recreational disturbance to species from neighbouring development

effects of the Plan	Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.
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Name of European Site	Anagach Woods Special Protection Area
Site Type	
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site  Distribution of the species within the site  Distribution and extent of habitats supporting the species  Structure, function and supporting process of habitats supporting the species  No significant disturbance of the species</p>
Qualifying Species	Capercaillie
Site Condition	<p>Capercaillie: Favourable Maintained</p> <p>From SNH SiteLink, 03/06/2015</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.</p>



## Appendix 2

### Glossary of terms and abbreviations

<b>Appropriate Assessment (AA)</b>	The part of the Habitats Regulations Assessment process that considers the effects of an aspect of a plan upon the conservation objectives for a Natura site.
<b>CNPA</b>	Cairngorms National Park Authority
<b>CNAP</b>	Cairngorms Nature Action Plan
<b>Competent Authority</b>	The decision making body required under the Habitats Directive to undertake HRA. This includes Scottish Government, National Park Authorities, SNH , SEPA or Local Authorities.
<b>CPP</b>	Core Paths Plan
<b>Habitats Regulation Assessment (HRA)</b>	The whole appraisal process for determining effects upon Natura Sites. It includes Appropriate Assessments. It is a requirement by the Habitats Directive that competent authorities carry out HRAs where a plan or project affects a Natura site.
<b>CLDP</b>	Draft Cairngorms National Park Local Development Plan
<b>Likely Significant Effect</b>	An adverse effect of the development upon a qualifying interest or conservation objective that is considered to be potentially severe enough as to threaten the integrity of the Natura site itself.
<b>Natura Sites</b>	Collective term for Special Protection Areas and Special Areas of Conservation
<b>Ramsar sites</b>	Ramsar sites are wetlands of international importance designated under the Ramsar Convention 1971. Not technically Natura sites they are however usually also SPAs. They are included within the HRA process by policy.
<b>Special Area of Conservation (SAC)</b>	An area designated for the protection of habitats and species. Authorised under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (commonly called the “Habitats Directive”). One of three designation to be considered in a HRA
<b>Special Protection Area (SPA)</b>	An area designation for the protection of birds. Authorised by the Directive 2009/147/EC of the European Parliament and of the Council (commonly called the “Birds Directive”). One of three designation to be considered in a HRA